

Consultation Paper

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

13 October 2016

Economic Regulation Authority

WESTERN AUSTRALIA

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Invitation to make submissions

The *Water Services Act 2012* (**Water Act**) requires the Economic Regulation Authority (**ERA**) to undertake a review of the operation and effectiveness of the *Water Services Code of Conduct (Customer Service Standards) 2013* (**Water Code**) at least once every five years.

The ERA commenced the first review of the Water Code in July 2016. This Consultation Paper presents the ERA's preliminary findings. In drafting the Consultation Paper, the ERA sought the advice of the Water Code Consultative Committee (**WCCC**).

The Consultation Paper includes a number of proposals to add new provisions and amend or delete existing provisions of the Water Code. The Consultation Paper also includes a number of questions on which comment is sought.

The ERA invites written submissions on the Consultation Paper and any other aspect of the Water Code that may be relevant to the ERA's review. Submissions can be submitted as follows:

Postal address: PO Box 8469, PERTH BC WA 6849
Online: www.erawa.com.au/consultation
Email address: publicsubmissions@erawa.com.au

Submissions may be provided in hard-copy or electronic form and must be received by **Friday, 4 November 2016**.

CONFIDENTIALITY

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

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

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1 Executive Summary

The Water Act requires the ERA to undertake a review of the operation and effectiveness of the Water Code (**Attachment 1**) at least once every five years. The Water Code commenced on 18 November 2013.

The ERA began the first review of the Water Code in July 2016. This Consultation Paper presents the ERA's preliminary findings. In drafting the Consultation Paper, the ERA sought the advice of the Water Code Consultative Committee (**WCCC**).

The WCCC is a statutory committee established by the ERA under the Water Act. The role of the WCCC is to advise the ERA on matters relating to the Water Code. Its members include representatives from consumer organisations, industry and government.

This Consultation Paper includes a number of proposals to add new provisions, and amend or delete existing provisions of the Water Code.

It also includes a number of questions on which comment is sought.

Following the closure of the public consultation period, the ERA will seek the advice of the WCCC on any submissions received.

The ERA will consider both the WCCC's advice and the submissions received before issuing its Draft Decision.

The ERA's Draft Decision will be subject to public consultation. Once the public consultation period has ended, the ERA will seek the WCCC's advice on both the Draft Decision and any submissions received.

Consideration will be given to both the WCCC's advice and the submissions received before the ERA makes its Final Decision.

The ERA seeks feedback on the following issues:

Issue 1

Proposal To amend clause 1 by replacing "2013" with "2017".

Issue 2

Proposal To amend clause 2 for the Code to come into operation on 1 July 2017.

Comment sought

- A. Should any of the proposed amendments in this Consultation Paper take effect after 1 July 2017?
- B. If so, which amendments should commence later and when should those amendments commence?

Issue 3

Comment sought

- A. Currently, the Water Code applies to all customers. Should the application of the Water Code be limited to certain customers only?
- B. If so, to which customers should the Water Code apply?

Issue 4

- Comment sought**
- A. Currently, the Water Code applies to all licensees. Should the Water Code differentiate between certain licensees?
- B1 If so, on what basis should the Water Code differentiate between licensees? For example, on the basis of the location of the licensee's customers or the number of connections supplied by the licensee?
- B2 If so, should these licensees simply be exempt from some of the provisions of the Water Code, or should one or more service standards be amended?

Issue 5

- Comment sought** Should the Water Code apply to the provision of irrigation or drainage services?

Issue 6

- Comment sought**
- A. Should clause 5 be amended to only apply to business customers? In this case, licensees and business customers could continue to contract out of all of the provisions of the Water Code. Licensees and residential customers would not be able to contract out of provisions of the Water Code.
- B. Should clause 5 be amended to only apply to certain provisions of the Water Code? In this case, licensees and both business and residential customers could only contract out of specific provisions of the Water Code.
- C. Should clause 5 be amended so that licensees and business customers can contract out of all provisions of the Water Code, whilst licensees and residential customers can only contract out of specific provisions of the Water Code?

Issue 7

- Comment sought** Should licensees who send usage bills for drinking water be required to issue a fixed charges bill at least once every six months (or more often if the billing cycle is changed, see issue 8)?

Issue 8

- Comment sought** Should the maximum interval between bills for usage be reduced to three, or alternatively four, months?

Issue 9

- Comment sought** Should licensees be required to read a customer's water meter at least once every 12 months?

Issue 10

- Proposal** To require a licensee to include the following additional information on each bill:
- 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 & Water Ombudsman WA; and
 - a 24 hour telephone number for faults and emergencies.

Issue 11

Comment sought Should each bill have to specify the charges payable for each of the water services provided by the licensee?

Issue 12

Proposal To require a licensee to include a statement on the bill that interest charges or late payment fees may apply (if the licensee charges interest or late payment fees for outstanding amounts).

Issue 13

Comment sought Should a licensee be required to include the meter reading on a customer's bill (where available)?

Issue 14

Comment sought

- A. Should each bill from a licensee that has different tariffs based on consumption have to include the applicable tariff(s) for the water services provided?
- B. Should each bill from a licensee that has different tariffs based on consumption specify when a customer will move to a higher tariff, or revert back to the lowest tariff (that is, the anniversary date of the customer's billing year)?

Issue 15

Proposal To clarify that a bill must include information, where available, about the customer's water usage compared with the customer's usage for the previous account period, and for the same period last year.

Issue 16

Comment sought Should clauses 12(3)(b), (c) and (d) be retained as is; amended to require less detailed information to be included on the bill; or deleted?

Proposal

- A. To clarify that clause 12(3)(a) to (d) only applies to bills for usage for a metered water service.
- B. To clarify that clause 12(3)(c) only applies to bills based on an estimate.
- C. To delete clause 12(3)(f) if the ERA decides that all bills should include the licensee's telephone number for complaints and the Energy & Water Ombudsman WA's Freecall telephone number.

Issue 17

Comment sought Should the 12 month limitation on recovering an undercharge only apply where the undercharge is a result of an error by the licensee?

Issue 18

Proposal To require a licensee to credit an overcharged amount to a customer's account if the licensee has not received instructions from the customer.

Issue 19

Proposal To require a licensee to offer Centrepay as a bill payment method only to residential customers

Issue 20

Comment sought Should the requirement to offer direct debit as a payment method be removed from the Water Code?

Issue 21

Comment sought Should licensees be required to obtain the express consent of the holder of the account to be debited before receiving a bill payment by direct debit?

Issue 22

Comment sought

- A. Should additional requirements be included in the Water Code regarding the process a licensee must follow when assessing whether or not a customer is experiencing payment difficulties?
- B. If so, what additional protection should be provided to water customers?

Issue 23

Comment sought Should licensees be allowed to charge fees or interest on payment plans offered to customers experiencing payment difficulties?

Issue 24

Proposal To amend clause 25(2) by requiring a licensee to offer a customer experiencing payment difficulties a payment plan or other arrangement.

Issue 25

Comment sought Should licensees be required to review their financial hardship policies if directed to do so by the ERA?

Issue 26

Proposal To require a licensee to consult with relevant consumer organisations when developing their initial financial hardship policy.

Issue 27

Proposal To require a licensee to submit an amended financial hardship policy to the ERA for its approval.

Issue 28

Comment sought

- A. Should the content requirements for financial hardship policies remain in the Water FHP Guidelines, or be moved to the Water Code?
- B. Should a sub-set of the content requirements for financial hardship policies be moved from the Water FHP Guidelines to the Water Code?
- C. Should financial hardship policies include any information in addition to what is currently required under the Water FHP Guidelines?

Issue 29

Proposal To move the requirement for licensees to comply with the Water FHP Guidelines from the water licence template to the Water Code.

Issue 30

Comment sought

- A. Should additional requirements be included in the Water Code regarding the process a licensee must follow when assessing

whether or not a customer is experiencing payment difficulties?

- B. Should additional requirements be included in the Water Code regarding the assistance a licensee must offer customers in financial hardship? For example, should licensees have to offer a customer a choice between a payment plan and other arrangement; should licensees be required to take certain matters into account when setting a payment plan; and should licensees be required to provide certain information to customers about their payment plan?

Issue 31

Proposal

To require a licensee to offer a customer experiencing financial hardship a payment plan or other arrangement.

Issue 32

Proposal

To require a licensee to review a payment plan upon a customer's request. If the review demonstrates that the customer is unable to meet its obligations under the existing payment plan, the licensee must revise the payment plan.

Issue 33

Proposal

To include the words 'as to whether or not' in clause 29(c) so it is consistent with the wording of clause 29(b).

Issue 34

Proposal

- A. To require a licensee to give a customer a reminder notice prior to taking action for non-payment of a bill.
- B. To require a reminder notice to include the following information:
- the licensee's telephone number for account, payment and general enquiries; and
 - advice that a licensee may assist if the customer is experiencing payment difficulties or financial hardship.

Issue 35

Proposal

- A. To require a licensee to give a customer written notice of its intention to reduce the customer's water supply.
- B. To require a licensee to give a restriction notice to a customer at least 7 days before the licensee intends to reduce the customer's water supply.
- C. To require a restriction notice to include the following information:
- 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 supply.

Issue 36**Proposal**

To amend the wording of clause 32(c) so it is consistent with the wording of clause 32(b).

Issue 37**Proposal**

To clarify that a customer's rate of flow of drinking water may not be reduced at any time on weekends, public holidays and the day before a public holiday.

Comment sought

- A. Should the prohibition on reducing the rate of flow of drinking water be extended to anytime on a Friday?
- B. Should the prohibition on reducing the rate of flow of drinking water be extended to after 3pm Monday to Thursday?

Issue 38**Comment sought**

- A. Should the term 'complaints' in clause 32(e) only relate to complaints made to the licensee, or also include complaints made to an external dispute resolution body?
- B. If clause 32(e) is amended to specifically refer to complaints made to an external dispute resolution body, should restriction only be allowed if the external dispute resolution body has notified the licensee of the complaint?

Issue 39**Comment sought**

- A. Should a licensee only be precluded from reducing a customer's rate of flow of drinking water if the customer has notified the licensee that the customer requires water to operate a life support machine?
- B. Should a licensee be obliged to register customers who require a life support machine?
- C. If so, should the Water Code also provide for a deregistration process?
- D. Should the Water Code include a definition of a life support machine?
- E. If so, what should that definition be?
- F. Should the Water Code include protections for persons, other than the customer, who reside at the customer's address and require a life support machine?
- G. Should a licensee be required to provide customers who require a life support machine with written notice of planned interruptions to supply at the supply addresses?
- H. If so, how much notice should be provided?
- I. Should a licensee be required to contact customers who require a life support machine as soon as possible in the event of an unplanned interruption?

Issue 40**Comment sought**

Should a licensee be precluded from reducing a customer's rate of flow of drinking water on a day there is a total fire ban in the local government area in which the customer is located?

Issue 41

Comment sought Should licensees 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?

Issue 42

Proposal To replace the reference in clause 35(2) to AS ISO 10002-2006 with AS/NZS 10002-2014.

Issue 43

Proposal

- A. To delete the requirement that a licensee's complaints procedure must state that a customer may, but does not have to, use the licensee's complaints procedure before or instead of the Energy and Water Ombudsman WA's procedures.
- B. To delete the requirement that a licensee's complaints procedure must set out the benefits to the customer if the customer chooses to use the licensee's complaints procedure before or instead of the Energy and Water Ombudsman WA's procedures.

Issue 44

Comment sought

- A. Should a licensee be required to advise the customer 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?
- B. If so, should a licensee be required to provide the customer with the Energy and Water Ombudsman WA's Freecall telephone number?

Issue 45

Comment sought

- A. Should a licensee be required to have in place an escalation process which allows a customer to request that their complaint be considered by a senior employee?
- B. If so, should a licensee be required to advise customers, when responding to a complaint, of their right to have their complaint considered by a senior employee?

Issue 46

Comment sought

- A. Should the Water Code specify when a complaint is considered to have been resolved?
- B. If so, should it only relate to certain complaints (for example, complaints relating to non-payment)?

Issue 47

Comment sought Should a licensee be prevented from recovering an amount of money that is in dispute until such time that the dispute has been resolved?

Issue 48

Proposal

- A. To clarify that personal account information includes a customer's billing and usage data.
- B. To clarify that information provided under clause 36(2) must be provided free of charge.

- Comment sought** Should licensees be allowed to charge for the provision of billing and usage data if the data relates to a period over two years prior to the date of the request?
- Issue 49**
Proposal To clarify that a customer who has been offered a payment plan should only have their water supply reduced if the customer has failed to accept the plan within a prescribed timeframe.
- Comment sought** How many days should customers be given to inform the licensee whether or not they accept a payment plan?
- Issue 50**
Comment sought Should licensees be required to make electronic copies of the Water Code available on their website?
- Issue 51**
Comment sought Should licensees be required to have a policy that deals with minimising the impact of bursts, leaks, blockages and spills?
- Issue 52**
Proposal
- A. To require a licensee to provide at least 48 hours' prior notice of a planned interruption.
 - B. To allow licensees to provide notice of a planned interruption by post, television or radio, in a newspaper circulating in the affected area, or via electronic means.
- Issue 53**
Comment sought Should a new clause be included in the Water Code which requires a licensee to establish a 24 hour telephone number for faults and emergencies?
- Issue 54**
Comment sought Should licensees be required to advise their customers of tariff changes as soon as practicable, but no later than on the customer's next bill?
- Issue 55**
Comment sought
- A. Should service standard payments be introduced into the Water Code?
 - B. If so, which service standard payments should be included in the Water Code?
 - C. Should licensees be given until 1 July 2018 to implement those service standard payments?
 - D. Should licensees only be required to make payment upon application by an eligible customer?
 - E. Should licensees be required to advise their customers at least once a year of the service standard payments available?
- Issue 56**
Comment sought
- A. Should the Water Code include restrictions on when a licensee can charge interest and/or late payment fees?
 - B. If so, what should those restrictions be?

2 Background

2.1 Regulatory framework

Under the Water Act, a person may provide a water service only under a licence issued by the ERA.¹ Licences may be issued for one or more of the following water services:

- water supply services (potable and non-potable);
- sewerage services;
- irrigation services; and
- drainage services.

It is a condition of a water licence that the licensee must comply with the Water Code “to the extent to which it applies to the licensee”.² The Water Code applies to those licensees who provide a water supply service (but only in respect of the supply of drinking water), a sewerage service, an irrigation service, or a drainage service.³

Licensees who only supply persons who are a member of the licensee⁴, who only supply non-potable water services, or who have been exempt from the requirement to hold a licence are not required to comply with the Water Code. There are currently 16 licensees that must comply with the Water Code:

Licensee	Water Service provided
Aquasol Pty Ltd	Potable and Non Potable Water Supply, Sewerage
Bunbury Water Corporation (t/a Aqwest)	Potable Water Supply
Busselton Water Corporation (t/a Busselton Water)	Potable Water Supply
City of Kalgoorlie Boulder	Non Potable Water Supply and Sewerage
Hamersley Iron Pty Ltd	Potable Water Supply and Sewerage
Moama Lifestyle Villages Pty Ltd	Sewerage and Non Potable Water Supply
Peel Water Pty Ltd†	Potable Water Supply and Sewerage
Robe River Mining Co Pty Ltd	Potable Water Supply and Sewerage
Rottneest Island Authority	Potable Water Supply, Sewerage and Drainage
Ord Irrigation Cooperative Limited	Non Potable Water Supply and Irrigation
Shire of Dumbleyung*	Non Potable Water Supply and Sewerage
Shire of Gnowangerup*	Non Potable Water Supply and Sewerage
Shire of Lake Grace*	Non Potable Water Supply and Sewerage
Shire of Morawa*	Non Potable Water Supply and Sewerage
WA Sewage Pty Ltd	Non Potable Water Supply and Sewerage
Water Corporation	Potable and Non Potable Water Supply, Sewerage, Irrigation and Drainage

* The Minister for Water has recently exempted 15 Local Government licensees with less than 1,000 customer connections from the requirement to be licensed for a period of five years. The four Local Government licensees listed in the table above may also qualify for an exemption once the Minister is satisfied that these licensees demonstrate they are able to maintain and manage their water services assets to achieve good long-term service performance.

† Peel Water is not yet operational.

¹ Section 5(1) of the Water Act.

² Section 27(4)(a) of the Water Act.

³ Clause 4(2) of the Water Code.

⁴ For example, members of a co-operative. Section 3 of the Water Act specifically excludes members of a licensee from the definition of “customer”.

2.2 Water Code

The Water Code establishes a customer protection framework that sets out the minimum level of service that licensees must provide to customers. The Water Code applies to all customers regardless of their consumption level.

The initial Water Code was made by the Minister for Water in November 2013. Upon its gazettal, responsibility for the Water Code transferred to the ERA. The Water Code covers a broad range of issues including:

- Connection of water supply
- Billing
- Payment
- Financial hardship policy
- Restriction practices
- Complaints about water services
- Provision of information and communication services to customers

The Water Code has the power of subsidiary legislation. The Water Code is also a disallowable instrument which must be tabled in Parliament.

2.3 Review and Amendment Process

2.3.1 Review

The Water Act requires the ERA to undertake a review of the operation and effectiveness of the Water Code at least once every five years. Section 27(3) of the Water Act sets out the purposes of the Water Code as follows:

[...] to deal with the conduct of licensees in relation to customers and potential customers and, without limiting that, the code may deal with the following —

- (a) the marketing of water services;
- (b) the connection of water services to land;
- (c) the metering of water services;
- (d) the billing and payment for water services;
- (e) the provision of water services to customers in financial hardship;
- (f) the suspension of the provision of water services;
- (g) the provision of information to customers and others about water services;
- (h) complaints procedures.

The ERA commenced the first review of the Water Code in July 2016. The Water Act does not prescribe a specific process the ERA must follow in reviewing the Water Code.

The ERA considers it imperative that interested parties have an opportunity to provide input into the review. The ERA has therefore released this Consultation Paper for public consultation.

Some of the issues included in this paper stem from concerns raised by stakeholders, and by the ERA itself, about the application of the Water Code since it commenced in November 2013. A number of other issues were identified by the ERA following a detailed comparison between the Water Code and water codes of other jurisdictions as well as equivalent codes for WA energy licensees⁵.

The ERA has established a consultative committee, the WCCC, which will provide it with advice throughout the review process. The WCCC, for example, provided comment on this draft Consultation Paper.

The ERA will also be seeking the WCCC's advice on any submissions it receives as part of the public consultation process. Section 2.3.3 provides more information on the WCCC.

Although the ERA is not bound by the advice of the WCCC or any submissions it receives from the public consultation, the ERA will consider both before making its decision on any amendments to the Water Code.

2.3.2 Amendment of the Water Code

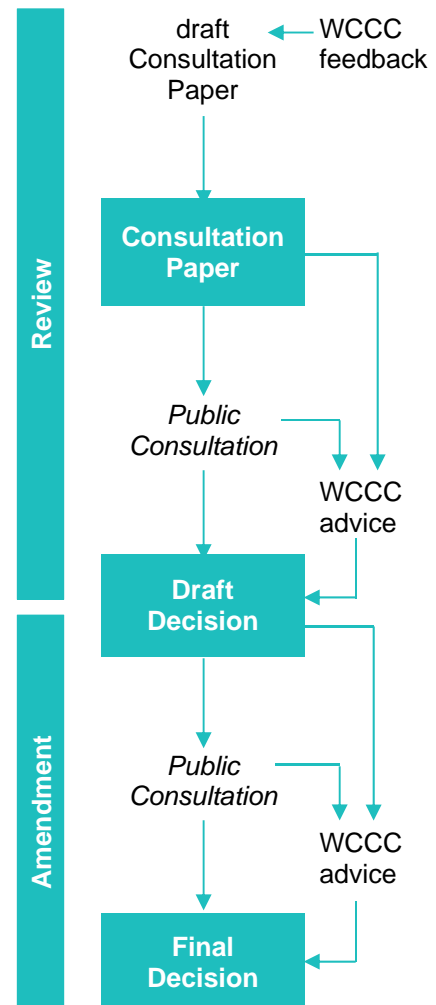
Following the review process, the ERA will release a Draft Decision.

Interested parties will have an opportunity to provide comment on the Draft Decision through a public consultation process.

Section 27(1) of the Water Act requires that the ERA consult with the WCCC when making, amending or replacing the Water Code. The ERA will therefore seek the WCCC's advice both on the Draft Decision and any public submissions received.

The ERA will consider the WCCC's advice and the public submissions received before it makes its Final Decision.

A copy of the amended Water Code will be tabled before each House of Parliament.



⁵ The Code of Conduct for the Supply of Electricity to Small Use Customers and the Compendium of Gas Customer Licence Obligations.

2.3.3 Water Code Consultative Committee

The WCCC is a statutory committee established by the ERA under the Water Act. The role of the WCCC is to advise the ERA on matters relating to the Water Code.

The WCCC consists of three industry representatives, three representatives from consumer organisations, two government agency representatives, a Chairperson and an Executive Officer.

Current members are:

Chair

Executive Director (Paul Kelly)	Licensing Monitoring and Customer Protection, ERA
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Executive officer

Assistant Director Customer Protection (Caroline Coutts-Kleijer)	ERA
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Consumer representatives

Charles Brown	Consumer and Credit Legal Service (WA)
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Dale Leggett	Chamber of Commerce and Industry of WA
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Kathryn Lawrence	Citizens Advice Bureau of WA
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Industry representatives

Garry Peach	Water Corporation
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Jason Rice	Busselton Water
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Joe Smith	Aqwest
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Government representatives

Patricia Blake	Department of Commerce
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Chanelle Dumas	Department of Water
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Both the Chairperson and the Executive Officer have no voting rights.

The WCCC's terms of reference are available on the ERA website.⁶

⁶ <https://www.erawa.com.au/water/water-licensing/water-services-code-of-conduct-customer-service-standards-2013/water-code-consultative-committee>

3 Application of the Water Code

3.1 Clause 1 – Citation

The ERA proposes to amend the code citation by replacing “2013” with “2017”. The amended citation will read as follows: *Water Services Code of Conduct (Customer Service Standards) 2017*.

Issue 1

Proposal

To amend clause 1 by replacing “2013” with “2017”.

3.2 Clause 2 – Commencement

The ERA proposes that the amended Water Code comes into operation on 1 July 2017.

A staged commencement of different parts of the Water Code may be needed depending on the extent of the proposed amendments. Some amendments may be more complex for licensees to implement such as the introduction of service standard payments (Issue 55). To implement this amendment, a licensee may for example need to make changes to its I.T. and billing systems. For amendments like these, the ERA may decide to give licensees more time to comply.

The ERA will consider whether a staged commencement is needed when it makes its Draft Decision.

Issue 2

Proposal

To amend clause 2 for the Code to come into operation on 1 July 2017.

Comment sought

- A. Should any of the proposed amendments in this Consultation Paper take effect after 1 July 2017?
- B. If so, which amendments should commence later and when should those amendments commence?

3.3 Clause 4(1) – Application of code: tenants

The Water Code contains the following definition of ‘customer’:

customer, of a licensee, means a customer as defined in section 3(1) [of the Water Act] 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 a 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.

The definition implies that both land owners and occupiers, such as tenants, are considered 'customers' under the Water Code. However, section 3(1) of the Water Act defines a customer as:

customer, of a licensee, means a person to whom water services are provided by the licensee or who is entitled to the provision of water services by the licensee, other than a person who is a member of the licensee.

The definition in the Water Act refers to persons to whom water services are provided, or who are entitled to the provision of water services. It does not specifically refer to occupiers or tenants.

The ERA considers that tenants who do not have a direct contractual relationship with a licensee are not covered by the definition of 'customer' under the Water Act.

Because the Water Code is made under section 27 of the Water Act "to deal with the conduct of licensees with respect to customers and potential customers", it can only deal with "customers" as defined in the Water Act. The ERA intends to amend the Water Code to reflect this. The amendment will clarify that the Water Code does not apply to tenants who do not have a direct contractual relationship with a licensee.

The proposed amendment is a result of the current legislative framework and does not reflect the ERA's position on this issue. The ERA considers that the Water Code should apply to all tenants.

In the electricity and gas industry, tenants 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.⁷ There is no reason why tenants in the water industry should not have the same rights.

Because the Water Code does not apply to tenants, tenants are not entitled to concessions or grants, or able to pay their bills under a payment plan. They will also be unable to claim any service standard payments if they are introduced (Issue 55). As about 30% of Western Australians rent their home, this is a significant issue.⁸

The ERA is working with the Department of Water to consider what legislative changes are available to ensure tenants are covered by the Water Code. This could include changes to the definition of 'customer' in the Water Act.

The Water Act includes a provision that it is reviewed as soon as practicable after every fifth anniversary of its commencement.⁹ As the Water Act came into effect on 18 November 2013, the first review is due after November 2018.

⁷ *Code of Conduct for the Supply of Electricity to Small Use Customers and the Compendium of Gas Customer Licence Obligations.*

⁸ Tenancy WA 2014/15 Annual Report.

⁹ Section 224 of the Water Act.

3.4 Clause 4(1) – Application of code: limiting the application of the code

The Water Code currently applies to all customers¹⁰ and licensees,¹¹ regardless of size or location. Although this is common in the water industry, some jurisdictions have limited the application of their water codes to certain customers or licensees.

The Queensland *Customer Water and Wastewater Code (QLD water code)* only applies to ‘small customers’. A small customer is defined as either a residential customer, or a non-residential customer who uses no more than 100 kilolitres of water per year.¹²

WA’s *Code of Conduct for the Supply of Electricity to Small Use Customers (Electricity Code)* and the *Compendium of Gas Customer Licence Obligations (Gas Compendium)* also only apply to so-called ‘small use customers’.¹³

South Australia has two separate codes: one for major retailers¹⁴ and one for minor retailers.¹⁵ A major retailer is a retailer who provides services to more than 50,000 connections. The code for major retailers imposes more obligations on licensees than the code for minor retailers.

Similarly, Victoria has separate codes for urban water businesses¹⁶ and rural water businesses¹⁷.

The Department of Water released a Discussion Paper¹⁸ as part of its consultation processes on the initial Water Code. In the paper, the Department of Water considered whether the application of the Water Code should be limited to certain customers but concluded that “*The Bill does not distinguish between different levels of water use and the code should apply to water users independent of their usage, unless they have a commercial agreement. Non-residential customers, including businesses, usually receive standard services and are treated the same as residential customers*”.¹⁹

Although the Water Code applies to all licensees, in one instance the Water Code does apply a different standard based on the location of the licensee. Clause 34 provides a different maximum time frame for restorations performed by the Water Corporation outside of the metropolitan region than for all other restorations.

Although the application of the Water Code cannot be widened (for example, to persons who are not customers), it can be limited. There may be valid reasons for limiting the

¹⁰ As noted previously, the Water Code does not apply to members of licensees and persons who receive water supply services other than for the supply of drinking water.

¹¹ As noted previously, the Water Code does not apply to licensees who supply water services other than for the supply of drinking water.

¹² Clause 1.2.4.2 of the QLD water code.

¹³ A small use electricity customer is a customer who consumes no more than 160MWh of electricity per year. A small use gas customer is a customer who consumes no more than 1TJ of gas per year.

¹⁴ Water Retail Code – Major Retailers (WCR-MR/02) (**SA water code (major retailers)**).

¹⁵ Water Retail Code – Minor and Intermediate Retailers (WRC-MIR/02) (**SA water code (minor retailers)**).

¹⁶ Customer Service Code, Victorian Urban Water Businesses (**VIC water code (urban)**).

¹⁷ Customer Service Code, Victorian Rural Water Businesses (**VIC water code (rural)**).

¹⁸ Department of Water, *The Water Services Customer Code: Discussion paper for public comment*, September 2012. Available at http://www.water.wa.gov.au/data/assets/pdf_file/0014/4514/103243.pdf.

¹⁹ Id, pg 13.

application of the Water Code. The costs involved in complying with the entire Water Code may be excessive for some smaller licensees. For example, local government licensees may struggle to include all of the required information on their bills, which are also their rates notice, and to provide payment options such as direct debit.

It could also be argued that licensees who only supply water services to (large) commercial customers should not be covered by the Water Code.

Issue 3

Comment sought

- A. Currently, the Water Code applies to all customers. Should the application of the Water Code be limited to certain customers only?
- B. If so, to which customers should the Water Code apply?

Issue 4

Comment sought

- A. Currently, the Water Code applies to all licensees. Should the Water Code differentiate between certain licensees?
- B1 If so, on what basis should the Water Code differentiate between licensees? For example, on the basis of the location of the licensee's customers or the number of connections supplied by the licensee?
- B2 If so, should these licensees simply be exempt from some of the provisions of the Water Code, or should one or more service standards be amended?

3.5 Clause 4(1) – Application of code: irrigation and drainage services

The Water Code currently applies to licensees who provide water supply services (but only to drinking water), sewerage services, irrigation services and drainage services.

Most water codes in Australia only apply to water supply and sewerage services. Drainage and irrigation services are generally not covered.

The Water Corporation manages approximately 2,250 km of rural main drains and 828 km of drains in the metropolitan area. Local councils manage most of the smaller reticulation drains of Perth's urban drainage network. Outside the metropolitan area, urban drainage is generally managed by local councils.²⁰ Most customers receive their drainage services from their local government. As local governments are exempt²¹ from the requirement to hold a licence for the provision of drainage services, the majority of customers currently do not receive their drainage services from a licensed supplier.

²⁰ <https://www.watercorporation.com.au/about-us/environment-and-sustainability/drainage-management>

²¹ <https://www.slp.wa.gov.au/gazette/gg.nsf/act2/2B2DBE041E29FFA548257E3D002FFAC?openDocument>

The provision of drainage services could be described as a communal service similar to, for example, street lighting. The provision of these type of services is generally not regulated by a code of conduct.

Irrigation services are generally provided to farmers under supply arrangements linked to their membership of the cooperative that provides the service. As the Water Code was not intended to apply to customers who have a commercial contract with the licensee,²² it could be argued that the Water Code should not apply to the provision of irrigation services.

The Department of Water's Discussion Paper on the initial Water Code noted that most water codes in Australia only apply to water supply and sewerage services.²³ However, the Department considered that "*The Code's intention is to improve and provide consistency in customer service for as many water service classes as possible*".²⁴ The Department therefore decided to apply the Water Code to irrigation and drainage services.

Issue 5

Comment sought

Should the Water Code apply to the provision of irrigation or drainage services?

3.6 Clause 5 – Contracting out

Clause 5 allows licensees and customers to enter into an agreement that varies or displaces the requirements of the Water Code in relation to the licensee or customer.

As the Water Code applies to all customers regardless of their level of consumption, the ERA considers that licensees and customers should be allowed to contract out of certain provisions of the Water Code. Licensees and business customers, in particular, may have valid reasons to contract out of one or more of the Water Code's provisions.

Energy licensees and their residential and small business customers may only contract out of prescribed provisions.²⁵ The provisions relate to the interval between bills, payment due dates, minimum payment methods, payment in advance, vacating a supply address, and the reconnection of supply.

Other clauses also allow a customer and energy licensee to 'agree otherwise'.²⁶ In these cases, the customer and licensee may agree that a different standard will apply regardless of the type of contract the customer has with the licensee.

The limitations provided for under the Electricity Code and Gas Compendium aim to protect energy customers. They recognise that there are some fundamental protections that should be in place, irrespective of the type of contract an energy customer has signed up to.

²² Id, pg vi (principle 2).

²³ Id, pg 10.

²⁴ Id, pg 10.

²⁵ Clause 1.10 of the Electricity Code and clause 1.4 of the Gas Compendium list the clauses a customer and licensee may agree will not apply in a non-standard contract.

²⁶ For example, clause 4.3(2)(c)(ii), 4.3(2)(d), 4.5(1), 4.14(2), 6.4(3)(b), 14.7(1)(c) and 14.7(2)(c) of the Electricity Code.

The ERA is concerned that licensees and customers may contract out of the entire Water Code. This may undermine the effectiveness of the Water Code and may not always be in the customer's interest.

The ERA would like to know whether additional protections should be provided for water customers. Additional protections could, for example, be provided by limiting the application of clause 5 to business customers only. Or the Water Code could provide that licensees and customers may only contract out of certain provisions.

Business customers

Limiting the application of clause 5 to business customers would mean that a licensee could only agree with a business customer that (one or more provisions of) the Water Code will not apply. A 'business customer', in this context, is any customer other than a residential customer.

The ERA notes that a number of provisions in the Water Code specifically allow a licensee and a customer to 'agree otherwise'.²⁷ For example, clause 8(3) allows a licensee and customer to 'expressly agree' that the connection does not have to be established within the prescribed 10 business days. At this stage, the ERA is not considering amending these clauses. This means that, regardless of any change to clause 5, licensees and residential customers can continue to agree that a connection may be established outside of the prescribed timeframe.

Certain provisions

Limiting the application of clause 5 to certain provisions would mean that a licensee and a customer could no longer agree to contract out of the entire Water Code. Instead, a licensee and customer could only agree to contract out of those provisions that would be listed in clause 5, or which already specifically allow a licensee and customer to 'agree otherwise'.

In this case, the ERA would have to decide which provisions to list in clause 5.

Although a licensee and customer can agree to contract out of the Water Code, the Australian Consumer Law still applies.

Issue 6

Comment sought

- A. Should clause 5 be amended to only apply to business customers? In this case, licensees and business customers could continue to contract out of all of the provisions of the Water Code. Licensees and residential customers would not be able to contract out of provisions of the Water Code.
- B. Should clause 5 be amended to only apply to certain provisions of the Water Code? In this case, licensees and both business and residential customers could only contract out of specific provisions of the Water Code.
- C. Should clause 5 be amended so that licensees and business customers can contract out of all provisions of the Water Code, whilst licensees and residential customers can only contract out of specific provisions of the Water Code?

²⁷ Clause 8(3), 10(5)(c), 11(b) and 34 of the Water Code.

4 Billing for water services

4.1 Clause 9 – Bills other than for quantities supplied, discharged

Licensees must issue bills for fixed charges at least once every 12 months.

In 2013, the Water Corporation changed its billing practices and started including fixed charges for drinking water, sewerage and drainage in its two monthly usage bills. The change aimed to “*make payments more manageable for customers by spreading annual costs across six bills, instead of larger bills distributed less often*”.²⁸ Like the Water Corporation, Busselton Water also includes fixed charges on its usage bills.

Aqwest, the only other licensee that sends usage bills for drinking water, continues to bill its customers annually for fixed charges.

The ERA seeks comment on whether licensees that send usage bills for drinking water should have to issue a fixed charges bill at least once every six months (or more often if the billing cycle is changed, see issue 8). The benefit of such a change would be that payments would become more manageable for many customers. The ERA does not expect this change to result in significant costs as these licensees already issue regular usage bills.

The ERA is aware that some customers prefer to receive their fixed charges bill annually. Where the customer has expressed their preference to the Water Corporation, the Water Corporation continues to bill the customer annually. To allow this practice to continue, the amended clause could allow a licensee and customer to agree that fixed charges will be billed annually.

The ERA does not propose to change the billing cycle for fixed charges of licensees who do not supply drinking water. These licensees do not issue regular usage bills and would have to amend their billing systems. This could involve substantial costs, particularly for Local Government licensees who include sewerage charges in their annual rates notice.

Issue 7

Comment sought

Should licensees who send usage bills for drinking water be required to issue a fixed charges bill at least once every six months (or more often if the billing cycle is changed, see issue 8)?

²⁸ <https://www.mediastatements.wa.gov.au/Pages/Barnett/2013/06/Water-Corporation-bills-two-monthly-from-July-.aspx>

4.2 Clause 10 – Bills for quantities supplied, discharged: maximum billing cycle

Licensees must issue bills for usage at least once every six months. This is considerably less often than water licensees in other jurisdictions²⁹ and energy licensees in WA, who must issue a bill at least once every three months.

The ERA considers there are compelling reasons for issuing a bill for usage more frequently than once every six months. Issuing bills more often makes payment more manageable for customers, as the amount of each bill will be lower, and it is likely to reduce the number of customers failing to pay their bill. Shorter billing cycles also benefit licensees as they are more likely to receive payment.

Another benefit of shorter billing cycles is that they assist in the early detection of water leaks. Most customers only become aware of a leak when they receive an unusually high usage bill. By that time, the cost of the leak could already amount to thousands of dollars. The early detection of leaks was one of the main drivers behind the Water Corporation's decision to reduce its billing cycle from six to two months.³⁰

The Water Corporation already bills customers once every two months, while Aqwest and Busselton Water bill their customers once every four months. Reducing the billing cycle for Aqwest and Busselton Water is likely to increase their costs, as they will have to read their water meters more frequently. These additional costs may, ultimately, be passed on to customers.

The ERA seeks comment on whether the maximum interval between bills for usage should be reduced to three or four months.

Reducing the maximum interval between bills from six to four months would ensure that any new entrants to the market will have to issue a bill at least once every four months. It would also ensure that Aqwest and Busselton Water customers continue to receive their bill at least once every four months, without increasing these licensees' costs.

Issue 8

Comment sought

Should the maximum interval between bills for usage be reduced to three, or alternatively four, months?

4.3 Clause 10 – Bills for quantities supplied, discharged: actual meter reading

Clause 10 specifies that a bill for usage must be based on a meter reading, unless an accurate meter reading is not possible. An accurate meter reading may, for example, not be possible if the licensee was unable to gain access to the meter. If this situation continues

²⁹ Clause 18.1.1 of the SA water code (major retailer); clause 5.1.1 of the SA water code (minor retailers); clause 4.1 of the VIC water code (urban); clause 8.1 of the QLD water code; clause 5.1 of the *Tasmanian Water and Sewerage Industry Customer Service Code (TAS water code)*.

³⁰ <https://www.mediastatements.wa.gov.au/Pages/Barnett/2012/12/Bill-reforms-to-make-managing-water-accounts-easier.aspx>

for an extended period of time, a customer could be faced with a substantial catch-up bill when the meter is finally read.

To prevent such a situation from occurring, licensees in South Australia³¹ and Victoria³² are required to read their water meters at least once every 12 months. A similar obligation applies to electricity licensees in WA.³³

By law, owners and occupiers of land must ensure easy and safe access to the meter at all times.³⁴ If a person fails to provide easy and safe access to the meter, the licensee may give the person a compliance notice. The notice will specify what the person must do to provide the licensee with easy and safe access to the meter.

Issue 9

Comment sought

Should licensees be required to read a customer's water meter at least once every 12 months?

4.4 Clause 12(1) – Information on bills

Clause 12 specifies the information that must be included on each bill. As the bill is the primary information source for many customers, the bill should contain certain basic information.

Bills for electricity and gas charges³⁵ must contain more information items than water bills. The ERA considers there is merit in requiring bills issued by water licensees to include some of these additional information items.

Water bills should provide customers with information on additional assistance that may be available, payments made by customers, and contact details for making a complaint to the licensee or Energy and Water Ombudsman WA, or obtaining information on faults and emergencies.

The three water corporations³⁶ already include the telephone number for faults and emergencies on their template bills. However, none of them includes information on the availability of interpreter services (for example, the telephone number for Translating and Interpreting Services). Of the three water corporations, only the Water Corporation's template bill contains the contact details for making a complaint to the licensee or Energy and Water Ombudsman WA. Busselton Water's template bill is the only one to include information on payments made by the customer.

The template bills for the three water corporations are included in **Attachment 2**.

³¹ Clause 18.5.1 of the SA water code (major retailers).

³² Clause 4.2 of the VIC water code (urban); clause 3.2 of the VIC water code (rural).

³³ Clause 5.4.1 of the *Electricity Industry (Metering) Code 2012*.

³⁴ Regulation 24 of the *Water Services Regulations 2013*.

³⁵ Clause 4.5 of the Electricity Code and clause 4.5 of the Gas Compendium list the particulars that must be included on each bill.

³⁶ Water Corporation, Busselton Water and Aqwest.

The ERA has also reviewed template bills of other water licensees. These template bills contain some, but not all, of the proposed additional information items.

Bills should only contain information that is important to customers as too much information on a bill can be confusing for customers.

Issue 10

Proposal

To require a licensee to include the following additional information on each bill:

- 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.

4.5 Clause 12(1) – Information on bills: charges payable

Clause 12(1)(g) requires a bill to include information on the water service(s) for which the charges are payable. There is no explicit requirement to itemise the charges payable for each of those water services.

Clause 12(1)(f) does require a bill to include the charges payable. However, it is unclear whether this means the bill should include a breakdown of the charges payable for each water service provided, or whether it is sufficient for the bill to only include the total amount due.

A large number of customers are provided with more than one water service from a licensee, for example, water supply and sewerage services. Bills should clearly specify the charges for each of the services provided, rather than a single amount.

The template bills for the three water corporations already itemise the charges payable for water services provided. Whilst it is likely that other licensees also include this information on their bills, prescribing this within the Water Code would ensure all customers have a right to this information and receive it.

Issue 11

Comment sought

Should each bill have to specify the charges payable for each of the water services provided by the licensee?

4.6 Clause 12(1) – Information on bills: interest and fees charges on a bill

Clause 12(1)(j) requires each bill to contain the amount of interest or fees charged for late payment of outstanding amounts. In its current form, it is unclear whether the clause requires licensees to include on the bill the amount of any interest or fees that have been charged, or the amount of interest or fees that the licensee may charge, if the customer does not pay the bill by the due date.

The ERA proposes to amend clause 12(1)(j) to clarify that, if a licensee charges interest or late payment fees on outstanding amounts, the bill must include a statement that interest charges or late payment fees apply if the customer does not pay the bill by the due date.

Issue 12

Proposal

To require a licensee to include a statement on the bill that interest charges or late payment fees may apply (if the licensee charges interest or late payment fees for outstanding amounts).

4.7 Clause 12(2) – Information on bills: meter reading on a bill

Clause 12(2) sets out the information that each bill for a metered service must contain. Clause 12(2)(e) requires that, where the bill is based on a meter reading, the total quantity of water supplied or the quantity of wastewater discharged according to the meter reading is stated on the bill. However, the bill is not required to include the actual meter reading.

Including the actual meter reading on a bill allows customers to verify the amount billed. It also helps customers monitor their water usage and detect leaks.

The three water corporations include the current meter reading on their template bills. Whilst it is likely that other licensees also include this information on their bills, prescribing this within the Water Code would ensure all customers have a right to this information and receive it.

Issue 13

Comment sought

Should a licensee be required to include the meter reading on a customer's bill (where available)?

4.8 Clause 12(2) – Information on bills: price of drinking water

Some licensees³⁷ price their drinking water at different tariffs depending on how much water has been supplied to the customer during the billing year.³⁸ Customers start on the lowest tariff, and progress to higher tariffs as their consumption increases. The tariff resets at the start of the customer's billing year.

The Water Code currently does not require the bill to include the applicable tariff(s) for the water services provided. Nor does the bill have to state when the customer will move to a higher tariff, or revert back to the lowest tariff.

The template bills of all three water corporations currently specify the tariff(s) that applied during the billing cycle. For example, the Water Corporation's template bill includes the following table:

YOUR NEXT WATER USE PRICED AT	
next 34 kL	\$1.5860/kL
next 350 kL	\$2.1140/kL
over 384 kL	\$2.9930/kL

From this table, a customer can tell that they are currently being charged \$1.5860 per kilolitre of water supplied. If the customer uses more than 34kL during the next billing period, the tariff will increase to \$2.1140/kL. The customer cannot tell from the table when the tariff will reset to the lowest level. Knowing when tariffs may increase, or revert back to a lower level, allows customers to make informed decisions about the way they use water.

The template bills of the other two water corporations do not include the same level of detail (see **Attachment 2** for a copy of the template bills of the three water corporations).

Issue 14

Comment sought

- A. Should each bill from a licensee that has different tariffs based on consumption have to include the applicable tariff(s) for the water services provided?
- B. Should each bill from a licensee that has different tariffs based on consumption specify when a customer will move to a higher tariff, or revert back to the lowest tariff (that is, the anniversary date of the customer's billing year)?

4.9 Clause 12(2)(g) – Information on bills: usage comparison

On each bill for a metered water service, a licensee must include information about the customer's water usage compared with the customer's previous usage (where this information is available). The Water Code does not state what period should be used to determine the customer's previous usage.

³⁷ For example, Water Corporation, Busselton Water, and Aqwest.

³⁸ [Water Services \(Water Corporations Charges\) Regulations 2014](#)

Most water codes in other jurisdictions require licensees to include on their bills the customer's current water usage compared with the customer's usage for the previous account period³⁹ and the same period last year⁴⁰. Some codes also require the licensee to include the customer's usage for each billing period over the past 12 months⁴¹, or the usage of other, similar customers.⁴²

To provide clarity, the ERA proposes to amend clause 12(2)(g) by specifying that the term 'previous usage' relates to the customer's usage for the previous account period and the same period last year. Licensees can choose to compare either the customer's average or total usage.

The graphs on the template bills for the three water corporations currently compare the customer's current usage with the customer's usage for the previous account period, as well as the same period last year.

Issue 15

Proposal

To clarify that a bill must include information, where available, about the customer's water usage compared with the customer's usage for the previous account period, and for the same period last year.

4.10 Clause 12(3) – Information on bills: customer rights

Clause 12(3) 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 some detail; particularly those relating to metering (subclauses (b), (c) and (d)). For example, clause 12(3)(d) requires that:

Each bill must inform the customer [...] 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);

The ERA is concerned that this level of detail may result in bills containing too much information, which can be confusing for customers. The ERA would like to know whether stakeholders consider the current requirements appropriate, or whether some requirements could be presented in a simplified format or deleted.

Subclauses (a) to (d) only apply to bills for usage for a metered water service. Similarly, subclause (c) only applies if the bill was based on an estimate. The ERA proposes to clarify that these requirements only apply to certain bills.

³⁹ Clause 7.4(a) of the VIC water code (urban); 8.10(a) of the QLD water code; clause 5.6.1(a) of the TAS water code.

⁴⁰ Clause 18.8.1(a) of the SA water code (major retailers); clause 4.7(b) of the VIC water code (urban); clause 8.10(b) of the QLD water code; clause 5.6.1(b) of the TAS water code.

⁴¹ Clause 4.7(a) of the VIC water code (urban); clause 5.6.1(a) of the TAS water code.

⁴² Clause 18.8.1(b) of the SA water code (major retailers); clause 8.10(c) of the QLD water code.

The ERA further proposes to delete subclause (f) if it decides that all bills should include the licensee's telephone number for complaints and the Energy & Water Ombudsman WA's Freecall telephone number (see issue 10).

Issue 16

Comment sought

Should clauses 12(3)(b), (c) and (d) be retained as is; amended to require less detailed information to be included on the bill; or deleted?

Proposal

- A. To clarify that clause 12(3)(a) to (d) only applies to bills for usage for a metered water service.
- B. To clarify that clause 12(3)(c) only applies to bills based on an estimate.
- C. To delete clause 12(3)(f) if the ERA decides that all bills should include the licensee's telephone number for complaints and the Energy & Water Ombudsman WA's Freecall telephone number.

4.11 Clause 16 – Undercharging

Clause 16 prescribes what a licensee must do if a customer has been undercharged and the licensee intends to recover the amount undercharged. Amongst other things, the licensee must limit the amount to be recovered to the last 12 months.

Where the undercharge is not a result of an error by the licensee, the 12 month limitation on recovering the undercharge may not be reasonable. For example, water licensees in other jurisdictions are not limited to 12 months when recovering an undercharge that is the result of fraud or illegal use by the customer.⁴³

Issue 17

Comment sought

Should the 12 month limitation on recovering an undercharge only apply where the undercharge is a result of an error by the licensee?

4.12 Clause 17 – Overcharging

Clause 17(2) requires a licensee to act in accordance with a customer's instructions when refunding or crediting an overcharged amount. The clause does not explain what a licensee should do if a customer fails to provide instructions for dealing with an overcharge.

⁴³ Clause 31.1 of the SA water code (major retailers); clause 4.8(a) of the VIC water code (urban); clause 3.7(a) of the VIC water code (rural); clause 5.7.1 of the TAS water code.

Issue 18

Proposal

To require a licensee to credit an overcharged amount to a customer's account if the licensee has not received instructions from the customer.

5 Payment for water services

5.1 Clause 21 – Payment methods: Centrepay

Clause 21 lists the payment methods a licensee must make available to customers. Centrepay is one of the payment methods listed.

Centrepay allows Centrelink customers to have automatic deductions taken from Centrelink payments. As Centrelink payments are paid to individuals, the ERA considers that licensees should only be required to offer Centrepay to residential customers.

Issue 19

Proposal

To require a licensee to offer Centrepay as a bill payment method only to residential customers.

5.2 Clause 21 – Payment methods: direct debit

Clause 21 requires licensees to allow customers to pay a bill by direct debit. A number of smaller licensees have advised the ERA that they consider the requirement to offer direct debit to be unduly onerous, particularly as few, if any, of their customers use it.

The ERA seeks comment as to whether direct debit should be removed from the Water Code as a required payment method. If the requirement is removed, licensees will not be prevented from offering direct debit as a payment method.

Issue 20

Comment sought

Should the requirement to offer direct debit as a payment method be removed from the Water Code?

5.3 Clause 22(a) – Consent for direct debit: consent of the holder of the account to be debited

Before receiving a bill payment by direct debit, a licensee must obtain the express consent of the holder of the account to be debited.

To comply with this obligation, the licensee will have to verify that the person providing the consent is the account holder. The ERA queries whether licensees can be certain they have obtained the express consent of the account holder. Information about the account holder is held by the customer's financial institution and may, for privacy reasons, not be readily available.

Issue 21**Comment sought**

Should licensees be required to obtain the express consent of the holder of the account to be debited before receiving a bill payment by direct debit?

5.4 Clause 25 – Assistance for customers experiencing payment difficulties

Clause 25(2) requires a licensee to allow a customer who has been assessed by the licensee as experiencing payment difficulties to pay a bill under a payment plan or other arrangement.

The clause provides little guidance on the process a licensee must follow when making its assessment. In contrast, this process is prescribed in detail in the Electricity Code and Gas Compendium as follows:

- a licensee must give reasonable consideration to information provided by the customer or a financial counsellor when deciding whether or not the customer is experiencing payment difficulties;
- the licensee must make the assessment within 5 business days;
- if the licensee cannot make the assessment within 5 business days, the licensee must refer the customer to a relevant consumer representative to make the assessment; and
- the licensee must temporarily suspend any debt recovery or disconnection procedures if the customer has been referred to a relevant consumer representative for assessment.

The ERA would like to know whether similar, detailed requirements should be included in the Water Code so that water customers receive the same protections as energy customers.

The ERA is not aware of any systemic issues in the way water licensees currently deal with customers experiencing financial difficulties. Also, the inclusion of detailed requirements may result in additional costs to licensees, which may be passed on to customers. They may also reduce innovation in the way licensees deal with customers experiencing payment difficulties.

If clause 25 were amended, consideration needs to be given to whether it should continue to apply to residential and non-residential customers. Non-residential customers cannot use the services of financial counsellors, which means the additional protections would not be available to these customers.

Issue 22**Comment sought**

- A. Should additional requirements be included in the Water Code regarding the process a licensee must follow when assessing whether or not a customer is experiencing payment difficulties?
- B. If so, what additional protection should be provided to water customers?

5.5 Clause 25 – Assistance for customers experiencing payment difficulties: charging fees and interest

Currently, a licensee is not prevented from charging fees or interest on payment plans offered to customers experiencing payment difficulties. The ERA queries whether licensees should be allowed to charge these customers fees or interest on a payment plan. The charging of fees and interest is only likely to exacerbate these customers' financial problems.

The ERA notes that energy licensees in WA may not charge fees or interest on payment plans offered to customers experiencing payment difficulties.⁴⁴ A similar restriction applies to payment plans offered by water licensees in South Australia⁴⁵ and the ACT.⁴⁶

Issue 23

Comment sought

Should licensees be allowed to charge fees or interest on payment plans offered to customers experiencing payment difficulties?

5.6 Clause 25(2) – Assistance for customers experiencing payment difficulties: offering a payment plan

Clause 25(2) provides that a water licensee 'must allow' a customer experiencing payment difficulties to pay a bill under a payment plan. There is, however, no obligation on licensees to inform customers that they are entitled to access a payment plan. The ERA is concerned that, in the absence of such an obligation, some customers may not be offered a payment plan even though they are entitled to it.

WA energy licensees⁴⁷ and SA water licensees⁴⁸ are required to 'offer' customers experiencing payment difficulties a payment plan. The word 'offer' implies that the licensee must not only allow the customer to pay under a payment plan, but must also advise the customer that the customer has a right to do so. The ERA therefore proposes to replace the word 'allow' with 'offer'.

Issue 24

Proposal

To amend clause 25(2) by requiring a licensee to offer a customer experiencing payment difficulties a payment plan or other arrangement.

⁴⁴ Clause 6.4(1)(a)(ii) of the Electricity Code; clause 6.4(1)(a)(ii) of the Gas Compendium.

⁴⁵ Clause 25.1.2(b) of the SA water code (major retailers).

⁴⁶ Clause 13.14(1) of the ACT's *Utilities (Consumer Protection Code) Determination 2012 (ACT water code)*.

⁴⁷ Clause 6.4(1)(a) of the Electricity Code.

⁴⁸ Clause 25.1.2 of the SA water code (major retailers).

5.7 Clause 26 – Financial Hardship Policy: review upon direction by ERA

Energy licensees must review their financial hardship policy if directed to do so by the ERA.⁴⁹ The ERA will generally direct energy licensees to review their financial hardship policies following changes to the Electricity Code, Gas Compendium or the ERA's *Financial Hardship Policy Guidelines – Electricity & Gas Licences*.

Although the Water Code requires licensees to review their financial hardship policy at least once in every five year period,⁵⁰ it does not include a general obligation on licensees to review their policies upon the ERA's direction.

Issue 25

Comment sought

Should licensees be required to review their financial hardship policies if directed to do so by the ERA?

5.8 Clause 26 – Financial Hardship Policy: consultation with consumer organisations

Clause 26(6) requires a licensee to consult with relevant consumer organisations as part of the five yearly review of its financial hardship policy. Licensees are not required to consult with relevant consumer organisations when developing their initial policy.

The ERA considers consultation with relevant consumer organisations to be an important source of input to the development of a financial hardship policy. New water licensees may find it useful to consult with these organisations to help understand the issues that persons in financial hardship face.

The ERA considers that licensees should have to consult with relevant consumer organisations when developing their initial financial hardship policy. Without this requirement the initial policy could be in place for up to five years without any input from consumer organisations.

The ERA already requires electricity and gas licensees to consult with relevant consumer organisations when developing their financial hardship policies.⁵¹

Issue 26

Proposal

To require a licensee to consult with relevant consumer organisations when developing their initial financial hardship policy.

⁴⁹ Clause 6.10(6) Energy Code; clause 6.10(6) Gas Compendium.

⁵⁰ Clause 26(6) of the Water Code.

⁵¹ Clause 6.10(2)(a) Electricity Code; clause 6.10(2)(a) Gas Compendium.

5.9 Clause 26 – Financial Hardship Policy: amendments subject to ERA approval

Clause 26(2) states that a licensee's hardship policy does not have effect unless it is approved by the ERA. This implies that if a licensee amends its hardship policy, the amended policy should be submitted to the ERA for its approval. Accordingly, the ERA's *Financial Hardship Policy Guidelines for Water Services* require a licensee to submit any amendments made to its policy to the ERA for approval.

For clarity, the ERA proposes that the Water Code explicitly states that licensees must submit an amended financial hardship policy to the ERA for its approval.

Issue 27

Proposal

To require a licensee to submit an amended financial hardship policy to the ERA for its approval.

5.10 Clause 26 – Financial Hardship Policy: content requirements

While the Water Code requires licensees to have an approved financial hardship policy, it does not prescribe what matters must be included in a policy. In contrast, the Electricity Code and Gas Compendium contain very detailed requirements for hardship policies.⁵²

In the absence of any guidance on the minimum content of water financial hardship policies, the ERA has produced the *Financial Hardship Policy Guidelines for Water Services (Water FHP Guidelines)*.⁵³ Under the Water FHP Guidelines, a financial hardship policy must address at least the following matters:⁵⁴

Alternative payment arrangements

- The alternative payment arrangements available to customers in financial hardship.
- Statement that the licensee will take account of a customer's usage needs and capacity to pay when specifying the conditions of a payment arrangement.
- Statement that the licensee will involve the customer and, if applicable, the customer's financial counsellor in setting a payment arrangement.
- Statement that the licensee will review and revise, where appropriate, a customer's existing payment arrangement.
- Statement that the licensee will take steps to ensure the owner of the land is aware of the proposed payment arrangement before the licensee enters into a payment arrangement with a customer who is not the owner of the land.

⁵² Clause 6.10(2) and (3) Electricity Code; clause 6.10(2) and (3) Gas Compendium.

⁵³ <https://www.erawa.com.au/cproot/11923/2/Financial%20Hardship%20Policy%20Guidelines%20for%20Water%20Services.PDF>

⁵⁴ Page 15 of the Water FHP Guidelines.

Reduction of amount owing

- Statement that the licensee will consider reducing the amount owing by the customer.

Debt collection

- The circumstances under which the licensee will not recover an outstanding debt from a customer in hardship. As a minimum, these circumstances should meet the requirements of clause 29 of the Water Customer Service Code.
- The licensee's process for collecting outstanding debt, including:
 - that the licensee and, if applicable, the licensee's debt collection agency will comply with Part 2 of the Debt collection guidelines for collectors and creditors;
 - if applicable, that the licensee may outsource the debt to a debt collection agency;
 - if applicable, that additional fees may apply if the debt is outsourced to a debt collection agency.

Reduction and restoration of rate of flow of drinking water

- Statement that the licensee will not reduce the rate of flow of drinking water to a customer who is being assessed as being in financial hardship, or to a customer who is in financial hardship and who is complying with a payment arrangement.
- Statement that a licensee will restore the customer's rate of flow of drinking water if the customer has paid the amount owing, or if the customer has entered into a payment arrangement.

Written information

- A. The information specified in clause 27(3) of the Water Customer Service Code; or
- B. Advice about where the information specified in clause 27(3) of the Water Customer Service Code can be found.
- Advice about where details of the licensee's fees and charges applicable to residential customers can be found.

Identifying customers who are experiencing financial hardship

- Statement encouraging customers to contact the licensee as soon as they begin to experience financial difficulty.

Complaints handling

- Information regarding the licensee's complaints handling process, including the licensee's contact details and the Energy and Water Ombudsman's contact details.

The Water FHP Guidelines furthermore oblige licensees to advise the ERA about the following matters:

- Any consultation undertaken by the licensee with relevant consumer organisations on the content of the financial hardship policy.
- A short description of the training provided by the licensee to its staff.
- The indicators used by the licensee to help identify customers experiencing financial hardship.
- Information about how the licensee promotes its hardship policy to its customers and other relevant agencies.
- The formats in which the hardship policy is available to customers (e.g. hard copy, electronic format, large print).

- How the hardship policy is made accessible to customers with special needs (e.g. by including the licensee's telephone number for TTY and/or independent multi-lingual services within the policy).

The ERA seeks comment on whether the minimum requirements for financial hardship policies should be moved to the Water Code or retained within the Water FHP Guidelines.

Retaining these requirements in the Water FHP Guidelines allows for greater flexibility, because the process for amending the Water FHP Guidelines is simpler than that for amending the Water Code. Moving the requirements to the Water Code would ensure that any amendments to the requirements are subject to an amendment process that includes consultation with the WCCC.

An alternative to retaining, or moving, all the requirements in the Water FHP Guidelines would be to move a sub-set of the requirements to the Water Code.

The ERA further seeks comment on whether financial hardship policies should include any information in addition to what is currently required under the Water FHP Guidelines.

Issue 28

Comment sought

- A. Should the content requirements for financial hardship policies remain in the Water FHP Guidelines, or be moved to the Water Code?
- B. Should a sub-set of the content requirements for financial hardship policies be moved from the Water FHP Guidelines to the Water Code?
- C. Should financial hardship policies include any information in addition to what is currently required under the Water FHP Guidelines?

5.11 Clause 26 – Financial Hardship Policy: compliance with ERA Guidelines

Clause 5.4 of the water licence requires the licensee to comply with the Water FHP Guidelines. For licensees who are not required to comply with the Water Code, clause 5.4 of their water licence is marked 'Not used'.

Moving the requirement to comply with the Water FHP Guidelines from the water licence template to the Water Code would allow the ERA to delete clause 5.4 from all water licences. It would also ensure that all relevant obligations in relation to financial hardship policies are included in one place; clause 26 of the Water Code.

Issue 29

Proposal

To move the requirement for licensees to comply with the Water FHP Guidelines from the water licence template to the Water Code.

5.12 Clause 27 – Assistance for customers experiencing financial hardship

Clause 27(2) requires a licensee to allow a customer who has been assessed by the licensee as experiencing financial hardship to pay a bill under a payment plan or other arrangement.

Like clause 25(2), this clause provides little guidance on the process a licensee must follow when making its assessment. Paragraph 5.4 noted that the Electricity Code and Gas Compendium prescribe this process in detail:

- a licensee must give reasonable consideration to information provided by the customer or a financial counsellor when deciding whether or not the customer is experiencing payment difficulties;
- a licensee must make the assessment within 5 business days;
- if a licensee cannot make the assessment within 5 business days, the licensee must refer the customer to a relevant consumer representative to make the assessment; and
- a licensee must temporarily suspend any debt recovery or disconnection procedures if the customer has been referred to a relevant consumer representative for assessment.

With payment plans, the Electricity Code and Gas Compendium further specify that any plan should be fair and reasonable and take into account information about the customer's capacity to pay and future usage needs. Upon acceptance of a payment plan by a customer, energy licensees must provide detailed information to the customer about the plan, including information about the period of the plan, the number and amount of any repayments, and what happens if the customer doesn't comply with the plan.

In addition, the Electricity Code and Gas Compendium require a licensee to offer a customer both a payment plan *and* additional time to pay. The customer can choose the option they prefer.

The ERA seeks comment on whether similar, detailed requirements should be included in the Water Code. Including these requirements would ensure that water customers are entitled to the same protections as energy customers. However, the prescriptive nature of the protections could result in additional costs to licensees, which may be passed on to customers. There is also the potential to reduce innovation in the way licensees deal with customers who are experiencing financial hardship.

The ERA is not aware of any systemic issues in the way water licensees currently deal with customers experiencing financial hardship.

Issue 30**Comment sought**

- A. Should additional requirements be included in the Water Code regarding the process a licensee must follow when assessing whether or not a customer is experiencing payment difficulties?
- B. Should additional requirements be included in the Water Code regarding the assistance a licensee must offer customers in financial hardship? For example, should licensees have to offer a customer a choice between a payment plan and other arrangement; should licensees be required to take certain matters into account when setting a payment plan; and should licensees be required to provide certain information to customers about their payment plan?

5.13 Clause 27(2) – Assistance for customers experiencing financial hardship: offering a payment plan

Clause 27(2) provides that a water licensee “must allow” a customer experiencing financial hardship to pay a bill under an interest-free and fee-free payment plan. There is, however, no obligation on licensees to inform customers that they are entitled to a payment plan. As explained in paragraph 5.6, the ERA is concerned that, in the absence of such an obligation, some customers may not be offered a payment plan even though they are entitled to it.

Consistent with its proposal for clause 25(2), the ERA proposes that the word “allow” in clause 27(2) is replaced with “offer”. This will ensure that customers who are entitled to a payment plan are offered such a plan.

Issue 31**Proposal**

To require a licensee to offer a customer experiencing financial hardship a payment plan or other arrangement.

5.14 Clause 27(3)(b) – Assistance for customers experiencing financial hardship: revising a payment plan

Clause 27(3)(b) provides that a water licensee must review and revise, if appropriate, how a customer is paying a bill under clause 27(2). The term ‘if appropriate’ provides little guidance as to when a payment plan should be reviewed and revised.

It is the ERA’s role to determine whether or not a licensee has complied with the conditions of its licence. If those conditions are not clear, it is difficult for the ERA to enforce compliance with the licence.

To clarify a licensee's obligations under clause 27(3)(b), the ERA proposes that the clause be amended to clarify that a licensee must review a payment plan upon the customer's request. If the review demonstrates that the customer is unable to meet its obligations under the existing payment plan, the licensee should be required to revise the payment plan.

Issue 32

Proposal

To require a licensee to review a payment plan upon a customer's request. If the review demonstrates that the customer is unable to meet its obligations under the existing payment plan, the licensee must revise the payment plan.

5.15 Clause 29(c) – No debt collection in certain cases

Clause 29 reads 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.

The ERA proposes to amend clause 29(c) by inserting the words "as to whether or not". The new wording is consistent with the wording currently used in clause 29(b), and ensures that any debt recovery proceedings are stayed while a customer is being assessed.

Issue 33

Proposal

To include the words 'as to whether or not' in clause 29(c) so it is consistent with the wording of clause 29(b).

6 Reducing the rate of flow of water

6.1 Clause 31 – Preliminary action: reminder notices

Clause 31 requires a licensee to use best endeavours to contact a customer in person, by telephone or by electronic means prior to reducing the customer's water flow due to non-payment. The Water Code does not require a licensee to send a reminder notice to the customer before reducing the customer's water supply.

A reminder notice provides a customer with an opportunity to pay an overdue amount before reaching the stage where their water supply may be reduced. Avoiding the need to reduce water supply benefits both customers and licensees. WA energy licensees and water licensees in other jurisdictions are required to send reminder notices to customers prior to taking action for non-payment of a bill.⁵⁵

The ERA is proposing to include a requirement for a licensee to give a customer a reminder notice prior to reducing the customer's water supply. The ERA is also proposing to amend the Water Code to prescribe what information must be on a reminder notice.

Issue 34

Proposal

- A. To require a licensee to give a customer a reminder notice prior to taking action for non-payment of a bill.
- B. To require a reminder notice to include the following information:
 - the licensee's telephone number for account, payment and general enquiries; and
 - advice that a licensee may assist if the customer is experiencing payment difficulties or financial hardship.

6.2 Clause 31 – Preliminary action: restriction notices

Clause 31 requires a licensee to use its best endeavours to contact a customer in person, by telephone or by electronic means prior to reducing the customer's water flow due to non-payment. Licensees do not have to advise customers in writing of an impending reduction.

Most water licensees in other jurisdictions must send a customer a restriction notice before supply may be reduced.⁵⁶ Similarly, WA energy licensees must send their customers a disconnection warning before supply may be disconnected.⁵⁷

⁵⁵ Clause 7.1 of the Electricity Code; clause 7.1 of the Gas Compendium; clause 18.10 of the SA water code (major retailers); clause 6.1 of the VIC water code (urban); clause 17 of the QLD water code; clause 7.1 of the TAS water code.

⁵⁶ Clause 26.4.1(f) of the SA water code (major retailers); clause 6.4.1(f) of the SA water code (minor retailers); clause 6.2 of the VIC water code (urban); clause 5.2 of the VIC water code (rural); clause 12 of the QLD water code.

⁵⁷ Clause 7.1(1)(c) of the Electricity Code; clause 7.1(1)(c) of the Gas Compendium.

To ensure customers receive notice of an impending reduction, the ERA proposes that licensees are required to give a customer a restriction notice in writing before reducing the customer's water supply. The ERA proposes to set a timeframe for sending a restriction notice, as well as specifying what information must be included on the restriction notice.

Issue 35

Proposal

- A. To require a licensee to give a customer written notice of its intention to reduce the customer's water supply.
- B. To require a licensee to give a restriction notice to a customer at least 7 days before the licensee intends to reduce the customer's water supply.
- C. To require a restriction notice to include the following information:
 - 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 supply.

6.3 Clause 32(c) – No reduction in certain cases: “as to whether or not”

Clause 32(b) and (c) 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 – [...]

- (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.

The ERA proposes to amend clause 32(c) by inserting the words “as to whether or not”. This proposed wording is consistent with the wording currently used in clause 32 (b), and ensures that any debt recovery proceedings are stayed while a customer is being assessed.

This issue is similar to the issue raised in relation to clause 29(c) (see issue 33)

Issue 36**Proposal**

To amend the wording of clause 32(c) so it is consistent with the wording of clause 32(b).

6.4 Clause 32(f) – No reduction in certain cases: reduction after 3pm on weekends and public holidays

If a customer fails to pay a bill within 30 days after the due date, a licensee may reduce the rate of flow of drinking water to the customer.

The Water Code limits when a customer's rate of flow may be reduced. A customer's rate of flow may, for example, not be reduced after 3pm on a Friday, Saturday, Sunday, public holiday or day before a public holiday. The aim is to ensure a customer's flow of drinking water is not reduced at a time when the customer will, generally, be unable to arrange for the flow of drinking water to be restored.

The current drafting of clause 32(f) implies that a licensee may reduce the rate of flow of drinking water before 3pm on Fridays, Saturdays, Sundays, public holidays and days before a public holiday. The ERA considers it unlikely that this was the intent behind clause 32(f). Customers would, generally, not be able to arrange for their flow of drinking water to be restored on those days. Also, WA energy licensees and most water licensees in other jurisdictions are not allowed to disconnect or restrict a customer's supply at any time on a weekend, public holiday or the day before a public holiday.

The ERA proposes to amend clause 32(f) to clarify that a customer's rate of flow of drinking water may not be reduced at any time on weekends, public holidays and days before a public holiday.

The ERA also notes that WA energy licensees may not disconnect their customers:

- after 3pm Monday to Thursday;⁵⁸
- on a Friday:
 - after 12 noon (electricity customers only);⁵⁹ or
 - any time (gas customers only).⁶⁰

Water licensees in most other jurisdictions are also not allowed to reduce the flow of drinking water after 3pm Monday to Thursday⁶¹, and any time on a Friday.⁶² The ERA seeks comment on whether similar restrictions should apply to WA water licensees.

⁵⁸ Clause 7.6(2)(b)(i) of the Electricity Code; clause 7.6(2)(b)(i) of the Gas Compendium.

⁵⁹ Clause 7.6(2)(b)(ii) of the Electricity Code.

⁶⁰ Clause 7.6(2)(b)(ii) of the Gas Compendium.

⁶¹ Clause 26.2.1(h) and 26.2.2(e) of the SA water code (major retailers).

⁶² Clause 26.2.1(i) and 26.2.2(f) of the SA water code (major retailers).

Issue 37**Proposal**

To clarify that a customer's rate of flow of drinking water may not be reduced at any time on weekends, public holidays and the day before a public holiday.

Comment sought

- A. Should the prohibition on reducing the rate of flow of drinking water be extended to anytime on a Friday?
- B. Should the prohibition on reducing the rate of flow of drinking water be extended to after 3pm Monday to Thursday?

6.5 Clause 32(e) – No reduction in certain cases: complaints

Clause 32(e) prohibits a licensee from reducing a customer's flow of drinking water where a complaint made by the customer in relation to the water services charges is not resolved. It is likely that the term 'complaints' captures complaints made to the licensee, as well as complaints made to external dispute resolution bodies, such as the Energy & Water Ombudsman WA. This is consistent with a number of codes⁶³ which prohibit a licensee from disconnecting or restricting a customer's supply if a complaint has been made to either the licensee or an external dispute resolution body.

The ERA seeks comment on whether 'complaints' in clause 32(e) should only relate to complaints made to the licensee, or also include complaints made to an external dispute resolution body.

Where a complaint has been made to an external dispute resolution body, the licensee may not be aware of the complaint. The Electricity Code⁶⁴, Gas Compendium⁶⁵ and ACT water code⁶⁶ therefore provide that a licensee is only precluded from disconnecting or restricting a customer's supply if the licensee was notified of the complaint by the external dispute resolution body.

Issue 38**Comment sought**

- A. Should the term 'complaints' in clause 32(e) only relate to complaints made to the licensee, or also include complaints made to an external dispute resolution body?
- B. If clause 32(e) is amended to specifically refer to complaints made to an external dispute resolution body, should restriction only be allowed if the external dispute resolution body has notified the licensee of the complaint?

⁶³ Clause 7.6(1) and 7.6(2)(a) of the Electricity Code; clause 7.6(1) and 7.6(2)(a) of the Gas Compendium; clause 25.2.1(e) of the SA water code (major retailers); clause 17.1(3)(d) of the ACT water code.

⁶⁴ Clause 7.6(1)(b) and 7.6(2)(a)(ii) of the Electricity Code.

⁶⁵ Clause 7.6(1)(b) and 7.6(2)(a)(ii) of the Gas Compendium.

⁶⁶ Clause 17.1(3)(d) of the ACT water code.

6.6 Clause 32(h) – No reduction in certain cases: life support

Clause 32(h) of the Water Code prohibits a licensee from reducing a customer's flow of drinking water where the customer (i) requires water to operate a life support machine, or (ii) where the customer has been assessed and determined by the licensee as requiring water for a special need.

Paragraph (ii) only applies if the licensee has determined that the customer requires the water for a special need. Having been made aware of this fact, the licensee will be able to take the necessary precautions. Paragraph (i), however, applies regardless of whether the licensee is aware that the customer requires water to operate a life support machine, or not. If the customer does not notify the licensee that they require water to operate a life support machine, the licensee may not be able to comply with paragraph (i).

Like the Water Code, the Electricity Code precludes electricity licensees from disconnecting a life support customer's electricity supply for failure to pay a bill.⁶⁷ It also requires licensees to give life support customers advance notice of a planned interruption.⁶⁸ These requirements only apply to supply addresses that have been registered by the licensee as 'life support equipment addresses'. To be registered as a life support equipment address, the customer must provide the licensee with confirmation from an appropriately qualified medical practitioner that a person residing at the supply address requires life support equipment.⁶⁹ The term "life support equipment" is furthermore defined in the Electricity Code.

Similar provisions are included in the South Australian,⁷⁰ Tasmanian⁷¹ and Victorian (Urban)⁷² water codes. All three codes require a water licensee to establish a register of customers who require life support equipment,⁷³ preclude a licensee from disconnecting or restricting a customer's water supply, and require a licensee to provide advance notice of planned interruptions. The Tasmanian and Victorian (Urban) water codes also require a licensee to contact life support customers as soon as possible in the event of an unplanned interruption.⁷⁴

Both the SA and Tasmanian water codes specifically recognise a dialysis machine as life support equipment.

Finally, the service standards set out in the Electricity Code and SA water code for major retailers not only apply to a life support customer, but also to any other person residing at the customer's supply address who requires life support equipment. Although WA water licensees will generally not restrict a customer's rate of flow of drinking water if a person other than the customer requires life support equipment, this is not an explicit requirement under the Water Code.

⁶⁷ Clause 7.7(4)(a) of the Electricity Code.

⁶⁸ Clause 7.7(4)(b) of the Electricity Code.

⁶⁹ Clause 7.7(1) of the Electricity Code.

⁷⁰ Clause 9 of the SA water code (major retailers); clause 3.6 SA water code (minor retailers).

⁷¹ Clause 11.6 of the TAS water code.

⁷² Clause 9 of the VIC water code (urban).

⁷³ The Tasmanian water code refers to "special needs" customers.

⁷⁴ Clause 9.5(c) of the VIC water code (urban); clause 11.6.2(a) of the TAS water code.

Issue 39**Comment sought**

- A. Should a licensee only be precluded from reducing a customer's rate of flow of drinking water if the customer has notified the licensee that the customer requires water to operate a life support machine?
- B. Should a licensee be obliged to register customers who require a life support machine?
- C. If so, should the Water Code also provide for a deregistration process?
- D. Should the Water Code include a definition of a life support machine?
- E. If so, what should that definition be?
- F. Should the Water Code include protections for persons, other than the customer, who reside at the customer's address and require a life support machine?
- G. Should a licensee be required to provide customers who require a life support machine with written notice of planned interruptions to supply at the supply addresses?
- H. If so, how much notice should be provided?
- I. Should a licensee be required to contact customers who require a life support machine as soon as possible in the event of an unplanned interruption?

6.7 Clause 32(h) – No reduction in certain cases: total fire ban

With the exception of the WA and ACT water codes, all water codes preclude a licensee from reducing a customer's rate of flow of drinking water on a day there is a fire ban in the area where the property is located (the exact requirements vary code to code).⁷⁵

The ERA seeks comment on whether a similar requirement should apply to WA water licensees. In Western Australia, the Department of Fire and Emergency Services can declare a total fire ban. The Department's website⁷⁶ advises that total fire bans are declared for a whole day,⁷⁷ for one or more local government areas.

Last financial year, the maximum number of total fire bans for a single local government area was 18.⁷⁸

Total fire bans are different from fire restrictions on certain activities, such as lighting camp fires.

⁷⁵ Clause 26.2.1(j) of the SA water code (major retailers); clause 6.2.1(i) of the SA water code (minor retailers); clause 7.3 of the VIC water code (urban); clause 6.4 of the VIC water code (rural); clause 12 of the QLD water code; clause 8.3.1 of the TAS water code.

⁷⁶ www.dfes.wa.gov.au

⁷⁷ From midnight to midnight.

⁷⁸ <https://www.dfes.wa.gov.au/totalfirebans/Documents/TFB-Declarations-2010-11-to-2015-16.pdf>

Issue 40**Comment sought**

Should a licensee be precluded from reducing a customer's rate of flow of drinking water on a day there is a total fire ban in the local government area in which the customer is located?

6.8 Clause 32 – No reduction in certain cases: application for a concession

WA energy licensees may not disconnect a customer for failure to pay a bill if the customer has made an application for a concession and a decision on the application has not yet been made.⁷⁹ A similar condition applies to South Australian⁸⁰ and Victorian⁸¹ water licensees.

The ERA seeks comment on whether water licensees should also be prevented from restricting a customer's rate of flow of drinking water while a decision on the customer's application for a concession⁸² or grant⁸³ is pending.

Issue 41**Comment sought**

Should licensees 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?

⁷⁹ Clause 7.2(1)(d) of the Electricity Code; clause 7.2(1)(d) of the Gas Compendium.

⁸⁰ Clause 26.2.1(f) of the SA water code (major retailers); clause 6.2.1(e) of the SA water code (minor retailers).

⁸¹ Clause 7.2(b) of the VIC water code (urban); clause 6.3(b) of the VIC water code (rural).

⁸² Concessions on usage and/or fixed charges are available to prescribed seniors and pensioners supplied by Aqwest, Busselton Water and the Water Corporation (*Water Services (Water Corporations Charges) Regulations 2014*). Most local government licensees provide concessions on sewerage charges for prescribed seniors and pensioners.

⁸³ For example, a grant provided under the Hardship Utility Grant Scheme (HUGS). HUGS is a State Government scheme which provides financial assistance to help people in financial hardship pay their water, gas and electricity bills so their supply is not cut off.

7 Complaints about water services

7.1 Clause 35(2)(a) – Complaints Standard

Licensees must have a procedure for dealing with complaints about water services.⁸⁴ Clause 35(2)(a) requires a licensee to develop its complaints procedure using AS ISO 10002-2006 as a minimum standard, along with any guidelines produced by the ERA. In 2014, AS ISO 10002-2006 was replaced with AS/NZS 10002-2014.

Issue 42

Proposal

To replace the reference in clause 35(2) to AS ISO 10002-2006 with AS/NZS 10002-2014.

7.2 Clause 35(4)(a) – Referring complaints to the Ombudsman

Clause 35(4) requires a licensee's complaints procedure to state that a customer may, but does not have to, use the licensee's complaints procedure before or instead of applying to the water ombudsman. In addition, the complaints procedure must refer to the water ombudsman's procedures, and explain the benefits to customers of raising a complaint with a licensee before contacting the water ombudsman.

Although the Water Code provides that customers may raise their complaint with the water ombudsman before doing so with the licensee, the Energy and Water Ombudsman WA will generally only consider a complaint if the customer has already raised the matter with the licensee. Sections 7.1(a) and (b) of the Energy and Water Ombudsman WA's Charter provide:

- (a) The Ombudsman on receiving a complaint or dispute, will verify with an officer designated by the Member concerned whether the Member has had the opportunity to consider the complaint or dispute;
- (b) The Ombudsman may proceed to investigate the complaint or dispute only after the Member has had this opportunity, subject to reasonable time limits which are not to exceed 10 business days unless otherwise agreed with the Ombudsman, and the Member has been notified that the Ombudsman intends to investigate the complaint or dispute;⁸⁵

The Energy and Water Ombudsman WA website provides similar advice to customers:⁸⁶

Contact the electricity, gas or water services provider first

Before you submit a complaint to the Energy and Water Ombudsman Western Australia, it is a good idea to try to solve the problem by contacting the electricity, gas or water services provider concerned. Services providers have internal complaint resolution procedures that should be able to resolve the complaint to your satisfaction. Keep records of your contacts with the provider.

⁸⁴ Clause 35(1) of the Water Code.

⁸⁵ <http://www.ombudsman.wa.gov.au/ewowa/documents/Charter-and-Constitution/Energy-and-Water-Ombudsman-Charter-2013.pdf>

⁸⁶ http://www.ombudsman.wa.gov.au/ewowa/making_complaints/how_to_make_a_complaint.htm

Complaining to the Energy and Water Ombudsman

If your attempt to solve your problem with the electricity, gas or water provider has been unsuccessful you can complain to the Energy and Water Ombudsman Western Australia. If there are special reasons why you do not wish to approach the electricity/gas provider or water supplier first, you may complain directly to the Energy and Water Ombudsman Western Australia who will consider whether to commence an investigation or refer you back to the electricity, gas or water provider's internal complaints system.

The advice clearly recommends customers to contact their supplier first. Customers who first contact the Energy and Water Ombudsman WA will be advised to contact their supplier.

In light of this, it seems unhelpful that the Water Code requires a licensee's complaints procedures to include a statement that a customer may complain directly to the Energy and Water Ombudsman WA. Customers who do so are likely to experience frustration when the Energy and Water Ombudsman WA refers them back to the licensee.

No other water codes require a licensee's complaints procedure to specify that a customer can take their complaint to the water ombudsman without having first raised it with the licensee.

The ERA notes that clause 18(4)(a) includes a similar requirement for licensees' bill review procedures. Under this clause, a licensee's bill review procedure must state that a customer who is unsatisfied with the outcome of a bill review may, but does not have to, use the licensee's complaints procedure before or instead of applying to the water ombudsman.

The ERA understands that customers who have had their bill reviewed under a licensee's bill review procedure may complain directly to the Energy and Water Ombudsman WA. This is because the Energy and Water Ombudsman WA considers a request from a customer to review a bill as an expression of dissatisfaction by the customer.

In the case of clause 18(4), the statement that a customer may, but does not have to, use the licensee's complaints procedure before applying to the water ombudsman is therefore correct.

Issue 43

Proposal

- A. To delete the requirement that a licensee's complaints procedure must state that a customer may, but does not have to, use the licensee's complaints procedure before or instead of the Energy and Water Ombudsman WA's procedures.
- B. To delete the requirement that a licensee's complaints procedure must set out the benefits to the customer if the customer chooses to use the licensee's complaints procedure before or instead of the Energy and Water Ombudsman WA's procedures.

7.3 Advising customers of the existence of the water ombudsman

Clause 12.1(3)(b) of the Electricity Code and Gas Compendium requires a licensee to advise a customer that they have the right to take their complaint to the energy ombudsman if the complaint has not been resolved internally in a manner acceptable to the customer. The licensee must also provide the customer with the energy ombudsman's Freecall

telephone number. Under the Victorian water code (urban), a licensee's complaint escalation process must give a customer information about referral to the Energy and Water Ombudsman Victoria if the customer is not satisfied with the licensee's response to their complaint.⁸⁷

The Water Code does not include a similar provision.

Issue 44

Comment sought

- A. Should a licensee be required to advise the customer 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?
- B. If so, should a licensee be required to provide the customer with the Energy and Water Ombudsman WA's Freecall telephone number?

7.4 Complaints to be considered by a senior employee

Under the Electricity Code and Gas Compendium, a customer has the right to have their complaint considered by a senior employee.⁸⁸ Similar provisions are also included in a number of other water codes, such as the Victorian (urban) and Tasmanian water codes.⁸⁹

The Water Code does not include a similar provision.

The current Australian Standard for complaint management states that organisations should provide for two levels of internal review of complaints and that if a complainant is dissatisfied with the outcome of the complaint from their dealings with frontline staff, that they should have the option of escalating their complaint within the organisation.⁹⁰

Issue 45

Comment sought

- A. Should a licensee be required to have in place an escalation process which allows a customer to request that their complaint be considered by a senior employee?
- B. If so, should a licensee be required to advise customers, when responding to a complaint, of their right to have their complaint considered by a senior employee?

7.5 Considering a complaint to be resolved

Two clauses within the Water Code refer to a complaint being 'resolved' or the 'resolution' of complaints. Clause 32(e) prohibits a licensee from reducing the rate of flow of a customer's supply of drinking water (where the customer has not paid the bill) if the customer has made a complaint in relation to the water service charges and the complaint

⁸⁷ Clause 3.1(d)(2) of the VIC water code (urban).

⁸⁸ Clause 12.1(2) and (3) of the Electricity Code; clause 12.1(2) and (3) of the Gas Compendium.

⁸⁹ Clause 3.1(d)(1) of the VIC water code (Urban); clause 4.1.2(g)(1) of the TAS water code.

⁹⁰ Section 7.2 of *AS/NZS 10002-2014 Australian Standard for complaint management in organizations*.

is not resolved. Clause 35(3)(d) requires a licensee's complaints procedure to provide for the resolution of complaints within 15 business days.

The term 'resolved' is not defined in the Water Code. The Victorian (urban) and Tasmanian water codes do specify when a complaint, relating to non-payment of a bill, is considered to be resolved. For example, the Victorian water code (urban) includes the following clause:

3.2 Resolution of disputes

A water business must endeavour to resolve in good faith any dispute directly with its customers and others affected by its operations.

For the purposes of clause 3.1(e), a water business may consider a dispute about non-payment resolved if:

- (a) it has informed the complainant of its decision on the complaint or any internal review of the complaint; and
- (b) 10 business days have passed since the complainant was informed; and
- (c) the complainant has not:
 - (1) sought a further review under this clause; or
 - (2) lodged a claim with [the Energy and Water Ombudsman Victoria] or another external dispute resolution forum.

A water business must not consider a dispute resolved until any claim lodged with [the Energy and Water Ombudsman Victoria] or another external dispute resolution forum has been finalised.

The ERA seeks comment on whether the absence of a definition in the Water Code for 'resolve' causes issues for any parties.

Issue 46

Comment sought

- A. Should the Water Code specify when a complaint is considered to have been resolved?
- B. If so, should it only relate to certain complaints (for example, complaints relating to non-payment)?

7.6 Recovering an amount of money that is in dispute

In a number of jurisdictions, water licensees are restricted from recovering an amount of money that is in dispute until such time that the dispute has been resolved.⁹¹

The Water Code does not include a similar provision.

Issue 47

Comment sought

Should a licensee be prevented from recovering an amount of money that is in dispute until such time that the dispute has been resolved?

⁹¹ Clause 3.1(e) of the VIC water code (urban); clause 2.1(e) of the VIC water code (rural); clause 7.1(e) of the QLD water code; clause 4.1.2(h) of the TAS water code.

8 Information and communication services

8.1 Clause 36(2) – Services to be provided without charge

Clause 36(2) requires a licensee to make available to each customer the customer's personal account information. It is unclear whether the term personal account information only relates to information of a personal nature, such as the customer's date of birth and contact details, or also information such as billing and usage data.

The ERA proposes to clarify that a licensee must make available to each customer not only information of a personal nature but also the customer's billing and usage data.

The heading of clause 36 implies that personal account information must be provided free of charge. However, as headings do not form part of the written law⁹², the ERA proposes to explicitly state this in the clause.

This would mean that licensees will have to make billing and usage data available to their customers free of charge. The Electricity Code and Gas Compendium, as well as the water codes of most other jurisdictions, only require this type of information to be made available free of charge to some extent:

	Data to be provided		Free of charge
	Billing	Usage	
Electricity Code ⁹³	✓	✓	✓ (previous 2 years or in relation to a dispute)
Gas Compendium ⁹⁴	✓	✓	✓ (previous 2 years or in relation to a dispute)
SA water code (major retailers) ⁹⁵	✓	×	✓ (previous 2 years)
SA water code (minor retailers)	×	×	
VIC water code (urban) ⁹⁶	✓	✓	✓ (previous 3 years)
VIC water code (rural) ⁹⁷	✓	✓	✓ (previous 3 years)
QLD water code ⁹⁸	✓	✓	×
ACT water code ⁹⁹	✓	×	✓ (previous 12 months)
TAS water code ¹⁰⁰	✓	✓	✓ (previous 3 years)

⁹² Section 32(2) of the *Interpretation Act 1984 (WA)*.

⁹³ Clause 10.2 and 10.7.

⁹⁴ Clause 10.2 and 10.7.

⁹⁵ Clause 18.11.

⁹⁶ Clause 12.7.

⁹⁷ Clause 9.7.

⁹⁸ Clause 14.4.

⁹⁹ Clause 13.6.

¹⁰⁰ Clause 14.5.

Issue 48**Proposal**

- A. To clarify that personal account information includes a customer's billing and usage data.
- B. To clarify that information provided under clause 36(2) must be provided free of charge.

Comment sought

Should licensees be allowed to charge for the provision of billing and usage data if the data relates to a period over two years prior to the date of the request?

8.2 Clause 37(1)(h)(i) – Information to be publicly available

A licensee must make information available about the licensee's capacity to cut off or reduce a customer's water supply even if the customer is offered a payment plan. As currently drafted, the licensee is not only allowed to cut off or reduce a customer's water supply if the customer has declined, or failed to, accept the plan within a prescribed timeframe, but also when the customer is still considering the (terms of the) plan.

Issue 49**Proposal**

To clarify that a customer who has been offered a payment plan should only have their water supply reduced if the customer has failed to accept the plan within a prescribed timeframe.

Comment sought

How many days should customers be given to inform the licensee whether or not they accept a payment plan?

8.3 Clause 37 – Information to be publicly available: Water Code

The Electricity Code and Gas Compendium oblige energy licensees to tell a customer, on request, how to obtain a copy of the Electricity Code or Gas Compendium (as applicable). Energy licensees must also make electronic copies of these documents available on their websites.

The ERA seeks comment as to whether water licensees should be required to make the Water Code available to their customers. Electronic copies of the Water Code can currently be obtained from the ERA, Department of Water and State Law Publisher websites.

Issue 50**Comment sought**

Should licensees be required to make electronic copies of the Water Code available on their website?

9 Other

9.1 Bursts, Spills, Leaks and Blockages

Most jurisdictions¹⁰¹ require water licensees to have a policy that deals with minimising the impact of bursts, leaks, blockages and spills. Matters that such policies must, as a minimum, deal with include:

- prompt attendance at the site after becoming aware of a burst, leak, blockage or spill;
- the actions to be taken to rectify the situation taking into account the potential or actual impact of the burst, leak, blockage or spill on:
 - customers and others affected;
 - property; and
 - the environment;
- the provision of information to customers and others affected;
- ensuring that, in the event of a sewage spill on a customer's property, damage and inconvenience to the customer and others affected is minimised; and
- ensuring that a sewage spill is promptly cleaned up and the affected area disinfected.

The ERA believes there is merit in including a similar provision within the Water Code. Bursts, leaks, blockages and spills not only cause inconvenience, but can also result in significant damage to the customer's property and/or represent a health risk.

Issue 51

Comment sought

Should licensees be required to have a policy that deals with minimising the impact of bursts, leaks, blockages and spills?

9.2 Planned interruptions

Section 77 of the Water Act provides that a licensee may interrupt, suspend or restrict the provision of a water service for maintenance or repair.

Interruptions for maintenance and repair are commonly called 'planned interruptions', because the water licensee will know in advance when the interruption will occur. Neither the Water Act, nor the Water Code, requires a licensee to provide a customer with advance notice of a planned interruption.

WA electricity distributors must give customers at least 72 hours' notice of a planned interruption.¹⁰² If it is not reasonably practicable to give 72 hours' notice, notice must be given at the earliest practical time before the start of the interruption.¹⁰³ Notice can be given

¹⁰¹ Clause 16.2 of the SA water code (major retailers); clause 9.3 of the VIC water code (urban); clause 13.5 of the QLD water code; clause 11.4 of the TAS water code.

¹⁰² Clause 11(1)(b)(i) of the *Electricity Industry (Network Quality and Reliability of Supply) Code 2005 (WA)*.

¹⁰³ Clause 11(1)(b)(ii) of the *Electricity Industry (Network Quality and Reliability of Supply) Code 2005 (WA)*.

by post, broadcast on television or radio in the area that will be affected, or published in a newspaper circulating in the affected area.

Victoria's urban water licensees must give two business days' written notice of any planned interruption.¹⁰⁴ They must also have policies that ensure customers have access to emergency supplies of drinking water in the event of a planned interruption. A similar obligation applies to water licensees operating in Queensland.¹⁰⁵ Licensees in the ACT also have to give two business days' notice, but do not have to develop a policy on access to emergency supplies of drinking water.¹⁰⁶

The ERA understands that the Water Corporation¹⁰⁷ and Aqwest¹⁰⁸ currently aim to provide 24 hours' notice of a planned interruption, while Busselton Water¹⁰⁹ will provide 48 hours' notice.

Interruptions to a customer's water supply can cause major inconvenience to customers. Advance notice of a planned interruption allows the customer to take precautionary measures to reduce the impact of the interruption. The ERA therefore proposes to require licensees to provide prior notice of a planned interruption.

Issue 52

Proposal

- A. To require a licensee to provide at least 48 hours' prior notice of a planned interruption.
- B. To allow licensees to provide notice of a planned interruption by post, television or radio, in a newspaper circulating in the affected area, or via electronic means.

9.3 24 hour emergency line

A number of codes¹¹⁰ require a licensee to provide a 24 hour telephone service which gives customers information on the expected duration of an interruption to supply. The SA water code (major retailers) also provides that the telephone service must allow customers to notify the licensee of emergencies and faults.

Although not all codes include a specific obligation to establish a 24 hour telephone service, all water codes do require licensees to include their 24 hour faults and emergency telephone number on their bill. Indirectly, all licensees are therefore required to establish a 24 hour telephone service.

The ERA proposes that water licensees should also be required to include their 24 hour faults and emergencies telephone number on their bill (see issue 10). However, the ERA

¹⁰⁴ Clause 9.4 of the VIC water code (urban).

¹⁰⁵ Clause 13.6 of the QLD water code.

¹⁰⁶ Clause 19.2(1) of the ACT water code.

¹⁰⁷ <https://www.watercorporation.com.au/about-us/our-commitments/our-promise-to-you?pid=res-au-oc-np-opy>

¹⁰⁸ <http://aqwest.com.au/Portals/0/Doc/Aqwest%20COMMITMENT%20TO%20CUSTOMERS%20web.pdf>

¹⁰⁹ <http://www.busseltonwater.wa.gov.au/Portals/0/Brochures/Our%20Customer%20Commitments.pdf>

¹¹⁰ Clause 7.5 of the Electricity Code; clause 7.5 of the Gas Compendium, clause 16.3.1 of the SA water code (major retailers); clause 19.3(1) of the ACT water code.

seeks comment on whether the Water Code should also explicitly require licensees to establish a 24 hour telephone service for faults and emergencies.

Issue 53

Comment sought

Should a new clause be included in the Water Code which requires a licensee to establish a 24 hour telephone number for faults and emergencies?

9.4 Variation of tariffs

Currently, the Water Code does not oblige water licensees to advise their customers of new charges or changes to existing tariffs.

WA energy licensees must advise customers of tariff changes as soon as practicable, but no later than on the customer's next bill. A similar obligation applies to Victorian urban water licensees.¹¹¹ Tasmanian water licensees must notify their customers at least 28 days before imposing a new charge, or changing an existing tariff.¹¹²

When the Water Code was being developed, the Department of Water considered whether WA water licensees should also be required to advise their customers of new charges or changes to existing tariffs.

Customer representatives "*insisted it was important for customers to have this information ahead of the changes coming into effect so they could make informed decisions*"¹¹³. Industry representatives, on the other hand, opposed the imposition of such an obligation. They expressed concern "*about the additional resources needed to fulfil this requirement and reach all their customers in advance of the changes being applied, especially those in regional areas. WALGA [Western Australian Local Government Association] wanted to ensure this provision only applied to usage charges or that requirements for LGAs [Local Government Authorities] reflected the current practices – three-yearly re-evaluation of gross rental value, which is the basis for sewerage charges*".¹¹⁴

The vast majority of LGAs have been, or are expected to become, exempt from the requirement to hold a water licence (see section 2.1).

Issue 54

Comment sought

Should licensees be required to advise their customers of tariff changes as soon as practicable, but no later than on the customer's next bill?

¹¹¹ Clause 2.1 Vic (Urban).

¹¹² Clause 3.2 Tasmanian Code.

¹¹³ Department of Water, *The Water Services Customer Code – Discussion paper for public comment*, September 2012, pg 31.

¹¹⁴ Department of Water, *The Water Services Customer Code – Discussion paper for public comment*, September 2012, pg 31.

9.5 Service Standard Payments

Section 27(5), in conjunction with section 26(4), of the Water Act states that the Water Code may provide that if a licensee fails to meet a standard, the licensee must pay a specified amount to any person affected by the failure who comes within a specified description. These type of payments are commonly referred to as “service standard payments” or “guaranteed service level rebates”.

The Water Code currently does not prescribe any service standard payments.

Electricity licensees in WA¹¹⁵, and Victorian¹¹⁶ and ACT¹¹⁷ water licensees must make such payments. Service standard payments for Victorian water licensees differ per licensee, and only apply to urban water licensees.

The following table lists the most common service standard payments that apply to Victorian urban water licensees and/or water licensees in the ACT:

Customer Connection Times		
If the customer’s supply address is connected to the supply network, the customer’s water supply must be connected by: <ul style="list-style-type: none"> - the same day, if the request if made by 2pm; or - by the end of the next business day, if the request is made after 2pm. 	\$60 per/day (\$300 maximum)	ACT
Responding to complaints		
A water licensee must: <ul style="list-style-type: none"> - acknowledge a complaint immediately or as soon as practicable; and - respond to the complaint within 20 business days. 	\$20	ACT
Planned interruptions		
A water licensee must give at least x ¹¹⁸ business days’ notice of a planned interruption.	\$50	ACT VIC
A water licensee must take all reasonable steps to ensure that a planned interruption does not exceed: <ul style="list-style-type: none"> - the expected duration set out in the notice; and - in any event, x¹¹⁹ hours. 	\$50	ACT VIC
Unplanned interruptions		
Upon notification of a problem, a water licensee must: <ul style="list-style-type: none"> - respond as soon as practicable and in any event within 6 hours, if the problem is likely to affect public health, or cause substantial damage to a person or property; and - respond within 48 hours, in all other cases. 	\$60 per day (maximum \$300) <i>provided the problem affects the customer or the customer’s premises</i>	ACT
Upon notification of a problem, a water licensee must resolve the problem within the time specified in the response.	\$60	ACT
A water licensee must take all reasonable steps to restore the supply of water to affected premises as soon as possible and, in any event, within x ¹²⁰ hours.	\$20 / \$50	ACT VIC

¹¹⁵ Part 14 of the Electricity Code.

¹¹⁶ Schedule 1 of the VIC water code (urban).

¹¹⁷ Schedule 1 of the ACT water code.

¹¹⁸ Schedule 1 of the VIC water code (urban): 3 days; Schedule 1 of the ACT water code: 2 business days.

¹¹⁹ Schedule 1 of the VIC water code (urban): 5 hours; Schedule 1 of the ACT water code: 12 hours.

¹²⁰ Schedule 1 of the VIC water code (urban): 4 or 5 hours; Schedule 1 of the ACT water code: 12 hours.

No more than 5 unplanned water interruptions within any 12 month period.	\$50	VIC
No more than 3 sewerage interruptions within any 12 month period.	\$50	VIC
Sewerage interruptions to be restored within x [4/5] hours.	\$50	VIC
Spills		
Sewage spill contained within x [4/5] hours of notification.	\$1,000	VIC
Sewage spill in a house contained within 1 hour of notification.	\$1,000	VIC
Restriction of water supply		
Restricting the water supply of, or taking legal action against, a residential customer prior to taking reasonable endeavours to contact the customer and provide information about help that is available if the customer is experiencing difficulties paying.	\$300	VIC

The ERA considers there is merit in introducing service standard payments for WA water licensees. Service standard payments not only compensate customers for inconvenience experienced, but also provide an incentive for licensees to meet certain core service standards.

The ERA acknowledges that the introduction of services standard payments will result in additional costs for licensees. Not only will licensees have to make payment to customers if they have failed to meet a certain standard, they will also have to set up systems to make such payments.

The ERA is considering including the following service standard payments within the Water Code:

- \$20 for failure to comply with clause 35(3)(d) of the Water Code (resolve a complaint within 15 business days);
- \$20 for failure to give notice of a planned interruption (also see issue 52);
- \$50 for failure to restore a water supply to an affected property within 12 hours; and
- \$60 per day (maximum \$300) for failure to comply with the procedures prescribed in clauses 31 and 32 of the Water Code (the actions a licensee must take before a customer's water supply can be reduced; and the circumstances under which supply cannot be reduced).

If service standard payments are introduced, the ERA considers that licensees should be given additional time to set up the systems and processes to implement them. A commencement date of 1 July 2018 would probably be proposed if the ERA decided to introduce service standard payments.

To minimise the cost of administering the service standard payment scheme, the ERA considers that payments should only be made upon application by an eligible customer. Customers should be given three months from the qualifying event to apply for payment.

To ensure customers are aware of their rights, the ERA considers licensees should be required to advise their customers at least once a year of the service standard payments available.

Issue 55**Comment sought**

- A. Should service standard payments be introduced into the Water Code?
- B. If so, which service standard payments should be included in the Water Code?
- C. Should licensees be given until 1 July 2018 to implement those service standard payments?
- D. Should licensees only be required to make payment upon application by an eligible customer?
- E. Should licensees be required to advise their customers at least once a year of the service standard payments available?

9.6 Interest charges and late payment fees

The Electricity Code,¹²¹ Gas Compendium,¹²² and various water codes in other jurisdictions,¹²³ include restrictions on when a licensee may charge interest and/or late payment fees in relation to unpaid bills, such as the following situations:

- when the customer has been assessed by the licensee as being in financial hardship;¹²⁴
- if the customer is the holder of an eligible concession card;¹²⁵
- if the customer has made a complaint directly related to the non-payment of the bill to the licensee or Ombudsman, and the complaint remains unresolved;¹²⁶
- if the customer has accepted a payment extension or payment plan, and the customer meets the conditions of the payment extension or payment plan;¹²⁷
- the account balance is less than \$50;¹²⁸

The Water Code does not restrict the circumstances under which a licensee may charge interest and/or later payment fees.

¹²¹ Clause 5.6 of the Electricity Code.

¹²² Clause 5.6 of the Gas Compendium.

¹²³ Clause 6.4 of the VIC water code (urban); clause 5.4 of the VIC water code (rural); clause 11.3 of the QLD water code; clause 7.4.9 of the TAS water code.

¹²⁴ Clause 5.6(1)(d) of the Electricity Code; clause 5.6(1)(d) of the Gas Compendium; clause 7.4.9(d) of the TAS water code (if the customer has contacted the licensee prior to the fifth day after the due date and has been offered a flexible payment plan).

¹²⁵ Clause 5.6(1)(a) of the Electricity Code; clause 5.6(1)(a) of the Gas Compendium; clause 6.4(b)(i) of the VIC water code (urban); clause 7.4.9(b) of the TAS water code.

¹²⁶ Clause 5.6(1)(c) of the Electricity Code; clause 5.6(1)(c) of the Gas Compendium; clause 11.3 of the QLD water code.

¹²⁷ Clause 5.6(1)(b) of the Electricity Code; clause 5.6(1)(b) of the Gas Compendium.

¹²⁸ Clause 7.4.9(a) of the TAS water Code.

Issue 56

Comment sought

- A. Should the Water Code include restrictions on when a licensee can charge interest and/or late payment fees?
- B. If so, what should those restrictions be?

**Attachment 1: *Water Services Code of Conduct
(Customer Service Standards) 2013***



Western Australia

Water Services Act 2012

Water Services Code of Conduct (Customer Service Standards) 2013

As at 18 Nov 2015

Version 00-c0-01

Extract from www.slp.wa.gov.au, see that website for further information

Water Services Code of Conduct (Customer Service Standards) 2013

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Defined terms

Western Australia

Water Services Act 2012

**Water Services Code of Conduct (Customer
Service Standards) 2013**

Part 1 — Preliminary

1. Citation

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

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) 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 —

bill means a bill for a water service charge;

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

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;

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;

section means section of the Act.

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 —

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.

5. Contracting out

(1) Nothing in this code prevents a licensee and a customer from entering into an agreement that varies or displaces the requirements of this code in relation to the licensee or customer.

cl. 6

(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.

6. Notes not part of code

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

Part 2 — Connection of water services to land

7. Information about connections

- (1) In this clause —
connection means a connection of a water service to land.
- (2) A licensee must have written information 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 8 in which connections are required to be completed.
- (3) The information must be publicly available.

8. Minimum performance standards for standard water supply connections

- (1) In this clause —
connection means a connection of a metered water supply service to an existing main comprising 20 mm water supply pipes.

cl. 8

- (2) A 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 connection is made;
 - (b) the fees that apply in relation to the 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

9. Bills other than for quantities supplied, discharged

- (1) In this clause —
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) A licensee must, at least once in every 12 month period, issue a bill (non-quantity) charges to each customer to whom the licensee provides water services.

10. Bills for quantities supplied, discharged

- (1) In this clause —
bill for usage means a bill for a water service charge for the quantity of water supplied, or the quantity of wastewater discharged.
- (2) A licensee must, at least once in every 6 month period, issue a bill for usage to each 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 estimation or calculation, 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

cl. 11

- (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.

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.

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 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 interest or fees charged for late payment of outstanding amounts;

- (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) 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) Each bill for usage for a metered water service must, 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, 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 compared with the customer's previous usage.

cl. 13

- (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.

Note:

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

13. Estimates: licensees' 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.

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

- (1) 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 outstanding charges for a period that is not the same as the usual billing cycle;
 - (b) in the case where the customer disputes an estimate on which a bill is based —
 - (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 fee that applies to providing the reading or bill has not been paid.

15. Leaks

- (1) In this clause —
leak means a leak from a fitting, fixture or pipe for which the customer, as an owner or occupier of land, is responsible 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.
- (3) The policy, standard or guidelines must be publicly available.

cl. 16

16. 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) An undercharged amount cannot be recovered from 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) 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) A licensee must not charge interest or late payment fees on an undercharged amount.
- (5) A licensee must allow a customer to pay 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.

17. Overcharging in bills

- (1) 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 error —
 - (a) credit the customer's account and immediately afterwards notify the customer; or
 - (b) inform the customer of the overcharging and recommend options for how the 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.

18. 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.
- (3) The review procedure must include information about the following —
 - (a) requesting a meter reading or testing as mentioned in clause 12(3)(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 35 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 complaint, if an appeal or review is available under regulations mentioned in section 222(2)(k).

cl. 18

- (5) 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.

Part 4 — Payment for water services

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 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.

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.

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;
 - (b) Centrepay (the facility that allows Centrelink customers to have automatic deductions taken from Centrelink payments);
 - (c) internet;
 - (d) telephone;
 - (e) post.

cl. 22

- (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.

22. Consent for direct debits

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.

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.

24. Free redirection in absence, 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.

25. Assistance for customers 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) A licensee must allow a customer to pay 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.

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) 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) 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) The financial hardship policy must be publicly available.
- (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.

27. Assistance for customers experiencing financial hardship

- (1) In this clause —
bill means a bill for a water service supplied in respect of the place used solely or primarily as the customer's dwelling;
customer means a customer who has been assessed under a licensee's financial hardship policy as a customer who is experiencing financial hardship.
- (2) A licensee must allow a customer to pay 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.
- (3) In addition to the requirements of subclause (2), a licensee must —

cl. 28

- (a) consider reducing an amount owing by a customer to the licensee; and
- (b) review and revise, if appropriate, how a customer is paying a bill under subclause (2); and
- (c) provide written information to a customer about —
 - (i) redirecting the bill free of charge under clause 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 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.

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

- (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 25(2) or 27(2) or (3) prevents a licensee from offering another payment arrangement or other kind of assistance.
- (3) Despite clause 25(2) or 27(2) or (3), a licensee does not have to, but may, offer a payment plan to a customer who has had 2 payment plans cancelled because of non-payment.

- (4) A licensee must have written information about the payment plans, arrangements and other assistance that it has available to customers for the purposes of clause 25 or 27.
- (5) The information must be publicly available.

29. No debt collection in certain cases

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

- (a) who is complying with a payment plan or other arrangement under clause 25(2) or 27(2); or
- (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 financial hardship policy as a customer who is experiencing financial hardship.

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), (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.

Part 5 — Reducing the rate of flow of water

31. Preliminary action

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.

32. No reduction in certain cases

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) the amount owing is less than \$200;
- (b) the customer is being assessed by the licensee as to whether or not the customer is experiencing payment difficulties;
- (c) the customer is being assessed under the licensee's financial hardship policy as a customer who is experiencing financial hardship;
- (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;
- (e) a complaint made by the customer in relation to the water service charges is not resolved;
- (f) after 3 p.m. on a Friday, Saturday, Sunday, public holiday or day before a public holiday;
- (g) the occupier is a tenant and the owner is liable to pay the amount owing;
- (h) the customer —
 - (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.

33. Water flow not to be reduced below minimum rate

A licensee must not reduce the rate of flow of a supply of water to a customer to below 2.3 litres each minute.

34. 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 30(1)(a); or
- (b) entering into an arrangement under clause 30(1)(b); or
- (c) the licensee being satisfied under clause 30(2).

- (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,

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.

cl. 34

- (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 — Complaints about water services

35. 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.
- (2) A complaints procedure must be developed using as minimum standards the relevant provisions of —
 - (a) the AS ISO 10002-2006; and
 - (b) the Authority's guidelines (if any).
- (3) 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) A complaints procedure must —
 - (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 —

cl. 35

- (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).
- (6) The complaints procedure must be publicly available.

Part 7 — Information and communication services

36. 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 the customer's personal account information.

37. 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 36;
 - (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 water

cl. 37

- service charges remain unpaid for 30 days after they become due;
- (h) that the licensee's power as mentioned in paragraph (g) may be exercised even if —
 - (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;
 - (b) that in the case of a metered water service, a 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 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 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.

Note:

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

- (3) The requirements under this clause are in addition to the requirements under clauses 7(3), 15(3), 18(6), 26(5), 28(5) and 35(6).

Notes

¹ This is a compilation of the *Water Services Code of Conduct (Customer Service Standards) 2013*. The following table contains information about that Code.

Compilation table

Citation	Gazettal	Commencement
<i>Water Services Code of Conduct (Customer Service Standards) 2013</i>	26 Jul 2013 p. 3375-406	cl. 1 and 2: 26 Jul 2013 (see cl. 2(a)); Code other than cl. 1, 2, 12 and 37(2): 18 Nov 2013 (see cl. 2(c) and <i>Gazette</i> 14 Nov 2013 p. 5027); cl. 12 and 37(2): 18 Nov 2015 (see. cl. 2(b) and <i>Gazette</i> 14 Nov 2013 p. 5027)

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
bill	3, 27(1)
bill (non-quantity) charges	9(1)
bill for usage	10(1)
business day	3
connection.....	7(1), 8(1)
consumer organisation	19
customer.....	4(1), 25(1), 27(1)
drinking water.....	3
financial hardship.....	19
leak.....	15(1)
metropolitan region.....	34(1)
payment difficulties	19
procedures under the Act	35(5)
publicly available	3
restoration event.....	34(1)
section	3
undercharged amount.....	16(1)

Attachment 2: Template bills for the Water Corporation, Busselton Water and Aqwest

Water Use and Service Charge Account

Issue date 4 August 2016

Bill ID [REDACTED]

Account number [REDACTED]

Please pay **\$233.41**

Payment due by **22 Aug 2016**

Account for HOUSE AT [REDACTED]

Strata lot 1

Daily water use comparison



Your account summary (GST does not apply to this account)

Description	Amount
Current charges due 22 August 2016	\$233.41
Total	\$233.41

Turn over for important information

Interest is charged on overdue amounts @ 11.88% p.a.

Payment slip

Enquiries?

Need your account in an alternative format?

Please call us on 13 13 85.

Have you applied for a concession?

If not, and you are the owner and occupier of this property and hold a valid Concession Card, go to watercorporation.com.au or call 1300 659 951 to apply.

Extend your due date? Payment difficulties?

1300 659 752

Hearing or speech impaired?

Phone us via the National Relay Service on 133 677.

Website: watercorporation.com.au/contact

Faults and Emergencies: (24/7) 13 13 75

Account number [REDACTED]

Please pay **\$233.41**

Payment due by **22 August 2016**



Water Use and Service Charge Account

Meter reading details

Meter number	This reading	Last reading	Use (kL)
BC1324601	3 Aug 2016 953	7 Jun 2016 943	10

Total water used in 57 days was 10 kilolitres (10000 litres)

How your water use charges have been calculated

Water use	10 kL at \$1.5180	\$15.18
Water use charges		\$15.18

YOUR NEXT WATER USE PRICED AT

next 34 kL	\$1.5860/kL
next 350 kL	\$2.1140/kL
over 384 kL	\$2.9930/kL

Your average daily water use was 175 Litres at \$0.27 per day.

How your service charges have been calculated

Water residential	1 Jul 2016 to 31 Aug 2016	
	Service charge for 1 residence	\$40.13
Sewerage residential	1 Jul 2016 to 31 Aug 2016	
	Based on the rateable value of \$28080	\$152.60
Drainage residential	1 Jul 2016 to 31 Aug 2016	
	Based on the rateable value of \$28080	\$23.94
Interest	accrued on previous overdue amounts	\$1.56
Service charges		\$218.23
Total charges		\$233.41

The rateable value of your property is the gross rental value (GRV) determined by the Valuer-General. You can object to the GRV within 60 days, visit landgate.wa.gov.au for details. Your charges must still be paid by the due date.

A meter reading outside of your normal cycle can be requested for a fee, please call us on 13 13 85.

To arrange to have your meter tested following a review, please call us on 13 13 85. Please note that a fee will apply. For more information, visit watercorporation.com.au

Information

OUR COMMITMENT TO YOU

We are committed to resolving issues as quickly as possible. If you wish to make a complaint or request a review of your bill, visit watercorporation.com.au/contact, or call 13 13 85. If you are not satisfied with the resolution, you may contact the Energy and Water Ombudsman on 1800 754 004. For information on our commitments to you, and your responsibilities, visit watercorporation.com.au

Ways to pay your account

Credit Card

Visit watercorporation.com.au or call 1300 366 067 to pay via credit card. A 0.48% transaction fee applies. Join My Water or register for 'paperless' billing to pay by direct debit via credit card without incurring a transaction fee. GST is included if applicable.

BPAY®

Contact your bank or financial institution to arrange payment.

Billers Code: 8805

Ref: [REDACTED]

BPAY View®

Receive, view and pay this bill using internet banking. BPAY View Registration No - [REDACTED]

Direct Debit

Call 13 13 85 or use My Water to set up a direct debit plan from your bank account or credit card.

Mail

Send your cheque made payable to 'Water Corporation' with this payment slip to:
WATER CORPORATION
PO BOX 1600, OSBORNE PARK DC, WA 6916

Centrepay

Call 13 13 85 to arrange regular deductions from your Centrelink payment.

POST Billpay

Pay in person at any Post Office.

My Water

You can pay and manage your account online with My Water. To sign up you will need your Electronic Reference Number (ERN): [REDACTED]

For more information, visit mywater.com.au.



BUSSELTON WATER

business hours 8:30am - 4:30pm monday to friday
cnr fairbairn & cammilleri st po box 57 busselton wa 6280
p 9781 0500 f 9754 1075 admin@busseltonwater.wa.gov.au
www.busseltonwater.wa.gov.au abn 79 306 761 565

water supply
tax invoice

property address

XX Street Name, Town, State, Postcode

account number

XX-XXXX-XXXX-XX-X

Issued: 14-Jun-2016

Next Reading: October 2016

Amount Due

\$ 0

invoice number

XXXXX

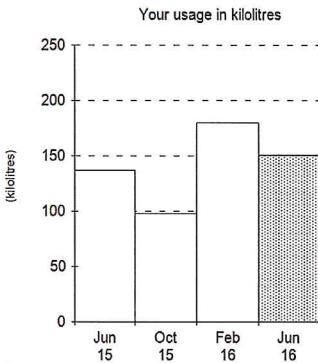
Pay By

12-Jul-2016



051

ADDRESS
ADDRESS
ADDRESS



Balance Brought Forward

Opening Balance \$0
Payment received on 23 Mar 2016 \$0 CR

Balance \$0

Current Charges

Water Consumption Charge \$0
Water Service Charge \$0
Credit Card Surcharge Fee \$0
GST on Credit Card Surcharge Fee \$0
Less Rounding \$0 CR
Total \$0

Total Amount Due

Total includes GST of \$0

Table with 4 columns: Av. Daily Use (Last year, Current period), Av. Daily Cost (Current period). Values: X.XXX kL/day, X.XXX kL/day, \$X.XX/day.

WINTER SPRINKLER BAN NOW APPLIES

A sprinkler ban applies to all scheme and bore water users in Busselton 1 June - 31 August

Visit www.busseltonwater.wa.gov.au for more information

T:24 - 28062016

XX Street Name, Town, State, Postcode

do not detach if paying in person

payment options

- see over for details

account number
XX-XXXX-XXXX-XX-X

Amount Due

\$ 0

invoice number

XXXXXX



*999 01105040150015

BUSSELTON WATER - ACCOUNT DETAILS

WATER CONSUMPTION

Service Number	Meter Number	Previous Date	Previous Reading	Current Date	Current Reading	Consumption (Kilolitres)	Amount
XXXXXX	XXXXXXXXXX	03/02/16	0000	03/06/16	0000	S2 00.000 @\$0.0000/kL	\$000.00
						S3 00.000 @\$0.0000/kL	\$00.00

000.000kL							\$000.00

WATER SERVICE CHARGE

Service No.	Size	Date From	Date To	Days	Rate	Amount
XXXXXXX	20mm	03/02/16	02/06/16	121	@ \$0.0000 per day	\$00.00

HEARING OR SPEECH IMPAIRED?

Customers can phone us via the National Relay Service on 133 677 and ask for (08) 9781 0500.

PENSIONER AND SENIOR CONCESSION

If you have a Centrelink Pension, a Commonwealth Seniors Health card, Rates Concession card or State Seniors card, you may be eligible for a concession on future water bills. Please enquire at our office or call (08) 9781 0500.

EMERGENCY NOTIFICATION REGISTER

Some customers may suffer health or business impacts if there is a sudden loss of scheme water supply. If this relates to you register your details by calling (08) 9781 0500.

OUR COMMITMENT TO YOU

Visit www.busseltonwater.wa.gov.au for information on our commitments to you and your responsibilities, including information on water use estimates, meter reading and testing.

PENALTIES

If payment is not received by the due date as shown on the account, penalty interest will be applied to overdue balances. The current penalty interest rate is 12.38% per annum.

EMERGENCY SERVICE

For 24 hour emergency service, please call (08) 9781 0500.

PAYMENT DIFFICULTIES?

If you are experiencing financial hardship please call us on (08) 9781 0500.

ARE YOU MOVING OR SELLING?

Please call us on (08) 9781 0500 with your details.

A transaction fee of 0.481% will apply to payments made by credit card.

payment options



Bill Code:
Ref:

Bill Code:
Ref:

INTERNET visit www.busseltonwater.wa.gov.au
PHONE: Call 1300 276 468 - Payment by Credit Card

Minimum payment amount is \$20

BPAY Call your bank, credit union or building society to make this payment from your cheque, savings or credit card account

DIRECT DEBIT To establish automatic payments of accounts from your nominal bank or financial Institution call (08) 9781 0500

PAY BY MAIL Pay by cheque/money order. Detach bottom portion of account and make cheques payable to: Busselton Water, PO Box 57, Busselton WA6280

CENTREPAY To arrange regular deductions from your Centerlink payment call (08) 9781 0500 to request a Centerpay deduction



SUPPLY AND WATER CONSUMPTION NOTICE GST-FREE SUPPLY TAX INVOICE

DATE OF ISSUE:
 05/05/2016

ASSESSMENT NUMBER:

ASSESSED PROPERTY:
 Property Address
 LOT: 123 DPN: 8685



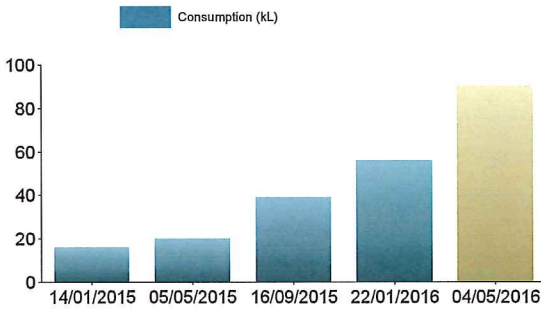
050 000171

Customer Name
 Address
 Address

DUE DATE:	07/06/2016
DEFERRED:	\$0.00
TOTAL BALANCE DUE	\$1,947.42

THIS IS THE FINAL CONSUMPTION ACCOUNT FOR THE FINANCIAL YEAR 2015/16.

CONSUMPTION HISTORY



CALCULATION OF CONSUMPTION CHARGES

Consumption Range (kL)	Rate (\$ per kL)	Units	Charge	Rebate
0 - 150	0.9300	55	\$51.15	\$0.00
150 - 350	1.7200	35	\$60.20	\$0.00

Date	14/01/2015	05/05/2015	16/09/2015	22/01/2016	04/05/2016
Average Daily Consumption	0.1270	0.1802	0.2910	0.4375	0.8738
Consumption	16	20	39	56	90
Days	126	111	134	128	103



Register for **BPAY VIEW.**

To receive, pay and store your Water Account in your online banking.
Register in your online banking today!

For further information visit: www.bpay.com.au/bpayview

S000171Q01 000179 05/05/2016

ASSESSMENT NUMBER:
PROPERTY: Property Address
LOT: 123 DPN: 8685
DATE OF ISSUE: 05/05/2016

DUE DATE:	07/06/2016
TOTAL BALANCE DUE	\$1,947.42

ASSESSMENT NUMBER:

ASSESSED PROPERTY: Property Address

LOT: 123 DPN: 8685

Description	Interest	Charges	Rebates	Total
SUPPLY CHARGES				
Supply Fee Arrears	\$77.23	\$348.92		
Supply Fee-Residential		\$223.70	\$0.00	
Legals/Restriction Fees		\$755.57		
TOTAL SUPPLY FEE CHARGES				\$1405.42
CONSUMPTION CHARGES				
Consumption Arrears	\$70.59	\$360.06		
Consumption Charges		\$111.35	\$0.00	
TOTAL CONSUMPTION CHARGES				\$542.00
TOTAL BALANCE DUE:				\$1947.42

Water Consumption Details	Date (Prev to Current)	Previous Reading	Current Reading	Consumption (kL)	Total
METER NUMBER: 08200639	22/01/2016 - 04/05/2016	1098	1188	90	\$111.35

INFORMATION

Please contact us on 9780 9500 or visit our website www.aqwest.com.au if you:

- Think you may be eligible for a rebate, or you are currently receiving a rebate that you are no longer eligible for.
- Are unable to pay your account by the due date.
- Think you may have a leak.
- Would like your meter tested. (Note: there is a fee applicable)
- Would like your current account reviewed.
- Require an additional meter read, e.g. tenant changes.
- Have a meter that is damaged or not registering.
- Have changed your contact details e.g. postal address.
- Have changed the usage type of the assessed property e.g. from residential to commercial.

Overdue accounts will attract an interest fee (calculated daily).

It is the responsibility of the owner to provide clear access to the water meter. The clearance needs to be 300mm horizontally and 1200mm vertically from the meter.

FOR 24 HOUR EMERGENCY SERVICE, PLEASE PHONE 9791 3272.

PAYMENT METHODS



DIRECT DEBIT

Direct Debit is now available. Call 9780 9500 or visit our website www.aqwest.com.au to arrange an authorisation form to allow automatic payment of your account.



IN PERSON

Please present this notice to our cashier at 5 MacKinnon Way, Bunbury. Payment may be made by EFTPOS, CASH or CHEQUE. Cashier Hours: 8:30am to 4:30pm Monday to Friday



BY MAIL

Make your cheque/money order payable to: AQWEST
PO Box 400, Bunbury 6231

Please return whole account if receipt is required

BPAY	Billers Code: 22327
	Ref: 62752

BPAY® this payment via Internet or phone banking.
BPAY View® - View and pay this bill using Internet banking.
BPAY View Registration No.:



BY PHONE OR INTERNET

Pay by Credit Card (Visa or Mastercard)
Phone: 1300 276 468
Internet: www.aqwest.com.au
Billers Code: 22327
Ref: 62752