

1. Issues for comment

The issues for comment are numbered and linked to the relevant part of the Water Code (section subheadings) and clauses within the part (numbered issues).

The issues cover amendments to definitions, the possibility of introducing percentage compliance rates for some clauses, proposed changes to water flow restrictions and the requirements for the supply of water to persons with special requirements or needs.

The ERA is also seeking input from stakeholders on whether the Code should be amended in relation to the information required to be on customers' bills, the charging of interest and fees, making payment plans available to all customers, reviewing financial hardship policies, the treatment of complaints, the provision of information and communications services.

There is also a proposal for some new code provisions.

1.1 Part 1 of the Water Code - Preliminary

This section of the Water Code includes information on the commencement of the Code, definitions of terms used in the Code and the application of the Code. There are two issues in this section of the Code that have been identified for comment.

Issue 1: Clause 3 - Definition of "complaint"

The Code does not include a definition of "complaint". The *Code of Conduct for the Supply of Electricity to Small Use Customers 2022* (Electricity Code), and the *Compendium of Gas Customer Licence Obligations* (Gas Compendium) both define "complaint" as:¹⁰

"complaint" means an expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.

Including the definition of "complaint" in the Water Code would provide consistency between the Water Code, Electricity Code and Gas Compendium and provide greater certainty and clarity to licensees on what qualifies as a "complaint".

Issue 1: Clause 3 - Definition of complaint

Comment sought:

- a. Should the Water Code include a definition of "complaint"? If not, why not?
- b. If so, should the definition be the same definition of "complaint" as the Electricity Code and Gas Compendium?
- c. If the definition should not be the same as the Electricity Code and Gas Compendium, what definition of complaint should be included in the Water Code and why?

Water Corporation Response

Yes, the definition should be included in the Water Code as it conforms to the principles of the Australian and New Zealand Standard, AS/NZS 10002:2014 Guidelines for Complaint Management in Organisations, which all utilities are actively prescribing too. The definition proposed is also the definition found in this standard.

Having a clear definition reduces ambiguity in reporting complaints, whereby a clear and prescribed definition must be adhered to.

Aligning definitions also ensures that gas, electricity, and water complaints are all being lodged fairly to the Ombudsman, and the associated costs reflect this.

Issue 2: Clause 4(1) – Definition of drinking water and the supply of non-potable water

Drinking water is defined in the Water Code as follows.

4. Application of Code

(1) In this clause —

drinking water means —

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

The Department of Health (DOH) has advised the ERA that the definition of 'drinking water' in clause 4(1)(b) of the Water Code is confusing and contradicts the definitions of 'drinking water' in several other documents, including the Australian Drinking Water Guidelines and the definition used by DOH in its drinking water Memorandum of Understandings (MOU) with licensees.¹¹ For example, the MOUs between DOH and each Licensee require that any water, not intended for drinking, must be supplied in such a way that it cannot reasonably be mistaken for drinking water.

The Water Code is intended to apply to licensees who supply potable (drinking) water and sewerage services. It is potentially confusing, and inconsistent with the principles of customers being supplied water that is fit to drink, if the definition of 'drinking water' in the Water Code includes the supply of water that is non-potable and not fit to drink until the customer has treated the water.

The ERA is seeking comments on whether the Water Code's definition of 'drinking water' should continue to include 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.

Issue 2: Clause 4(1) - Definition of drinking water and the supply of non-potable water

Comment sought:

Should the definition of 'drinking water' be amended to remove sub-clause 4.1(b)?
Please provide reasons for your reply.

Water Corporation Response

The Water Corporation has clear definitions of Non-Standard Water Service (NSWS) as well as the definition in the Memorandum of Understanding. The Water Corporation does, however, understand that there may be some confusion.

4(b) is Non-Standard Water Service, or Service by Agreement (SbA) water – This is a typical farmland arrangement. The Water Corporation supply thousands of customers with this water and supplies it as water that can be made safe to drink by customers rather than as non-potable water. Department of Health, via Richard Theobald, is clear on the concept of water that is from a potable source that can be drinkable.

The Water Corporation defines Non-potable water as water sourced from an alternative water supply, such as stormwater, rainwater, or groundwater and does not originate from a drinking water catchment. There is no intention that this water service should ever be used for drinking, bathing etc.

The Water Corporation doesn't support 4(b) type water being regarded as within the non-potable envelope. The Water Corporation consider 4(b) type water as intended for drinking.

1.2 Part 3 of the Water Code - Billing for water services

Part 3 of the Water Code covers billing for water services. Five issues have been identified with clauses in this section of the Code.

Issue 3: Clause 11(6) – Meter reads

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

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

The Water Corporation has suggested two options:

- The Water Code is amended to include a percentage compliance rate for clause 11(6).¹²
- To add a sub-clause to 11(6), which excludes the requirement to comply with the clause if the meter is inaccessible or if the customer is not cooperating with requests for a meter read.

Amending the Water Code to include either of the two options above may reduce the incentive for licensees to do all that is reasonably necessary to obtain a meter reading. If a licensee does not read the meter for an extended period, a customer could be faced with a substantial catch-up bill when the meter is finally read. An absolute requirement to base at least one bill every 12 months on a meter reading ensures:

- The Licensee is incentivised to undertake measures to gain access to the meter.
- The customer is not faced with a substantial bill when the meter is finally read.
- All customers are entitled to the same protections and level of service for meter reading.

By law, owners and occupiers of land must always ensure easy and safe access to the meter.¹³ 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. Licensees therefore have options available to them to gain access to a meter at least once every 12 months.

Another option is to leave clause 11(6) unchanged, requiring the Licensee continue to report non-compliances when the clause is breached. The ERA's Water Compliance Reporting Manual could be updated requiring the Licensee to report, as part of their annual compliance report, not only on the number of 'difficult to read' meters under clause 11(6) but also provide more detail on what steps the Licensee has undertaken to try and comply with clause 11(6).

Issue 3: Clause 11(6) – Meter reads

Comment sought:

- a. Should the Water Code be amended to include a percentage compliance rate for clause 11(6)? If so, what should the percentage rate be and why?
- b. Should the Water Code be amended to include circumstances when clause 11(6) does not apply; for example, if the customer is not cooperating with the licensee to provide access to the meter? What evidence would need to be collected before the customer is deemed to be not cooperating?
- c. Should the Water Code remain unchanged, and licensees asked to report on 'difficult to access' meters and their attempts to access or re-site the meter to comply with the current Code requirements?

Water Corporation Response

The Water Corporation agree with the concerns raised by the ERA that not reading a meter for an extended period could result in either a substantial catch-up bill or the customer has paid too much during the period of bill estimation and that the Water Services Act enables us to issue a compliance notice to the customer to fix the meter obstruction.

The Water Corporation processes take what they believe is a reasonable approach to address these issues by firstly negotiating with the customer to fix the problem, then issuing a compliance notice for them to act and, if there is still no response pursuing legal action. In delivering these process steps, circumstances push the outcome beyond the 12-month window and result in non-compliance. These non-compliances are an unintended and uncontrollable outcome of the process but only occur a few times across the large number of properties serviced.

Given that the Water Corporation can't achieve 100% compliance against this Obligation, the preferred option would be for the Water Code to have a 99% target, ensuring the performance remained high but acknowledging that 100% compliance is not achievable.

- a. **Should the Water Code be amended to include a percentage compliance rate for clause 11(6)? If so, what should the percentage rate be and why?**

The Water Corporation supports this proposal per the original submission and has suggested a 99% compliance rate (annual average), as mentioned above.

- b. Should the Water Code be amended to include circumstances when clause 11(6) does not apply; for example, if the customer is not cooperating with the Licensee to provide access to the meter? What evidence would need to be collected before the customer is deemed to be not cooperating?**

Whilst the Water Corporation supports this proposal in principle, there is concern about the definition of "not cooperating" and the administrative effort required to collect and record the evidence. There is also concern regarding the ambiguity around the definition when auditors assess compliance.

- c. Should the Water Code remain unchanged, and licensees asked to report on 'difficult to access' meters and their attempts to access or re-site the meter to comply with the current Code requirements?**

The Water Corporation would not support this approach for the same reasons above.

Issue 4: Clause 15 – Information provided on bills if charge per kilolitre varies depending on volume supplied

Clause 15(3)(d) of the Water Code states:

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

the day on which the tariff for water supplied to the customer will revert to the lowest tariff (i.e. the day on which the customer's next consumption year starts).

The Water Corporation has advised that it is not possible, 12 months in advance, to predict the exact day the final meter reading of the year will be conducted. The Water Corporation can forecast the month but not the day, which makes it challenging to comply with clause 15(3)(d).

Some licensees, such as the Water Corporation, Busselton Water and Bunbury Water Corporation (trading as Aqwest), price their drinking water at different tariffs depending on how much water has been supplied to the customer during the billing year.¹⁴ Customers start on the lowest tariff and progress to higher tariffs as their consumption increases throughout the year. The tariff resets at the start of the customer's billing period.

Busselton Water and Aqwest tariffs reset annually on 1 July. For the Water Corporation, a customer's consumption year commences on their first reading, which occurs annually based on their location. The Water Corporation places locations into specific meter reading groups, scheduled at different intervals throughout the year to be able to manage its resources. Given this, it is difficult for the Water Corporation to predict, 12 months in advance, the exact day the final meter reading of the year will be conducted. However, the Water Corporation can predict the month that the final meter reading will occur.

The ERA seeks comment on whether clause 15(3)(d) should be amended to include reference to the 'month' on which the tariff for water supplied to the customer will revert to the lowest tariff. This will enable licensees to provide information on either the 'month' or the 'day' tariffs are reset, thereby recognising the Water Corporation's operational meter reading arrangements and enabling it to improve its compliance with the Water Code.

Issue 4: Clause 15 – Information provided on bills

Comment sought:

Should clause 15(3)(d) be amended to require each bill to provide the 'month' or 'day' on which the tariff for water supplied to the customer will revert to the lowest tariff (i.e. the month or day on which the customer's next consumption year starts)?

Water Corporation Response

The Water Corporation can't forecast the exact day the final meter reading of the year will be conducted 12 months in advance. The Water Corporation can, however, forecast the month.

The Water Corporation would support the change in clause 15(3)d from '*the day on which...*' to "*month or day on which....*"

Issue 5: Clause 18(4) – Charging interest on an undercharged amount

Under clause 18(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***)."

The undercharged amount can only be recovered for water services provided in the 12-month period ending on the day on which the Licensee informed the customer of the undercharge.

Clause 18(4) of the Water Code states "the licensee must not charge interest or late payment fees on the undercharged amount."

Clause 18(5) provides information on a due date for repayment of the undercharged amount.

The Licensee must allow the customer to pay the undercharged amount by way of a repayment plan that has effect for the shorter of the following periods starting on the day on which the 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.

Water Corporation has advised the ERA that when it identifies that a customer has been undercharged, it will issue a separate bill for the undercharged amount that specifies a due date for the payment of the undercharged amount. Currently, the Water Corporation applies interest charges if the customer makes no contact with the Water Corporation and does not pay the undercharged amount by the new due date.

Suggested amendment

Water Corporation has requested an amendment to the Water Code to allow licensees to charge interest or late payment fees when a customer does not pay the undercharged amount by the due date. It has suggested this could be achieved by deleting clause 18(4).

Considerations

Given the wording of the current clause 18(4), the ERA queries whether the Water Code should be amended to allow licensees to charge interest or late payment fees on undercharged amounts.

If the customer is not the cause of the undercharge in the first place, then notification of the undercharge from the Licensee is unexpected and the customer will not have budgeted for the payment. The customer may need to enter into an instalment plan or require extra time to pay the undercharged amount, particularly if the undercharged amount is sizeable.

If the clause remains unchanged and interest and late payment fees cannot be charged on undercharged amounts, does this better incentivise the Licensee to improve the effectiveness of its meter reading, estimation and billing system such that the instances of undercharging customers are minimised.

Water Corporation has suggested deleting clause 18(4) altogether. This would effectively enable licensees to charge the customer interest and late payment fees on all undercharged amounts. However, the suggested amendment refers to charging interest and late payment fees on an undercharged amount in a particular circumstance - when there is no contact from the customer and the customer does not pay by the due date. This would suggest an amendment to clause 18(4), rather than its removal.

If the Water Code were to be amended to enable interest and late fees on undercharged amounts in certain circumstances, then there are other considerations such as:

- Where the customer agrees to an instalment plan or additional time to pay the undercharge with the Licensee but then breaks this arrangement. Should the customer be able to renegotiate subsequent payment arrangements without incurring interest or late payment fees.
- Are there instances where interest or late payment fees should never be charged? For example, if the customer is in hardship or already has an outstanding debt and the undercharged amount would put them in hardship.
- What attempts are made by licensees to ensure the customer has received notification of the undercharged amount, are multiple communication channels used?
- When the Licensee has made every attempt to contact the customer but has received no response – consistent with Water Corporation's current approach.

In considering these questions, the ERA has compared the charging (or not) of interest and late payment fees in the Water Code to similar provisions in the Electricity Code and Gas Compendium.

In the Electricity Code and Gas Compendium, a licensee may recover an amount undercharged as a result of an error, defect or default for which the Licensee is responsible.¹⁵ The Licensee must notify the customer of the undercharged amount no later than the next bill and may offer the customer time to pay the amount by means of an instalment plan. The Licensee must not charge the customer interest on the amount or charge a late payment fee when notified of the undercharge.

The exception to this is where the customer has failed to pay the undercharged amount by the due date and has not entered into an instalment plan. In these circumstances, the Licensee may charge the customer interest, on the undercharged amount, from the due date, or require a late payment fee.¹⁶

The ERA is seeking feedback on whether the Water Code should align with the Electricity Code and Gas Compendium by allowing licensees to charge interest or late payment fees on an undercharged amount that is not paid by the due date, where the undercharged amount is resulting from an error, defect or default for which the Licensee is responsible.

The Electricity Code and Gas Compendium include reference to exceptional circumstances where interest or late payment fees must not be charged, such as when additional time to pay

has been agreed by the customer and Licensee, if there is a current, related complaint or if the customer is in hardship.¹⁷

Any inclusion of a provision in the Water Code to enable licensees to charge interest or late fees on undercharged accounts in some circumstances could also include exceptions – say for customers experiencing financial hardship or where there is a bill non-payment complaint. There are already clauses in the Water Code that identify exceptions to charging for interest or late payment fees. For example, Clause 32 of the Water Code provides that a licensee must not charge interest or fees for late payment of a bill by a customer in certain circumstances.

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

To help address this suggested amendment, the ERA is seeking comments on the questions in the box below.

Issue 5: Clause 18(4) – Charging interest on an undercharged amount

Comment sought:

- Are there any instances where customers should be charged interest or late payment fees on undercharged amounts when it is the Licensee is responsible for the undercharge? Please explain your answer.
- Should the Water Code be amended to allow licensees to charge interest or late payment fees if the customer does not pay an undercharged amount by the due date where the undercharged amount is resulting from an error, defect, or default for which the Licensee is responsible?
 - i. What attempts should be made to ensure the customer has received the undercharged bill and understands their repayment options?
- If the Water Code is amended to allow licensees to charge interest or late payment fees if the customer does not pay by the due date, then what exemptions should be considered, for example if:
 - i. The customer is in financial hardship, or the addition of the undercharged amount would put the customer into financial hardship.
 - ii. A complaint made by the customer to the Licensee that relates to the non-payment of the undercharged amount is not resolved.
 - iii. A complaint made by the customer to the Ombudsman that relates to the non-payment of the undercharged amount, is not determined, or is upheld by the Ombudsman.

Water Corporation Response

- **Are there any instances where customers should be charged interest or late payment fees on undercharged amounts when it is the Licensee is responsible for the undercharge? Please explain your answer.**

Even though the Code provides for recovering undercharged amounts retrospectively (limited to 12 months), the Water Corporation does not take a retrospective approach. Instead, the Water Corporation processes allow the adjustment to occur from the billing period the undercharge was discovered. A bill for the revised, corrected amount with a future due date is issued for just that billing period. If the customer does not pay the amount and does not contact the Water Corporation, interest charges will apply, as is the case with all customer bills. The Water Corporation would support a change to the Code to allow interest to be charged in these circumstances.

- **Should the Water Code be amended to allow licensees to charge interest or late payment fees if the customer does not pay an undercharged amount by the due date where the undercharged amount is resulting from an error, defect, or default for which the Licensee is responsible?**

Yes, as described above.

- i. **What attempts should be made to ensure the customer has received the undercharged bill and understands their repayment options?**

A tailored communication approach be designed for each instance of undercharging through the customer's preferred communication channel, outlining the reason for the undercharge and the repayment options. This is the Water Corporation's current process

- **If the Water Code is amended to allow licensees to charge interest or late payment fees if the customer does not pay by the due date, then what exemptions should be considered, for example, if:**
 - i. **The customer is in financial hardship, or the addition of the undercharged amount would put the customer into financial hardship.**

Water Corporation does not charge interest to customers in financial hardship or experiencing domestic/family violence.

- ii. **A complaint made by the customer to the Licensee that relates to the non- payment of the undercharged amount is not resolved.**

Water Corporation does not support this exemption. The only circumstance when interest should not be charged is when a complaint is open and being investigated.

- iii. **A complaint made by the customer to the Ombudsman that relates to the non-payment of the undercharged amount, is not determined, or is upheld by the Ombudsman.**

Water Corporation supports this.

Issue 6: Clause 19(2) – Crediting or refunding overcharged amounts within 15 days

Clause 19(2) of the Water Code provides:

The Licensee must, before the end of the period of 15 business days starting on the day the Licensee became aware of the overcharging –

- (a) credit the overcharged amount to the customer's account; or
- (b) send the customer a notice (an overcharging notice) informing the customer of the overcharging and recommending options for how the overcharged amount may be refunded to the customer or credited to the customer's account.

The Water Corporation has advised the ERA that it is not always possible to meet the 15-business day requirement stipulated in clause 19(2) for crediting or refunding overcharged amounts to the customer. There are circumstances where external organisations provide information pertinent to the overcharge and the Water Corporation has no control over how long these organisations take to provide information. These circumstances include, but are not limited to:

- Landgate – for the provision of correct property valuations where the overcharge has been the result of a property identification error.
- Nursing homes – providing confirmation on the number of beds and major fixtures that influence the tariff to be charged.
- Schools – confirmation on the number of students and staff, again that can influence the tariff to be charged.
- Plumbers – providing correct leak allowance information.

The Water Corporation requested amendments to clause 19(2) to set a percentage compliance rate.

Water Corporation's request for amendments is not inconsistent with other areas of the Water Code where there are percentage compliance rates for some clauses. As an example, clause 9(2) details the licensee requirement for completing a standard supply connection within a set period (10 business days), and clause 9(4) sets out that "A licensee must ensure that there is a 90% compliance rate with subclause (2) in any 12-month period ending on 30 June."

Introducing a percentage compliance rate to credit or refund overcharged amounts within 15 business days may:

- Reduce the incentive for licensees to do all that is reasonably necessary to credit the overcharged amount to the customer's account within 15 business days.
- Create two different levels of service: one for the majority of customers who receive a refund within 15 business days and another for, an albeit small, group of customers who receive refunds outside this timeline, possibly through no fault of their own.

However, the ERA also understands it may be difficult for licensees to meet the 15-business day requirement when relying on the provision of information from third parties.

Issue 6: Clause 19(2) – Crediting or refunding overcharged amounts within 15 days

Comment sought:

- a. Should clause 19(2) be amended to include a percentage compliance rate? If so, what should the percentage compliance rate be and why?
- b. What other alternative approaches should the ERA consider ensuring overcharged amounts are credited or refunded in a timely manner, while considering the practical difficulties of meeting the current Code requirements? For example:
 - i. Could the Water Code have exclusions to the requirement to credit or refund overcharged amounts within 15 business days if the licensee is relying on information from third party operators?

Water Corporation Response

a. Should clause 19(2) be amended to include a percentage compliance rate? If so, what should the percentage compliance rate be and why?

Water Corporation believes that Clause (19)2 can come into effect either by the Water Corporation discovering an error that has resulted in an overcharge or from a customer request to review the bill.

If the Water Corporation proactively discovers (becomes aware of) the overcharge, the investigation has already been completed, and the third parties or other barriers have already been overcome. From that position, it is unusual for the Water Corporation to take more than 15 days to credit the overcharge amount or inform the customer.

Based on the Water Corporation's understanding of the Clause, they would support continuing without introducing a compliance percentage rate.

b. What other alternative approaches should the ERA consider to ensure overcharged amounts are credited or refunded in a timely manner, while considering the practical difficulties of meeting the current Code requirements? For example:

- iv. **Could the Water Code have exclusions to the requirement to credit or refund overcharged amounts within 15 business days if the Licensee is relying on information from third-party operators?**

Overcharges discovered from a customer request to review a bill are included in Issue 7 below. However, the Code should clarify that if an overcharge is confirmed following a customer request to review a bill, the calculation to credit or refund an overcharged amount within 15 days commences from the completion of the investigation, not the date the customer request was initially received.

Issue 7: Clause 20(5) – Review of bills within 15 days

Clause 20(5) of the Water Code provides:

The Licensee must inform the customer of the outcome of a review of the customer's bill as soon as practicable or otherwise before the end of the period of 15 business days starting on

the day the customer's request for review was received.

The Water Corporation has advised the ERA that it is not always possible to meet the 15-business day requirement stipulated in clause 20(5) for several reasons, including:

- needing to inspect a remote property
- difficulty in gaining access to inspect a meter
- waiting for a customer to provide information.

The Water Corporation requested amendments to clause 20(5) to set a percentage compliance rate.

As noted in issue 6 above, introducing a percentage compliance rate for instances of bill review may reduce the level of service for a percentage of customers. However, in this instance, the customer has initiated the review and does have a responsibility to cooperate with the Licensee in order for the Licensee to be able to meet the 15-business day requirement. The ERA understands that it will be difficult for a licensee to comply with the clause as is when a customer does not choose to cooperate with the Licensee.

Issue 7: Clause 20(5) – Review of bills within 15 days

Comment sought:

- a. Should clause 20(5) be amended to include a percentage compliance rate? If so, what should the percentage compliance rate be and why?
- b. What other alternative approaches should the ERA consider ensuring customer bills are reviewed in a timely manner, while considering the practical difficulties of meeting the current Water Code requirements? For example:
 - i. Could the Water Code have exclusions to the requirement to undertake bill reviews within 15 business days if the licensee is denied access to the meter?
 - ii. Could the Water Code include different timeframes for metro and regional customers – if needing to inspect remote regional properties and a challenge?

Water Corporation Response

- a. **Should clause 20(5) be amended to include a percentage compliance rate? If so, what should the percentage compliance rate be and why?**

Water Corporation continues to support the introduction of a compliance percentage rate. The Water Corporation's monthly compliance rate for the past 12 months ranges from 92.7% to 98.5%. A compliance rate of 98% (as an annual average) is suggested as a realistic target, given the barriers to obtaining information. It also incentivises licensees to complete their investigations and communicate with customers promptly.

- b. **What other alternative approaches should the ERA consider ensuring customer bills are reviewed in a timely manner, while considering the practical difficulties of meeting the current Water Code requirements? For example:**

i. Could the Water Code have exclusions to the requirement to undertake bill reviews within 15 business days if the Licensee is denied access to the meter?

Water Corporation is concerned that building in exclusions will require systems and reporting changes which may introduce additional complexity and complications for normal business operations and during audits.

ii. Could the Water Code include different timeframes for metro and regional customers – if needing to inspect remote regional properties and a challenge?

Water Corporation would support this.

Issue 8: Charging for paper bills and choosing between paper or electronic bills

The Water Code is silent on whether a licensee sends paper or electronic bills to a customer. Clause 12 of the Code requires:

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.

This clause could refer to the sending of a paper bill to a physical address or an electronic bill to a nominated email address. There is also no clause within the Water Code preventing a licensee from charging a fee for paper bills.

The Commissioner for Consumer Protection has advised the ERA that the Australian Consumer Law requires suppliers to provide consumers with a paper bill, unless they have requested or consented to being provided an electronic bill, and prohibits charging for a bill, including a paper bill.

The Commissioner for Consumer Protection has requested that the ERA consider introducing:

- A new clause in the Water Code that prohibits licensees from charging a fee for a paper bill to align the Water Code with the Australian Consumer Law, and
- A provision in the Water Code that allows customers the option of receiving a paper or electronic bill.

Aligning the Water Code with the Australian Consumer Law will ensure customers will be able to choose the format by which they receive their bills without being charged for the choice. In addition, there may be instances where customers rely on paper bills because they have no internet access.

The three largest providers of potable water services in Western Australia, the Water Corporation, Aqwest and Busselton Water, do not charge a fee for paper bills. All three corporations also provide customers the option of choosing between paper or electronic bills. Consequently, the ERA does not expect this proposed amendment to result in significant costs for licensees.

Issue 8: Charging for paper bills and choosing between paper or electronic bills

Comment sought:

- a. Should the Water Code be amended to include a clause or clauses that:
 - i. Allow a customer to choose between receiving a paper bill or electronic bill? If so, should the choice be restricted to a given number of changes in a year. For example, say one change between paper to electronic and back again in a 12-month period?
 - ii. Prohibit licensees from changing a fee for a paper bill?

Water Corporation Response

a. **Should the Water Code be amended to include a clause or clauses that:**

- i. **Allow a customer to choose between receiving a paper bill or an electronic bill? If so, should the choice be restricted to a given number of changes in a year. For example, say one change between paper to electronic and back again in a 12-month period?**

Customers can choose the method of bill delivery (paper or electronic). The Water Corporation recommends that the Licensee should be able to select a default option, which the customer could change if they wish.

The Water Corporation already allows customers to choose and does not see the benefit or need to limit the number of changes. The Water Corporation would not support this amendment.

- ii. **Prohibit licensees from changing a fee for a paper bill?**

Understanding that the Australian Consumer Law prohibits charging a fee for a paper bill, the Water Corporation supports this proposal.

1.3 Part 4 of the Water Code - Payment for water services

Issue 9: Clause 28 – Making payment plans or other arrangements available for all residential customers

Payment plans made available to all residential customers

The Water Code currently requires licensees to offer a payment plan or other arrangement to customers who have been assessed by the Licensee as experiencing payment difficulties, as follows.

28. Assistance for customers experiencing payment difficulties
 - (1) This clause applies if —
 - (a) a licensee has sent a bill to a customer; and
 - (b) the Licensee has assessed that the customer is experiencing payment difficulties.
 - (2) The Licensee must —

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

In the Water Code, 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."

In response to the call for issues, WACOSS requested the Water Code be amended such that licensees must offer a payment plan or other arrangement, to all customers, not just those meeting the definition of being in payment difficulties.

Offering the option of a payment plan or other arrangements to all customers would establish a clear entitlement to assistance, with customers more likely to know their rights and take early action. This, in turn, may prevent them from getting into debt, or further into debt, and remove the need for licensees to undertake a formal assessment as to whether the customer is experiencing payment difficulties.¹⁸

There is the provision of this nature in South Australia's Water Retail Code – Major Retailers, where all residential customers are entitled to the following payment options:¹⁹

- A system or arrangement under which a residential customer may make payments in advance towards future bills.
- An interest and fee free payment plan or other arrangement under which the residential customer is given more time to pay a bill or to pay arrears (including any disconnection or reconnection charges).

There are similar provisions recently introduced in the latest Western Australian *Code of Conduct for the supply of Electricity to Small Use Customers 2022*. Electricity licensees are now required to make payment extensions and instalment plans available to all residential customers, without a customer needing to be assessed as experiencing payment difficulties.²⁰

Issue 9a: Clause 28 – Making payment plans or other arrangements available for all customers

Comment sought:

Should the Water Code require licensees to offer a payment plan or other arrangement to all residential customers?

Water Corporation Response

Should the Water Code require licensees to offer a payment plan or other arrangement to all residential customers?

Water Corporation supports this proposal and already offers interest-free payment plans to all residential customers.

Making the Water Code consistent with the Electricity Code on payment plans and other arrangements could also include adopting the following obligations from the Electricity Code into the Water Code.

Limit on number of payment extensions required to be offered by licensees

Under the Electricity Code, residential customers are entitled to at least two payment extensions and two payment plans per year.²¹ The cap does not preclude licensees from offering additional extensions if they want too. A licensee is not required to offer a residential customer additional time to pay a bill if the customer has failed to pay a bill within a period of additional time made available on at least two occasions in a 12-month period.²²

The ERA is interested in hearing whether there should be similar provisions applied to limiting on payment extensions in the Water Code.

Issue 9b: Limit on number of payment extensions to be offered

Comment sought:

- a. Like the Electricity Code, should the residential customer be limited to a set number of payment extensions offered by the licensee in a 12-month period to pay their bill?
- b. If so, how many payment extensions should the licensee be required to offer after the customer fails to pay within the first payment extension before the option of a payment extension is withdrawn?

Water Corporation Response

- a. **Like the Electricity Code, should the residential customer be limited to a set number of payment extensions offered by the Licensee in a 12-month period to pay their bill?**

Water Corporation supports customers by assessing their circumstances concerning payment extensions or arrangements. As the Water Corporation bills on a 2-monthly basis, a limit on the number of payment extensions may negatively impact customers who require extensions or arrangements across multiple bills throughout the year.

- b. **If so, how many payment extensions should the Licensee be required to offer after the customer fails to pay within the first payment extension before the option of a payment extension is withdrawn?**

Water Corporation already assesses individual customer circumstances at each interaction, and where a customer has had multiple defaults, any further request for extension may be withdrawn.

Offering fee-free and interest-free payment plans to all residential customers

Under clause 30(2)(a) of the Water Code a licensee must offer a customer experiencing financial hardship an interest-free and fee-free payment plan.²³

30. Assistance for customers experiencing financial hardship

- (1) This clause applies if —
 - (a) a licensee has sent a bill to a customer who is a residential customer; and
 - (b) the Licensee has assessed, under its financial hardship policy, that the customer is experiencing financial hardship.
- (2) The Licensee must —
 - (a) advise the customer that the customer has a right to pay the bill under an interest-free and fee-free payment plan or other arrangement under which the customer is given more time to pay the bill or to pay arrears; and
 - (b) offer to enter into an appropriate plan or arrangement with the customer.

The requirement for the payment plan to be interest-free and fee-free is a requirement that is not currently available to customers who are not deemed to be experiencing hardship but are experiencing payment difficulties. A licensee is not prevented from charging fees or interest on payment plans offered to customers experiencing payment difficulties under clause 28(4) of the Water Code. The charging of fees and interest is likely to place customers who are finding it difficult to pay their bills in a worse position if a licensee charges fees or interest on payment plans by default.

The availability of interest-free and fee-free payment plans for customers experiencing payment difficulties was considered in the 2016/17 Water Code Review. The ERA decided that:

- Those customers who are most vulnerable (who have been assessed to be in financial hardship) may not be charged fees or interest for late payment or on their payment plan.²⁴
- Licensees should have to consider and decide, on a case-by-case basis, if a fee-free and/or interest-free payment plan is appropriate for a customer experiencing payment difficulties.²⁵

Interest-free and fee-free payment plans are more widely available to water customers in other jurisdictions. For example, in South Australia and the Australian Capital Territory, water licensees may not charge fees or interest on payment plans offered to customers experiencing payment difficulties.²⁶

More recently in Western Australia, the ERA changed the Electricity Code to ensure licensees may not charge fees or interest on payment plans offered to customers experiencing payment difficulties.²⁷

Making interest-free and fee-free payment plans available to water customers experiencing payment difficulties may require clarification of the terms interest-free and fee-free in the Water Code.²⁸

The Electricity Code provides that a payment plan is an interest-free and fee-free plan or arrangement, between the licensee and residential customer, where the customer is allowed to pay a bill, any arrears, or a charge by two or more instalments while continuing consumption of electricity.

A "fee-free" instalment plan could imply that it would be free of all charges, including, for

example, costs that licensees incur from their banks or other third parties for accepting payments made by customers using credit or debit cards, and which licensees may otherwise pass on to customers.²⁹

The term 'fee' within the Electricity Code, refers to any fee or charge associated with the establishment or operation of a payment plan that would not otherwise be payable if the residential customer had not entered the payment plan. The ERA does not consider that this includes fees that are applicable to all customers (not just those on payment plans), such as credit card transaction fees.

Issue 9c: Offering fee-free and interest-free payment plans to all residential customers

Comment sought:

- a. Should the Water Code be amended to prevent licensees from charging interest or fees on payment plans for customers experiencing payment difficulties (in addition to customers experiencing financial hardship)?
- b. Should 'payment plan' be defined as an interest-free and fee-free plan or other arrangement between the licensee and the residential customer?
- c. Should the term 'fee,' in relation to payment plans or other arrangement, be defined to only mean any fee or charge associated with the establishment of operation of a payment plan or other arrangement?

For all questions, please provide reasons for your response.

Water Corporation Response

- a. **Should the Water Code be amended to prevent licensees from charging interest or fees on payment plans for customers experiencing payment difficulties (in addition to customers experiencing financial hardship)?**

Water Corporation supports this proposal and already offers interest-free payment plans to all residential customers.

- b. **Should 'payment plan' be defined as an interest-free and fee-free plan or other arrangement between the Licensee and the residential customer?**

Water Corporation has no objections to the "payment plan" being defined as such.

- c. **Should the term 'fee,' in relation to payment plans or other arrangement, be defined to only mean any fee or charge associated with the establishment of operation of a payment plan or other arrangement?**

Water Corporation has no comment.

Payment plan communications, reviews and variations

Under the Electricity Code, when a residential customer accepts a payment plan, the Licensee must, within five business days, provide in writing, the terms of the payment plan, the consequence of not complying with the plan and the importance of contacting the Licensee to ask for further assistance if the customer cannot comply with the plan.

Additionally, a licensee must also review a payment plan at the request of a residential customer but cannot vary a payment plan without the customer's approval.

The ERA is seeking comments on whether the Water Code should include similar customer protections for customers accepting payment plans.

Issue 9d: Payment plan communications, reviews and variations

Comment sought:

- a. Should the licensee be obligated to review a payment plan at the request of a residential customer?
- b. Should the licensee be obligated to provide the agreed payment plan terms in writing within 5 business days of the customer agreeing to the payment plan along with information on what the customer must do if they cannot comply with the plan?
- c. Should the licensee only be able to vary a payment plan after the customer has agreed to the variation?

For all questions, please provide reasons for your response.

Water Corporation Response

a. Should the Licensee be obligated to review a payment plan at the request of a residential customer?

Water Corporation supports this proposal.

b. Should the Licensee be obligated to provide the agreed payment plan terms in writing within 5 business days of the customer agreeing to the payment plan along with information on what the customer must do if they cannot comply with the plan?

Water Corporation supports the position that the terms of a payment plan should be communicated with the customer. However, the Water Corporation's position is that this can be done verbally or in writing.

c. Should the Licensee only be able to vary a payment plan after the customer has agreed to the variation?

Water Corporation supports this proposal providing the agreement can be verbal or written.

Issue 10: Clause 29 – Financial hardship policy

29. Financial hardship policy

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

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

Two issues have been raised in relation to clause 29 of the Water Code.

Schedule 3 Clause 1.1.2 of the Water Licence Template

Clause 29(2) states that a licensee's hardship policy must be approved by the ERA before it has any effect. In schedule 3 clause 1.1.2 of the water licence template (Appendix 3), a licensee, already licenced for the provision of irrigation and drainage services, must not commence the supply of drinking water to residential customers and sewerage services unless the ERA has approved the Licensee's draft financial hardship policy.

The ERA seeks comment on whether clause 29(2) in the Water Code is sufficient such that the Obligation under schedule 3 clause 1.1.2 of the water licence template is not required and can be removed.

Issue 10a: Removal of schedule 3, clause 1.1.2 of the water licence template

Comment sought:

Is clause 29 of the Water Code sufficient such that the obligation under schedule 3 clause 1.1.2 of the water licence template is not required and can be removed? Please provide a reason for your response.

Water Corporation Response

Not applicable to Water Corporation as a Hardship Policy is already in place.

Consultation with a relevant consumer organisation when formulating or reviewing a financial hardship policy

Clause 29(9) of the Water Code requires a licensee to consult with relevant consumer organisations when formulating or reviewing its financial hardship policy. This means even a minor amendment to a hardship policy, such as updating its contact details, may be considered a form of review and the Licensee is currently required to consult with a consumer organisation under clause 29(9).

The Electricity Code has adopted a more practical approach to liaising with consumer organisations on changes to hardship policies. Under the Electricity Code, where a retailer seeks to make a material amendment to its hardship policy, the retailer must consult with relevant consumer representatives, and submit to the ERA a copy of the retailer's amended hardship policy.^{30, 31}

The ERA acknowledges that consumer representative organisations are an effective mechanism to ensure that customer interests are heard and acted upon. Licensees may find it useful to consult with these organisations to help understand the issues customers face when experiencing financial hardship.

WACOSS has advised that it provides:

- Guidance around the language that is used to ensure it is appropriate, non-stigmatising and will be readily understood by customers, when reviewing a hardship policy, and
- Suggestions around the ordering of information, so that critical information is seen first.

The Financial Counselling Network advised that when reviewing a hardship policy, it provides feedback based on client/consumer representative experience.

The ERA seeks comment on the proposal to amend clause 29(9) so that consultation with relevant consumer organisations is only required when the Licensee is preparing its initial financial hardship policy or making material amendments to its existing policy.

Issue 10b: Clause 29(9) - Consultation with a relevant consumer organisation when formulating or reviewing a financial hardship policy

Comment sought:

- a. Should the Water Code be amended to remove the requirement to consult with a relevant consumer organisation whenever formulating or reviewing a financial hardship policy?
- b. Instead, should licensees be required to consult with a relevant consumer organisation when preparing their initial financial hardship policy, or making only material amendments to their existing financial hardship policy?

Please provide reasons for your responses.

Water Corporation Response

- a. **Should the Water Code be amended to remove the requirement to consult with a relevant consumer organisation whenever formulating or reviewing a financial hardship policy?**

No. Water Corporation agrees that consumer representative organisations are valuable customer advocates and advisors.

- b. **Instead, should licensees be required to consult with a relevant consumer organisation when preparing their initial financial hardship policy or making only material amendments to their existing financial hardship policy?**

Yes, Water Corporation supports this proposal. Refer above.

1.4 Part 5 of the Water Code - Restricting the flow of water

Issue 11: Clause 35 – Reminder notice

35. Reminder notice

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

- (a) of the amount of the unpaid water service charge and the date on which it became due; and

- (b) of the Licensee's telephone number for account, payment and general enquiries; and
- (c) that the Licensee can be contacted for assistance if the customer is experiencing problems paying the bill for the unpaid water service charge.

The Water Corporation has advised the ERA that it is difficult for it to comply with clause 35(a) due to the size of its customer base and the volume of bills it processes at any one time. For example, different billing rules and due dates apply to customers on a pension and many customers have multiple overdue bills, all of which have different due dates.

The Water Corporation suggested that the Water Code is amended to remove the requirement in clause 35(a) to provide the date on which the unpaid water service charge became due (the due date on the original bill).

The ERA consider that reminder notices should contain information that is important to customers, such as the amount of the unpaid water service charge, the Licensee's telephone numbers for account queries, payment methods and general enquiries such that the Licensee can be contacted for assistance if the customer is experiencing problems paying the bill.

The ERA queries whether stating the date on which an unpaid water service charge became due on a reminder notice is important information to the customer. The due date of the water service charge is provided on the original bill, which means the customer has already been provided with this information.

Issue 11: Clause 35 - Reminder notice

Comment sought:

- a. Should clause 35(a) be amended to remove the requirement that written reminder notices include the date on which the unpaid water service charge became due?
- b. What are implications if the due date is no longer required on written reminder notices?

Water Corporation Response

- a. **Should clause 35(a) be amended to remove the requirement that written reminder notices include the date on which the unpaid water service charge became due?**

For the Water Corporation, this is extremely difficult to comply with due to the complexity of the business and the frequency they bill. Some of the complexities include:

- Grange has a single ledger meaning payments are allocated to the oldest debt, not a specific bill.
- Different billing rules and due dates apply to Pensioner customers, who can also move in and out of eligibility during the year.
- Many customers have multiple overdue bills, all of which have different due dates.

- b. **What are implications if the due date is no longer required on written reminder notices?**

This may result in additional contacts to an organisation if customers need clarification on the previous due dates.

1.5 Part 7 of the Water Code - Complaints about water services

The Water Code includes the following clause for how licensees deal with customer complaints.

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

Issue 12: Clause 46 – Time taken to resolve complaints

Clause 46(3)(d) provides that the complaint procedure must stipulate that the Licensee must resolve a complaint before the end of the period of 15 business days starting on the day the complaint was received.

The Water Corporation has advised the ERA that it is not always possible to resolve a complaint within 15 business days due to the level of complexity of some complaints. Complexity in investigating and resolving complaints can be caused by several issues, including:

- Contractors – reliance on external contractors to complete works.
- Asset – time delays associated with funding/approval to fix an asset.
- Environmental conditions – The need to carry out Close Circuit TV investigations that cannot occur during a wet season.
- Reinstatement – steps required to complete reinstatement to a customer's property, including, if required, planning and approvals

The Water Corporation proposed amending the Water Code to set a percentage compliance

rate with the 15 business days requirement.

While the amendment may help the Water Corporation achieve compliance with this clause, it may reduce the incentive for licensees to do all that is reasonably necessary to resolve a complaint within 15 business days and provide customers with the same level of service when they have made a complaint. It is important that customer complaints are addressed in a timely manner and that licensees are appropriately incentivised to do so.

Issue 12: Clause 46 - Time taken to resolve a complaint

Comment sought:

- a. Should the Water Code set a percentage compliance rate for licensees to resolve a complaint before the end of 15 business days in clause 46(3)(d)? If so, what should the percentage be? (Please provide reasons for your response).
- b. What other approaches could be considered for more complicated complaints that may take more than 15 days to resolve? Again, please provide reasons for your response.

Water Corporation Response

Yes, the Water Code should set a percentage compliance rate for licensees to resolve a complaint before the end of 15 days, as there are complaints that require restorative works to be conducted as part of the resolution. Due to this, it is considered unreasonable that the target currently sits at 100% as it is unachievable. At times this may include the works being carried out by contractors or waiting on the approval of funding for asset repairs for which Water Corporation have very little control. Currently, Water Corporation resolve 85% of complaints within 15 days. However, acknowledge this could be improved and recommend a stretched target of 90%.

An alternative solution would be to allow licensees to "resolve a complaint or provide a way forward before the end of 15 days". This means a proposed resolution can be offered to a customer before any restorative works occur (if required). The complaint can be closed if the customer is satisfied with the proposed resolution.

If the complaint is closed and the proposed resolution fails, a new complaint would need to be raised, as this would be considered a new service issue.

For example, a customer complains that Water Corporation's work has destroyed their landscaping. The proposed resolution is to restore the verge to how it was before the works. The customer agrees to this proposed resolution, and the complaint is closed. However, after the verge was restored, the customer contacted the Water Corporation to say the Corporation had used the wrong grass, and they were unhappy. A new complaint would be raised as the Water Corporation did not meet the customers' expectations, and a new resolution is required. This is particularly prudent in the cases of customers who have agreed to some form of financial compensation and have signed a deed of settlement that stipulates that the payment received is the full and final payment in the matter. It isn't logical to give them the right to go to the Ombudsman.

Issue 13: Clause 47 – Licensee to advise customer of right to apply to water services Ombudsman for review of complaint

The second complaint clause summarises what is to happen after a complaint has been resolved.

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

complaint

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

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

Clause 47 requires the Licensee to advise the customer of their right to apply to the Ombudsman for all outcomes, regardless of whether the customer is or is not satisfied in how their complaint has been resolved.

The Water Corporation has advised the ERA that there is little value in referring the customer to the Ombudsman when the customer is satisfied with the outcome of the complaint. To consider the Water Corporation's comment the ERA has looked at similar provisions in other customer codes.

The South Australian Code requires a water retailer to inform the customer that it may lodge a dispute with the Ombudsman after completion of the Licensee's review of a bill, where the customer is not satisfied with the retailer's decision in the review.^{32, 33}

The Electricity Code has a similar provision to the Water Code: where a complaint has been resolved in a manner acceptable to a customer, the retailer or distributor must advise the customer that it has the right to raise the complaint with the Ombudsman.

The ERA is interested in understanding if the customer's level of satisfaction with how the complaint has been resolved by the Licensee, if that level of satisfaction is even known, is pertinent to whether or not the customer is advised that they have a right to apply to the Ombudsman for a review of the complaint.

The ERA seeks comment on whether water licensees should continue to be required to inform the customer that they have a right to apply to the Ombudsman for a review of the complaint when the customer appears satisfied or clearly expresses satisfaction with how the Licensee resolved the customer's complaint.

It may not always be clear if the customer is satisfied with how the Licensee resolved the complaint and therefore retaining this clause may be important to ensure that customers are informed that they have a right to apply to the Ombudsman for a review of their complaint.

Issue 13: Clause 47 - Right to apply to Ombudsman for review of complaint

Comment sought:

- a. Should the Water Code only require licensees to provide the Ombudsman's details if the customer demonstrates that they are not satisfied with how the licensee has resolved the complaint?
- b. Should the Water Code remain unchanged and, regardless of the customer's level of satisfaction with how the complaint has been resolved, if known, the customer be advised of their right to apply to the Ombudsman for a review of the complaint?

Please provide reasons for your responses.

Water Corporation Response

Currently, there are inconsistencies with the requirement for the customer to be advised of their right to lodge a complaint with the Ombudsman, resulting in unnecessary fees for the Water Licensees.

The Code of Conduct for the Supply of Electricity to Small Use Customers 2022 89.b.(ii) states that if the customer is unsatisfied with the outcome, the customer may make a complaint or take a dispute to the electricity industry ombudsman. However, the Water Code stipulates that customers must be informed of their right of referral. The Water Code does not make reference to whether the customer is dissatisfied with the complaint response, only that they have the right to request a review with the Ombudsman. Whilst it is important for the customer to be entitled to natural justice, if the customer has already confirmed with the complaints agent that they are satisfied with the outcome, referring them to the Ombudsman is unnecessary.

The current Water code differs from the industry standard. Water utilities outside of WA are not required to provide the referral on the closure of all complaints. Most licenses only provide this if the customer has gone through their complaints process, including an internal review done by the organisation of their complaint, and remains unsatisfied.

The Water Code should be amended to only provide the right of referral if the customer is unsatisfied with the resolution or when an agreed resolution cannot be reached, and only when the customer has gone through the complaints process.

1.6 Part 8 of the Water Code - Information and communication services

Issue 14: Clause 48(2) – Personal account information

Clause 48(2) of the Water Code requires the Licensee to provide to each customer, at no charge, the customer's personal account information, including information about bills

previously issued to the customer and the quantity of water supplied to, or wastewater discharged by, the customer in previous billing periods.

The current wording provides little guidance as to when the information should be provided to the Licensee.

One of the ERA's functions is to decide if a licensee has complied with the conditions of its licence. This is difficult to do if those conditions are not clear.

The ERA proposes to amend clause 48(2) to clarify that the Licensee is required to provide the information stipulated in clause 48(2) upon the customer's request within 5 business days.

Issue 14

Comment sought:

Should the Water Code be amended to require the licensee to provide the information prescribed in clause 48(2) within 5 business days upon a customer's request?

Please provide reasons for your reply.

Water Corporation Response

Water Corporation has no comment on this proposal.

Issue 15: Clause 49 – Information to be publicly available

Clause 49(1) of the Water Code provides for the information that must be publicly available for a range of matters as follows:

49. Information to be publicly available

- (1) A licensee must make information about the following matters publicly available —
 - (a) the fees and charges that will be imposed and collected by the Licensee;
 - (b) the Licensee's bill payment method options and the fees and charges (if any) associated with each bill payment method offered;
 - (c) the concessions that are available to customers;
 - (d) the services provided by the Licensee under clause 48;
 - (e) the power of a person authorised by a licensee under section 129 to enter a place without consent, notice or warrant to read a meter connected to the Licensee's water service works;
 - (f) the obligations of customers under the regulations to ensure that access to a meter is available;
 - (g) that under section 95(1)(b), the Licensee may cut off, or reduce the rate of flow of, a supply of water if a water service charge remains unpaid for 30 days after it becomes due;
 - (h) that if the customer is offered a payment plan or other arrangement giving the customer more time to pay the bill or to pay arrears, the Licensee's power as mentioned in paragraph (g) can only be exercised if —
 - (i) the customer has not accepted the offer within the period of 7 days after the day on which it was made; or
 - (ii) having entered such a plan or other arrangement, the customer does not comply with it;
 - (i) that under section 95(3), the supply of water cannot be cut off to an occupied dwelling unless the occupier agrees;
 - (j) the quality of water and its management;
 - (k) sustainable use of water;
 - (l) planned and unplanned interruptions of water supply or other incidents that may significantly affect the provision of water services to customers.

While the Licensee must make the information under clause 49(1) publicly available, it is at the Licensee's discretion if it chooses to undertake the activity describe in 49(1)(g) (reduce or cut off supply) when one of the circumstances described in 49(1)(h) is met (the customer has not complied with payment arrangements).

The Water Corporation has advised the ERA that it does not cut off, or reduce the rate of flow of, a supply of water if the customer does not accept a payment plan within seven days of the payment plan being offered to the customer (clause 49(1)(h)(i)). Instead, Water Corporation negotiates outcomes that are mutually acceptable and considers the customer's specific circumstances.

The Water Corporation proposes that clause 49(1)(h)(i) is removed from the Water Code, so that licensees are no longer required to make clause 49(1)(h)(i) publicly available.

The ERA is interested in understanding how other licensees view and respond to this clause and if there would be any unintended consequences of removing clause 49(1)(h)(i).

Issue 15: Clause 49 - Information to be publicly available

Comment sought:

- a. Should the Water Code be amended to remove clause 49(1)(h)(i)?
- b. What could be the implications if clause 49(1)(h)(i) is removed?

Please provide reasons for your responses.

Water Corporation Response

a. Should the Water Code be amended to remove clause 49(1)(h)(i)?

Water Corporation continues to support this proposal as per its original submission.

This is different from Water Corporations customer focussed approach, where the Water Corporation negotiates mutually acceptable outcomes and considers customers' specific circumstances. The Water Corporation does not advise customers they will restrict their supply if they do not agree to the offer of a payment arrangement within seven days. The Water Corporation will likely be rated non-compliant in the Operational Audit for this Obligation.

b. What could be the implications if clause 49(1)(h)(i) is removed?

None.

1.7 Part 9 of the Water Code - Requirements for supply of water to persons with special requirements or needs

Issue 16: Part 9 - Persons with special requirements or needs and the provision of information on unplanned interruptions

Under clause 45 of the Water Code, the Licensee must have a 24-hour information line for any customer to call to get information about unplanned interruptions.³⁴

Additionally, clause 49(1)(l), see section 2.6 above, specifies that licensees must make information publicly available on planned and unplanned interruptions for a water supply or

other incidents that may significantly affect the supply of water to customers.

However, there are no provisions within the Water Code that focus on the Licensee having to directly notify persons with special requirements or needs in the event of an unplanned interruption.

Water licensees are required under Clause 51 of the Water Code to maintain a preserved supply register. The term preserved supply register refers to a register with the supply address

and name of a person(s), at that address, requiring water for the operation of life support equipment like a dialysis machine.

Similar to clause 51 of the Water Code, Victoria's Water Industry Standard – Urban Customer Service requires licensees keep an up-to-date register of customers who are on a life-support machine or have other special needs. However, the Victorian water standard also requires the Licensee to contact customers on the register as soon as possible in the event of an unplanned interruption.³⁵

The ERA's 2016/17 review of the Water Code considered if licensees should have to contact persons with special requirements or needs in the event of an unplanned interruption.³⁶ Stakeholder feedback at the time was mixed and the WCCC suggested that the ERA revisit this issue during the next Water Code review.

Therefore, the ERA queries if:

- The 24-hour line requirement is a suitable mechanism for persons with special requirements or needs to seek information on an unplanned interruption.
- Further provisions are required to manage communications with customers with special requirements or needs, listed on the preserved supply register, in the event of an unplanned interruption.

The ERA is interested in understanding that if a requirement was introduced for licensees to make contact with persons with special requirements or needs, in the event of an unplanned interruption, what if any additional burden this may cause for licensees. Particularly given that all licensees will already have a register of persons with special requirements or needs and all their contact details.

Issue 16: Providing information on unplanned interruptions to persons with special requirements or needs

Comment sought:

- a. Should a licensee be required to contact customers with specific requirements or needs as soon as possible in the event of an unplanned interruption?
- b. If so, should the Water Code clarify for what purpose contact must be made (e.g., is it to advise when water supply will be restored)?
- c. If this requirement is included in the Water Code, should additional provisions be included to manage the requirement and what would these additional provisions cover?

Water Corporation Response

a. Should a licensee be required to contact customers with specific requirements or needs as soon as possible in the event of an unplanned interruption?

Water Corporation agree with including the requirement for unplanned work updates to be provided to customers on the preserved supply register. Water Corporation need to acknowledge some risks in its ability to deliver this outcome 100% of the time. Those risks are:

- The SMS outage notification system, which is key to an effective solution, is an opt-in system. In circumstances where the customer opts out, the alternative options for communication are not as effective or robust.
- The processes in an unplanned event rely heavily on information being provided to staff in the field for its accuracy and timeliness. Some circumstances can impact the ability for this information to be available, such as a significant burst where the focus is on intervention to ensure limited damage to property or persons and in remote areas where access to the network is unavailable for real-time information.

b. If so, should the Water Code clarify for what purpose contact must be made (e.g., is it to advise when water supply will be restored)?

The existing SMS outage notification system provides estimated timeframes for restoring services and informs customers when the service has been restored.

c. c. If this requirement is included in the Water Code, should additional provisions be included to manage the requirement and what would these additional provisions cover?

Clause 53 of the Code requires notification of a planned service interruption affecting a property registered on the preserved supply register to be sent by post or delivered to that supply address. This wording was interpreted during an audit requiring Water Corporation to deliver a written hard copy notice to the property to be compliant. Changing the wording to "directly notify" will allow licensees to find timelier and more efficient methods and provide a better customer experience, such as SMS.

1.8 Potential new code provisions

Issue 17: 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 types of payments are commonly referred to as "service standard payments".

In the 2016/17 Water Code review the ERA considered there was merit in introducing service standard payments for water licensees.³⁷ Service standard payments not only compensate customers for the inconvenience they experience when service standards are not met, but they also provide an incentive for licensees to meet service standards. However, the WCCC did not support the introduction of service standards payments in the Water Code at the time. The final decision recommended that the ERA revisit the matter as part of the next Water Code review.

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

It is noted that electricity licensees must make service standard payments to customers in certain situations.³⁸

The ERA has considered that if service standard payments are introduced to the Water Code, they could be similar to the Electricity Code. For example, service standard payments could be for failure to:

- Comply with clause 46(3)(d) of the Water Code (resolve a complaint within 15 business days).
- Give notice of a planned interruption (clause 43(1) of the Water Code).
- Restore a water supply to an affected property (clause 41 of the Water Code).

The ERA seeks comment on whether service standard payments should be included in the Water Code.

Issue 17: Service standard payments

Comment sought:

- a. Should service standard payments be included in the Water Code?
 - i. If so, which service standard payments should be included and why?
- b. Should licensees only be required to make service standard payments upon application by an eligible customer and not automatically?
- c. How long after the qualifying event, should the customer be able to apply for payment?
- d. Should licensees be required to advise their customers at least once a year of the service standard payments available?
- e. What should the amounts be for each service standard payment?

Water Corporation Response

Further work must occur before Water Corporation would support introducing Service Standard payments. One of the most significant challenges with these payments concerns the owner and tenant relationship. How would the Licensee ensure the payment is made to the customer who experienced the issue?

For example, who would receive the payment if Water Corporation didn't meet the standard relating to notification of a planned outage? When a property is a rental, Water Corporation often won't have any tenant information, therefore, are unable to make payment. In this example, there is potential for the payment to be made to the owner, who wasn't impacted by the outage.

Secondary to this relates to Complaints that exceed 15 days. There are times when complaints exceed 15 days due to circumstances outside the control of the Water Corporation. , Eg Waiting for external parties to complete work or delayed responses from the customer.

These concerns have been raised as part of this code review and need to be resolved before the Water Corporation could consider supporting Service Standard payments.

Water Corporation would support this proposal being considered in the next scheduled code review.

2. Proposed water code amendments

The following proposed amendments to the Water Code are administrative updates or minor changes to make the Water Code easier to follow and clarify the intent of, and ensure consistency between, its clauses.

2.1 Part 1 of the Water Code - Preliminary

Issue 18: Clause 1 – Citation

The ERA proposes to amend clause 1 of the Water Code by replacing the year "2018" with "2024". The amended clause will read as follows: This Code is the *Water Services Code of Conduct (Customer Services Standards) 2024*.

Issue 18

Proposal:

Amend clause 1 by replacing '2018' with '2024'.

Water Corporation Response

Water Corporation supports this proposal.

Issue 19 - Clause 4(2) – Application of the code

Clause 4(2) of the Water Code states that the Water Code applies to each Licensee that provides a water supply service and a sewerage service to the Licensee's customers.

Clause 27(3) of the Water Act provides that the purpose of the Water Code is to deal with the conduct of licensees; it does not include reference to customers. Clause 27(4) of the Act also states that it is a condition of every licence that the Licensee must comply with the Water Code.

The ERA has compared the interaction between the Water Code and Water Act with the interaction of the Electricity Code and Electricity Act.

In an earlier version of the Electricity Code, clause 1.6(a) of the *Code of Conduct for the Supply of Electricity to Small Use Customers 2013* referred to the Electricity Code applying to customers, as follows:

Subject to clause 1.10, the Code applies to –

(a) customers,

(b) retailers,

- (c) distributors; and
- (d) electricity marketing agents; and

in accordance with Part 6 of the Act.

During the 2013 review of the Electricity Code, the ERA removed 'customers' from the application of the Electricity Code because section 79 of the *Electricity Industry Act 2004* provides that the Electricity Code is to regulate and control the conduct of retailers, distributors, and electricity marketing agents; it does not include reference to customers.³⁹

The Water Code does not prescribe any obligations on the customer, and it does not regulate the conduct of customers. For the reasons above, the ERA is proposing to amend clause 4(2) to clarify that the Water Code applies only to licensees that provide a water supply service and a sewerage service.

Issue 19

Proposal:

Amend clause 4(2) to remove reference to 'customer'.

Water Corporation Response

Water Corporation has no comment on this proposal.

2.2 Part 3 of the Water Code - Billing for water services

Issue 20: Clause 13(1)(e) – Information on bills

Clause 13(1)(e) of the Water Code states that each bill must contain "the day on which the bill is issued".

To maintain consistency between the terminology used in clause 13(1), the ERA is proposing to replace 'day' with 'date' in clause 13(1)(e). For example, clause 13(1)(h) states that each bill must contain 'the date when payment is due'.

Issue 20

Proposal:

Amend clause 13(1)(e) by replacing 'day' with 'date'.

Water Corporation Response

Water Corporation supports this proposal.

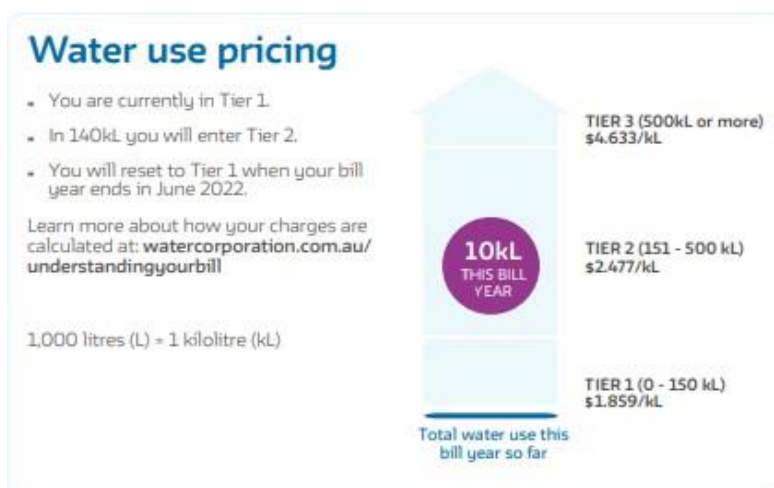
Issue 21: Clause 15 – Information on bills if charge per kilolitre varies depending on volume supplied

Clause 15(2)(b) of the Water Code states that clause 15 applies to a bill for usage if:

tariffs differ for water supplied within different volumetric ranges (e.g. \$0.94 per kL for water supplied within the range up to 150 kL; \$1.74 per kL for water supplied within the range over 150 kL but not over 350 kL; etc.).

Busselton Water noted that the cost of the tariffs in clause 15(2)(b) should be updated, as they are out of date.

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:



From this table, a customer can tell what volumetric range they are in. The ERA considers that it is not necessary to include examples of the price of tariffs based on the volumetric range, given that bills specify the tariffs that applied during the billing period. Also, the cost of tariffs may change more frequently than the Water Code is reviewed (the Water Code is reviewed every five years).

Issue 21

Proposal:

Remove reference to the example of the cost of tariffs in clause 15(2)(b).

Water Corporation Response

Water Corporation supports this proposal.

2.3 Part 5 of the Water Code - Restricting the flow of water

Issue 22: Clause 34 – Definition of water supply restriction

Sections 21(2) and (4) of the Water Act detail where a licensee may suspend or refuse to provide a water service if the Licensee's capacity to do so does not conflict with a restriction under the terms and conditions of their licence.

Section 95 of the Water Act provides for different circumstances where a licensee may disconnect, reduce the rate of flow or refuse to connect a supply of water to land. The following two sections of the Water Act describe where a licensee may act:

s.95(1)(b) - where water service charges (including interest on overdue amounts) due to the Licensee for a water service provided in respect of the land remain unpaid for 30 days after they become due.

s.95(1)(e) - where another provision of this Act authorises the Licensee to do so.

The ERA considers that s.21(2) and (4) of the Water Act relates to s.95(1)(e).

However, Part 5 clause 34 of the Water Code only defines water supply restriction for section 95(1)(b) of the Water Act. Section 95(1)(e) is not included in the Water Code.

The ERA proposes to include section 95(1)(e) of the Water Act within the definition of 'water supply restriction' in clause 34 of the Water Code to capture all relevant Water Act provisions relevant to Part 5 of the Water Code.

Issue 22

Proposal:

Amend clause 34 to include section 95(1)(e) of the Water Act.

Water Corporation Response

Water Corporation does not support this proposal.

Section 95(1)(b) is explicit in referring to the cutting off or reduction of water in the context of regulated customers who fail to pay their water bills, which is subject to the Regime in Part V of the Code of Conduct (the Regime).

Including s95(1)(e), and therefore also sections 21(2) and (4), in the Regime is counter-effective, as these other provisions are unrelated to billing.

In addition, the primary utility of sections 21(2) and (4) are around the placement of non-regulated commercial customers on the Water Corporation's Major Consumer Framework. This would not be assisted by subjecting these provisions to the Regime.

Issue 23: Clause 41 – Restoration of water supply

Clauses 41(2) and (3) of the Water Code set the timeframes for restoring a customer's water supply.

- (2) If the Licensee is the Water Corporation and the land is in the metropolitan region, the Water Corporation must restore a water supply —
 - (a) if the restoration event occurs before 3 pm on a business day, by the next business

day; or

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

Clause 41(5) provides that the Water Corporation must ensure that there is a 90 per cent compliance rate with both clauses 41(2) and (3) in any 12 months ending on 30 June in any year.

The Water Corporation has suggested that clause 41(5) be moved directly under clauses 41(2) and (3). This would require the re-ordering of the other sub-clauses in clause 41.

Issue 23

Proposal:

Move clause 41(5) to be directly under clauses 41(3).

Water Corporation Response

Water Corporation continues to support this proposal as per its original submission.

2.4 Part 7 of the Water Code – Complaints about water services

Issue 24: Clause 46 – Procedures for dealing with complaints about water services

Clauses 46(2)(a) of the Water Code set the minimum standards for the relevant provisions in the Australian standard 10002:2014.

On 24 March 2022, Standards Australia published the new guidelines for complaint management in organisations AS 10002:2022.

The ERA proposes to update Australian standard number in clause 46(2)(a).

Issue 24

Proposal:

Update the Australian standard number in clause 46(2)(a).

Water Corporation Response

Procedures for dealing with complaints about water services – comment not required

2.5 Part 9 of the Water Code - Requirements for supply of water to persons with special requirements or needs

Issue 25: Clause 51 – Preserved supply register

Clause 51(1) licensees must maintain a preserved supply register.

The intent of Part 9 is that a register is only required if the Licensee meets the criteria listed in clause 51(2), i.e. the sub-clause applies if:

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

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

The current wording in clause 51(1) implies that all licensees must have a preserved supply register, regardless of whether they meet the criteria in clause 51(2).

The ERA proposes to amend the wording in clause 51(1) to clarify that a preserved supply register is only required if the Licensee meets clause 51(2) criteria.

Issue 25

Proposal:

Amend clause 51(1) to clarify that a licensee must have a preserved supply register if the criteria in clause 51(2) is met.

Water Corporation Response

Water Corporation supports this proposal.

Appendix 1 Summary of issues

Clause 1 - Citation		Issue 18
Proposal	Amend clause 1 by replacing "2018" with "2024".	
Clause 3 - Definition of "complaint"		Issue 1
Comment sought	<ul style="list-style-type: none"> a. Should the Water Code include a definition of "complaint"? If not, why not? b. If so, should the definition be the same definition of "complaint" as the Electricity Code and Gas Compendium? c. If the definition should not be the same as the Electricity Code and Gas Compendium, what definition of complaint should be included in the Water Code and why? 	
Clause 4(1) – Definition of drinking water		Issue 2
Comment sought	Should the definition of 'drinking water' be amended to remove sub-clause 4(1)(b)?	
Clause 4(2) – Application of the Code: customer		Issue 19
Proposal	Amend clause 4(2) to remove reference to 'customer'.	
Clause 11(6) – Meter reads		Issue 3
Comment sought	<ul style="list-style-type: none"> a. Should the Water Code be amended to include a percentage compliance rate for clause 11(6)? If so, what should the percentage rate be? b. Should the Water Code be amended to include circumstances when clause 11(6) does not apply; for example, if the customer is not cooperating with the Licensee to provide access to the meter? What evidence would need to be collected before the customer is deemed to be not cooperating? c. Should the Water Code remain unchanged, and licensees asked to report on 'difficult to access' meters and their attempts to access or re-site the meter to comply with the current Code requirements? 	
Clause 13(1)(e) - Information on bills		Issue 20
Proposal	Amend clause 13(1)(e) by replacing 'day' with 'date'.	
Clause 15 – Information on bills if charge per kilolitre varies depending on volume supplied		Issue 4
Comment sought	Should clause 15(3)(d) be amended to require each bill to provide the 'month' or 'day' on which the tariff for water supplied to the customer will revert to the lowest tariff (i.e. the month or day on which the customer's next consumption year starts)?	
Clause 15 – Information on bills if charge per kilolitre varies depending on the volume supplied		Issue 21
Proposal	Remove reference to the example of the cost of tariffs in clause 15(2)(b).	

Clause 18(4) – Charging interest on an undercharged amount		Issue 5
Comment sought	<ul style="list-style-type: none"> a. Are there any instances where customers should be charged interest or late payment fees on undercharged amounts when it is the Licensee is responsible for the undercharge? Please explain your answer. b. Should the Water Code be amended to allow licensees to charge interest or late payment fees if the customer does not pay an undercharged amount by the due date where the undercharged amount is resulting from an error, defect, or default for which the Licensee is responsible? c. What attempts should be made to ensure the customer has received the undercharged bill and understands their repayment options? d. If the Water Code is amended to allow licensees to charge interest or late payment fees if the customer does not pay by the due date, then what exemptions should be considered, for example if: <ul style="list-style-type: none"> i. The customer is in financial hardship, or the addition of the undercharged amount would put the customer into financial hardship. ii. A complaint made by the customer to the Licensee that directly relates to the non-payment of the undercharged amount is not resolved. iii. A complaint made by the customer to the Ombudsman that directly relates to the non-payment of the undercharged amount, is not determined or is upheld by the Ombudsman. 	
Clause 19 – Crediting or refunding overcharged amounts within 15 days		Issue 6
Comment sought	<ul style="list-style-type: none"> a. Should clause 19(2) be amended to include a percentage compliance rate? If so, what should the percentage rate be? b. What other alternative approaches should the ERA consider ensuring overcharged amounts are credited or refunded in a timely manner, while considering the practical difficulties of meeting the current Code requirements? For example: <ul style="list-style-type: none"> i. Could the Water Code have exclusions to the requirement to credit or refund overcharged amounts within 15 business days if the Licensee is relying on information from third party operators? 	
Clauses 20 – Review of bills within 15 days		Issue 7
Comment sought	<ul style="list-style-type: none"> a. Should clause 20(5) be amended to include a percentage compliance rate? If so, what should the percentage compliance rate be and why? b. What other alternative approaches should the ERA consider ensuring customer bills are reviewed in a timely manner, while considering the practical difficulties of meeting the current Code requirements? For example: <ul style="list-style-type: none"> i. Could the Water Code have exclusions to the requirement to undertake bill reviews within 15 business days if the Licensee is denied access to the meter? ii. Could the Water Code include different timeframes for metro and regional customers – if needing to inspect remote regional properties and a challenge? 	
Charging for paper bills and choosing between paper or electronic bills		Issue 8
Comment sought	<ul style="list-style-type: none"> a. Should the Water Code be amended to include a clause or clauses that: <ul style="list-style-type: none"> i. Allow a customer to choose between receiving a paper bill or electronic bill? If so, should the choice be restricted to a given number of changes 	

	<p>in a year. For example, say one change between paper to electronic and back again in a 12-month period?</p> <p>ii. Prohibit licensees from changing a fee for a paper bill?</p>
Clause 28 – Making payment plans or other arrangements available for all customers	
Issue 9a	
Comment sought	Should the Water Code require licensees to offer a payment plan or other arrangement to all customers?
Clause 28 – Limit on number of payment extensions required to be offered	
Issue 9b	
Comment sought	<p>a. Similar to the Electricity Code, should the residential customer be limited to the number of payment extensions, offered by the Licensee in a 12-month period to pay their bill?</p> <p>b. If so, how many payment extensions should the Licensee be required to offer after the customer fails to pay within the first payment extension before the option of a payment extension is withdrawn?</p>
Clause 28 – Offering fee-free and interest-free payment plans to all residential customers	
Issue 9c	
Comment sought	<p>a. Should the Water Code be amended to prevent licensees from charging interest or fees on payment plans for customers experiencing payment difficulties (in addition to customers experiencing financial hardship)?</p> <p>b. Should 'payment plan' be defined as an interest-free and fee-free plan or other arrangement between the Licensee and the residential customer?</p> <p>c. Should the term 'fee', in relation to payment plans or other arrangement, be defined to only mean any fee or charge associated with the establishment of operation of a payment plan or other arrangement?</p> <p>For all questions please provide reasons for your response.</p>
Clause 28 – Offering fee-free and interest-free payment plans to all residential customers	
Issue 9d	
Comment sought	<p>a. Should the Licensee be obligated to review a payment plan at the request of a residential customer?</p> <p>b. Should the Licensee be obligated to provide the agreed payment plan terms in writing within 5 business days of the customer agreeing to the payment plan along with information on what the customer must do if they cannot comply with the plan?</p> <p>c. Should the Licensee only be able to vary a payment plan after the customer has agreed to the variation?</p> <p>For all questions please provide reasons for your response.</p>
Clause 29 – Removal of schedule 3, clause 1.1.2 of the water licence template	
Issue 10a	
Comment sought	Is clause 29 of the Water Code sufficient such that the Obligation under schedule 2 clause 1.1.2 of the water licence template is not required? If not, why not?
Clause 29 – Consultation with a relevant consumer organisation when formulating or reviewing a financial hardship policy	
Issue 10b	
Comment sought	a. Should the Water Code be amended to remove the requirement to consult with a relevant consumer organisation when formulating or reviewing a financial hardship policy?

	<p>b. Instead, should licensees be required to consult with a relevant consumer organisation when preparing their initial financial hardship policy, or making only material amendments to their existing financial hardship policy?</p> <p>Please provide reasons for your responses</p>
Clause 34 – Definition of water supply restriction	
Issue 22	
Proposal	Amend clause 34 to include section 95(1)(e) of the Water Act.
Clause 35 – Reminder notice	
Issue 11	
Comment sought	<p>a. Should clause 35(a) be amended to remove the requirement that written reminder notices include the date on which the unpaid water service charge became due?</p> <p>b. What are possible implications if the due date is no longer required on written reminder notices?</p>
Clause 41 – Restoration of water supply	
Issue 23	
Proposal	Move clause 41(5) to be directly under clause 41(3).
Clause 46 – New guidelines for complaint management in organisations	
Issue 24	
Proposal	Update the Australia standard number in clause 46(2)(a).
Clause 46 – Time taken to resolve a complaint	
Issue 12	
Comment sought	<p>a. Should the Water Code only require licensees to provide the Ombudsman's details if the customer demonstrates that they are not satisfied with how the Licensee has resolved the complaint?</p> <p>b. Should the Water Code remain unchanged and, regardless of the customer's level of satisfaction with how the complaint has been resolved, if known, the customer be advised of their right to apply to the Ombudsman for a review of the complaint?</p> <p>Please provide reasons for your responses.</p>
Clause 47 – Right to apply to Ombudsman for review of complaint	
Issue 13	
Comment sought	<p>a. Should the Water Code only require licensees to provide the Ombudsman's details if the customer demonstrates that they are not satisfied with how the Licensee has resolved the complaint?</p> <p>b. Should the Water Code remain unchanged and, regardless of the customer's level of satisfaction with how the complaint has been resolved, if known, the customer be advised of their right to apply to the Ombudsman for a review of the complaint?</p> <p>Please provide reasons for your responses.</p>
Clause 48(2) – Personal account information	
Issue 14	
Comment sought	Please provide reasons for your reply..
Clause 49 – Information to be publicly available	
Issue 15	
Comment sought	<p>a. Should the Water Code be amended to remove clause 49(1)(h)(i)?</p> <p>b. What are the implications if clause 49(1)(h)(i) is removed?</p>

	Please provide reasons for your responses.	
Part 9 – Providing information on unplanned interruptions to persons with special requirements or needs		Issue 16
Comment sought	<ul style="list-style-type: none"> a. Should a licensee be required to contact customers with special requirements or needs as soon as possible in the event of an unplanned interruption? b. If so, should the Water Code clarify for what purpose contact must be made (e.g. is it to advise when water supply will be restored)? c. If this requirement is included in the Water Code, should additional provisions be included to manage the requirement and what would these additional provisions cover? 	
Clause 51 – Preserved supply register		Issue 25
Proposal	Amend clause 51(1) to clarify that a licensee must have a preserved supply register if the criteria in clause 51(2) is met	
Service standard payments		Issue 17
Comment sought	<ul style="list-style-type: none"> a. Should service standards be introduced in the Water Code? <ul style="list-style-type: none"> i. If so, which service standard payments should be included and why? b. Should licensees only be required to make service standard payments upon application by an eligible customer and not automatically? c. How long after the qualifying event, should the customer be able to apply for payment? d. Should licensees be required to advise their customers at least once a year of the service standard payments available? e. What should the amount be for each service standard payment? 	

Appendix 2 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.

The Chairperson and the Executive Officer have no voting rights.

The WCCC's Constitution and Procedures are on the ERA's website.⁴¹

Current members are listed in Table 1:

Table 1: WCCC members

Chair	
Executive Director, Regulation	ERA
Executive Officer	
Senior Regulatory Officer, Utility Services Regulation	ERA
Industry representatives	
Claire Anderson	Bunbury Water Corporation (trading as Aqwest)
Jason Ducie	Water Corporation
Katie Jolley	Busselton Water Corporation (trading as Busselton Water)
Consumer representatives	
Leanne Berard	Financial Counsellors' Association of WA
Manelka Fernando	Financial Counselling Network
Graham Hansen	Western Australian Council of Social Service
Government representatives	
Michaela Bevan	Department of Water and Environmental Regulation
Felicity Bonner	Department of Mines, Industry Regulation and Safety

⁴¹ [ERA website](#)