

2023 Review of the Water Services Code of Conduct

Financial Counsellors' Association of Western Australia

Issues	Response
<p align="center">Issue 1 – Comments sought</p> <p>Clause 3 - Definition of “complaint”</p>	
<p>a. Should the Water Code include a definition of “complaint”? If not, why not?</p>	Yes
<p>b. If so, should the definition be the same definition of “complaint” as the Electricity Code and Gas Compendium?</p>	A consistent approach to definitions would be welcomed, you would want that definition though to be thorough and all encompassing, whether it is this one or the ones used in the other codes.
<p>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?</p>	No comment
<p align="center">Issue 2 – Comments sought</p> <p>Clause 4(1) – Definition of drinking water</p> <p>Should the definition of ‘drinking water’ be amended to remove sub-clause 4(1)(b)?</p>	Agree with DOH suggestion for the definition amendment.
<p align="center">Issue 3 – Comments sought</p> <p>Clause 11(6) – Meter reads</p>	
<p>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?</p>	-
<p>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?</p> <p>What evidence would need to be collected before the customer is deemed to be not cooperating?</p>	-

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<p>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?</p>	<p>On the basis if a person fails to provide easy and safe access to the meter, the licensee may give the person a compliance notice, the non-compliance would be evidenced and we recommend 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 and position the property to be accessible.</p> <p>We should be looking at ways in helping/supporting customers to comply.</p>
<p style="text-align: center;">Issue 4 – Comments sought</p> <p>Clause 15 – Information on bills if charge per kilolitre varies depending on volume supplied</p> <p>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)?</p>	<p>Agree to amend to this for open transparency to customer</p>
<p style="text-align: center;">Issue 5 – Comments sought</p> <p>Clause 18(4) – Charging interest on an undercharged amount</p>	
<p>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.</p>	<p>No – responsibility of the licensee as it was their error. They could recoup the undercharge but they should not be applying additional fees and charges.</p>

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<p>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?</p>	<p>No they should not as it is an unexpected payment, through no fault of their own. They would not be expecting an additional amount above their bill amount.</p>
<p>i. What attempts should be made to ensure the customer has received the undercharged bill and understands their repayment options?</p>	<p>What is the existing policy around this? What steps are taken to confirm that customers have received the bill and understands options? what is the time period for payment to be made? The undercharged amount – what is the average of this amount? Could it be a significant amount? This would not be something the customer would be expecting and would have budgeted according to their initial bill, hopefully there are realistic due dates etc. this should be considered as part of a policy around payment plans and not putting a customer into potential hardship.</p> <p>Communication is key but they should be contacted using different modes of engagement to let the client know. Not everyone has digital literacy or access to email.</p>
<p>c. 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:</p>	<p>Needs to be fair with reasonable timeframes and payment plans initially.</p>
<p>i. The customer is in financial hardship, or the addition of the undercharged amount would put the customer into financial hardship.</p>	<p>Yes exemption</p>
<p>ii. A complaint made by the customer to the licensee that directly relates to the non-payment of the undercharged amount is not resolved.</p>	<p>Yes exemption</p>
<p>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.</p>	<p>Yes exemption</p>

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<p align="center">Issue 6 – Comments sought</p> <p>Clause 19 – Crediting or refunding overcharged amounts within 15 days</p>	
<p>a. Should clause 19(2) be amended to include a percentage compliance rate? If so, what should the percentage rate be?</p>	<p>No – there should be full compliance.</p>
<p>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?</p>	<p>That there would be a final (or extension date) for the matter to be finalized no matter what. The emphasis should be on having the credit/refund done as soon as possible.</p>
<p>For example:</p> <p>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?</p>	<p>Yes – within reason and determined by certain issues that are identified that arise that would have another time frame allocated ie location – regional and metro areas</p>
<p align="center">Issue 7 – Comments sought</p> <p>Clauses 20 – Review of bills within 15 days</p>	
<p>a. Should clause 20(5) be amended to include a percentage compliance rate? If so, what should the percentage compliance rate be and why?</p>	<p>-</p>
<p>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?</p> <p>For example:</p>	<p>-</p>
<p>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?</p>	<p>-</p>

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Issues	Response
ii. Could the Water Code include different timeframes for metro and regional customers – if needing to inspect remote regional properties and a challenge?	-
<p style="text-align: center;">Issue 8 – Comments sought</p> Charging for paper bills and choosing between paper or electronic bills	
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 in a year. For example, say one change between paper to electronic and back again in a 12-month period?	Yes And you could have the chance to change your mind on how you would like to receive your information.
ii. Prohibit licensees from charging a fee for a paper bill?	Yes – there should be no charge for paper bills. We have a big divide where people do not have digital literacy skills. A lot of clients bring their bills to financial counselling services to help with bill assistance. We have many CALD community clients that have language barriers and the best way is to get them to bring their bill in. Many clients in financial hardship or considered vulnerable do not have access to internet, technology or devices and should have the option. This should always be a no cost option if we want accessibility for information for all West Australians.

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<p style="text-align: center;">Issue 9a – Comments sought</p> <p>Clause 28 – Making payment plans or other arrangements available for all customers</p> <p>Should the Water Code require licensees to offer a payment plan or other arrangement to all customers?</p>	<p>Yes, we must offer this to all customers</p> <p>Yes, financial hardship ebbs and flow. Being able to modify your payments to your current full financial situation can actually help customers work through cash flow issues or financial stress and may stop their situation from worsening.</p> <p>This should not be subject to assessment either.</p>
<p style="text-align: center;">Issue 9b – Comments sought</p> <p>Clause 28 – Limit on number of payment extensions required to be offered</p>	
<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>Should depend on the customer hardship circumstances at the time not one size fits all</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>	<p>-</p>

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<p align="center">Issue 9c – Comments sought</p> <p>Clause 28 – Offering fee-free and interest-free payment plans to all residential customers</p>	
<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>Yes, definitely should be changed to prevent charging of interest and fees to customers experiencing financial difficulties.</p> <p>If someone needs to make a payment plan they may be trying to find a workable financial position to keep making bill payments, we should be encouraging customers to make plans and try and work through their financial situation not penalise them for trying to ease some pressure from their cash flow and avoid not being able to pay the debt at all.</p> <p>If someone is having payment difficulties / hardship this should not incur a fee or interest. They cannot afford their original debt so how ethical is it to increase it more with fees and interest.</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>Yes – there needs to be clarity that this is not a standard arrangement.</p> <p>Hardship should automatically deem customer interest free and fee free – Just repayment arrangement should be sufficient.</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 align="center">For all questions please provide reasons for your response.</p>	<p>Should be no fee on hardship repayment arrangements</p>
<p align="center">Issue 9d – Comments sought</p> <p>Clause 28 – Payment plan communications, reviews and variations</p>	
<p>a. Should the licensee be obligated to review a payment plan at the request of a residential customer?</p>	<p>Yes as things can change without notice. Financial hardship is fluid and ebbs and flows. Also a client may be in the position to pay extra or they may not. Customers should be able to review plans, it is a positive initiative, it keeps communication with the provider open.</p>

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<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>Yes in writing</p>
<p>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.</p>	<p>No, if the provider has not been able to contact the client and it will be a positive variation to help the customers financial standing they could vary the plan.</p>
<p>Issue 10a – Comments sought Clause 29 – Removal of schedule 3, clause 1.1.2 of the water licence template 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?</p>	<p>-</p>
<p>Issue 10b – Comments sought Clause 29 – Consultation with a relevant consumer organisation when formulating or reviewing a financial hardship policy</p>	
<p>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>	<p>No. Amend to always review and consult with all stakeholders especially peak associations ie WACOSS and FCAWA who support the community service sector in the vulnerability and financial hardship space. There should be a requirement to engage and consult with consumer representative organisations. Especially consumer representatives that support and advocate on consumer rights or on behalf of vulnerable clients or in the financial hardship space.</p>

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<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>	<p>Always. This requirement should be in place and for both scenarios.</p> <p>The Financial Counsellors' Association of WA is the peak and professional body for all financial counselling members within metropolitan, regional and remote areas. Over the years, we have had a policy officer assist in reviewing hardship policy's, provide hardship training, feedback and case studies from financial counsellors and their clients based on their experiences. This has been very effective and beneficial for our sector and the clients being represented that are in hardship.</p>
<p style="text-align: center;">Issue 11 – Comments sought</p> <p>Clause 35 – Reminder notice</p>	
<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>No – date to remain on reminder notices.</p>
<p>b. What are possible implications if the due date is no longer required on written reminder notices?</p>	<p>Customer not adequately informed.</p>
<p style="text-align: center;">Issue 12 – Comments sought</p> <p>Clause 46 – Time taken to resolve a complaint</p>	
<p>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).</p>	<p>Yes, maybe over 50% - whatever the percentage rate would be fair and reasonable to be a driver to resolve complaints sooner rather than later.</p> <p>It is agreed 'that it is important that customer complaints are addressed in a timely manner and that licensees are appropriately incentivised to do so'.</p>
<p>b. What other approach could be considered for more complicated complaints that may take more than 15 days to resolve?</p> <p>Again, please provide reasons for your responses.</p>	<p>Ensuring the customer knows their rights and also the escalation process and be advised when they can expect the situation to be resolved.</p>

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<p align="center">Issue 13 – Comments sought</p> <p>Clause 47 – Right to apply to Ombudsman for review of complaint</p>	
<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>No. They should be upfront about their complaints process at the initial point of making the complaint and they should be aware of the Ombudsman within that complaints process information.</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 align="center">Please provide reasons for your responses.</p>	<p>Yes, the client should always know they have the right to apply to the Ombudsman, regardless of outcome or satisfaction levels.</p>
<p align="center">Issue 14 – Comments sought</p> <p>Clause 48(2) – Personal account information</p> <p>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?</p> <p>Please provide reasons for your reply.</p>	<p align="center">-</p>

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<p align="center">Issue 15 – Comments sought</p> <p>Clause 49 – Information to be publicly available</p>	
<p>a. Should the Water Code be amended to remove clause 49(1)(h)(i)?</p>	<p>Yes, in agreement with Water Corporation stance on this matter to remove the clause based on their current practices.</p> <p>But...</p> <p>What happens if they change their policy to not cut off, or reduce the rate of flow of, a supply of water if the customer does not accept a payment plan?</p> <p>What happens if the customer does not come to a mutually agreeable outcome with the Water Corporation?</p>
<p>b. What are the implications if clause 49(1)(h)(i) is removed?</p> <p>Please provide reasons for your responses.</p>	
<p align="center">Issue 16 – Comments sought</p> <p>Part 9 – Providing information on unplanned interruptions to persons with special requirements or needs</p>	
<p>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?</p>	<p>Yes, definitely. There should also be a framework/protocol developed.</p>
<p>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)?</p>	<p>Yes, for all changes to service provision that would impact them.</p>
<p>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?</p>	<p>Yes, should dictate method and mode of communication, time frames and how they would confirm that all reasonable attempts to communicate with the customer has been done.</p>

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<p align="center">Issue 17 – Comments sought</p> <p>Service standard payments</p>	
<p>a. Should service standards be introduced in the Water Code?</p>	Yes
<p>i. If so, which service standard payments should be included and why?</p>	All
<p>b. Should licensees only be required to make service standard payments upon application by an eligible customer and not automatically?</p>	No
<p>c. How long after the qualifying event, should the customer be able to apply for payment?</p>	As soon as possible
<p>d. Should licensees be required to advise their customers at least once a year of the service standard payments available?</p>	Yes
<p>e. What should the amount be for each service standard payment?</p>	No comment - unknown
<p align="center">Issue 18 - Proposal</p> <p>Clause 1 - Citation Amend clause 1 by replacing “2018” with “2024”</p>	Yes
<p align="center">Issue 19 – Proposal</p> <p>Clause 4(2) – Application of the Code: customer Amend clause 4(2) to remove reference to ‘customer’</p>	Yes
<p align="center">Issue 20 - Proposal</p> <p>Clause 13(1)(e) - Information on bills Amend clause 13(1)(e) by replacing ‘day’ with ‘date’?</p>	Yes

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<p style="text-align: center;">Issue 21 - Proposal</p> <p>Clause 15 – Information on bills if charge per kilolitre varies depending on the volume supplied Remove reference to the example of the cost of tariffs in clause 15(2)(b).</p>	<p>Yes</p>
<p style="text-align: center;">Issue 22 - Proposal</p> <p>Clause 34 – Definition of water supply restriction Amend clause 34 to include section 95(1)(e) of the Water Act.</p>	<p>Yes</p>
<p style="text-align: center;">Issue 23 - Proposal</p> <p>Clause 41 – Restoration of water supply Move clause 41(5) to be directly under clause 41(3).</p>	<p>Yes</p>
<p style="text-align: center;">Issue 24 - Proposal</p> <p>Clause 46 – New guidelines for complaint management in organisations Update the Australia standard number in clause 46(2)(a).</p>	<p>Yes</p>
<p style="text-align: center;">Issue 25 - Proposal</p> <p>Clause 51 – Preserved supply register Amend clause 51(1) to clarify that a licensee must have a preserved supply register if the criteria in clause 51(2) is met.</p>	<p>Yes</p>