



Western Australia

Water Services Act 2012

# **Water Services Code of Conduct (Customer Service Standards) 2024**



# Water Services Code of Conduct (Customer Service Standards) 2024

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**Defined terms**



## Water Services Code of Conduct (Customer Service Standards) 2024

Made by the Economic Regulation Authority under section 27 of the Act.

### Part 1 — Preliminary

#### 1. Citation

This code is the *Water Services Code of Conduct (Customer Service Standards) 2024*.

#### 2. Commencement

This code comes into operation as follows —

- (a) Part 1 (other than clauses 3 to 7) — on the day on which this code is published on the WA legislation website;
- (b) the rest of the code — on 1 July 2024.

#### 3. Terms used

In this code —

*AS*, followed by a designation, refers to an Australian Standard having that designation that is published by Standards Australia;

*bill* means a bill for a water service charge;

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

*business day* means a day other than a Saturday, a Sunday or a public holiday throughout the State;

*Centrepay* means the facility that allows automatic deductions to be taken from Commonwealth Centrelink payments;

**cl. 3**

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***complaint*** means an expression of dissatisfaction made to or about a person who provides a water service, related to its products, services, staff or the handling of a complaint, for which a response or resolution is explicitly or implicitly expected or legally required;

***concession*** includes an exemption, discount or rebate;

***connection*** means a connection of a water service to land;

***estimate*** includes a calculation based on an estimate;

***family violence*** has the meaning given in the *Restraining Orders Act 1997* section 5A;

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

***financial hardship policy*** has the meaning given in clause 32;

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

***payment difficulties***, in relation to a customer who is a residential customer, 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 outstanding amount;

***payment plan*** has the meaning given in clause 4;

***publicly available***, in relation to a document or information prepared or produced by a licensee, means that —

- (a) a person may view the document or information on the licensee’s website, and download it from the licensee’s website at no charge; and



- (b) in the case of a document — the licensee will provide the document as a hard copy on request and at no charge; and
- (c) in the case of information — the licensee will provide the information as a hard copy document on request and at no charge;

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

**section** means section of the Act;

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

**water services ombudsman** has the meaning given in section 65(1).

Note:

A word or expression used in this code has the same meaning as it has in the Act. See sections 26(5) and 27(5) and the *Interpretation Act 1984* section 44.

#### 4. Meaning of payment plan

- (1) A **payment plan** is an interest-free and fee-free arrangement between a licensee and a residential customer under which the customer is allowed to pay a bill, any arrears or a fee or charge (including a disconnection or restoration charge) by 2 or more instalments while continuing to be provided with a water service.

**cl. 5**

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- (2) In subclause (1), a *fee-free arrangement* is an arrangement that does not include a 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 into the payment plan.

**5. Application of code**

- (1) This code applies to —
- (a) each licensee that provides a water supply service, but only in respect of the supply of —
    - (i) potable water; or
    - (ii) water that is not potable but is able to be treated by the customer to make it fit for humans to drink;
- and
- (b) each licensee that provides a sewerage service.

Note for this subclause:

Under section 26(7), as applied by section 27(5), a provision of this code is of no effect to the extent to which it is inconsistent with a provision of the Act or another written law. For example, a provision of this code is of no effect to the extent to which it is inconsistent with a provision of the *Local Government Act 1995*, or regulations or local laws under that Act, in relation to a licensee that is a local government or a customer of a licensee that is a local government.

- (2) If charges do not apply for the provision of a water service to a customer by a licensee, the application of this code to the provision of the water service is modified as follows —
- (a) Parts 3 and 4 and clauses 37 to 41, 43(1), 52(1)(a), (b), (c), (g) and (h) and (2)(a) to (e) and 55 do not apply;
  - (b) clause 42 does not apply except to the extent that it applies to the reduction, under section 95(2), of the rate of flow of a supply of water;
  - (c) clause 44 does not apply except to the extent that it applies to the restoration of a supply of water which has

been cut off, or the rate of flow of which has been reduced, under section 95(1)(a), (c), (d) or (e);

- (d) clause 51(1) does not apply to the extent that it refers to account or payment enquiries;
- (e) clause 51(2) does not apply to the extent that it refers to bills previously issued or previous billing periods;
- (f) clause 52(5) does not apply to the extent that it refers to a requirement under clause 52(1)(a), (b), (c), (g) and (h) and (2)(a) to (e).

## 6. Contracting out

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

## 7. Notes and examples not part of code

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

## **Part 2 — Connection of water services to land**

### **8. Information about connections**

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

### **9. Minimum performance standards for standard supply connections**

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

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

### **Part 3 — Billing for water services**

#### **10. Bills other than for quantities supplied or discharged**

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

#### **11. Bills for quantities supplied or discharged**

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

- (c) on a basis agreed with the customer.
- (6) Despite subclauses (4) and (5), at least once in every 12-month period a bill for usage based on a meter reading must be issued.
- (7) However, subclause (6) does not apply if the licensee —
  - (a) is satisfied that the customer has failed to comply with the *Water Services Regulations 2013* regulation 24(1) in relation to the meter that is required to be read; and
  - (b) has given a compliance notice to the customer under the *Water Services Regulations 2013* regulation 24(3) in relation to that meter within the last 12 months.

## **12. Sending bills**

- (1) A licensee must allow a customer to choose to receive bills —
  - (a) by post; or
  - (b) by email.
- (2) A licensee must, when offering a choice under subclause (1), inform the customer of any charge for sending a bill.
- (3) A bill sent by post must be sent —
  - (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.
- (4) A bill sent by email must be sent to an email address provided by the customer (and if the customer does not provide an email address then the bill may be sent by post).
- (5) A licensee must not charge a customer for sending a bill if the customer —
  - (a) has advised the licensee that they are affected by family violence; or
  - (b) is receiving a concession; or

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- (c) has been assessed by the licensee as a customer experiencing financial hardship or payment difficulties; or
- (d) is recorded on the preserved supply register under Part 9.

**13. Information on bills**

- (1) In addition to any information required to be included on a customer's bill under another provision of this code, a licensee must include the information set out in this clause on the customer's bill.
- (2) The bill must contain the following information —
  - (a) the customer's name;
  - (b) the account number;
  - (c) the address of the place in respect of which the water service is provided;
  - (d) any other address nominated by the customer for the sending of bills;
  - (e) the date on which the bill is issued;
  - (f) the charge payable;
  - (g) the water service for which the charge is payable;
  - (h) the date when payment is due;
  - (i) the nature and amount of any applicable concession;
  - (j) the amount of any interest or fees charged for late payment of amounts outstanding from previous bills;
  - (k) the amount of any arrears or credit standing to the customer's name;
  - (l) the options for payment that are available to the customer;
  - (m) if applicable, a statement advising the customer that interest or fees may be charged for late payment of the bill;



- (n) a statement advising the customer that the licensee can be contacted for assistance if the customer is experiencing problems paying the bill.
- (3) A bill for usage for a metered water service must also contain the following information —
- (a) whether the bill is based on —
    - (i) a meter reading; or
    - (ii) an estimate of the quantity of water supplied or the quantity of wastewater discharged;
  - (b) the billing period;
  - (c) the number of days to which the bill applies;
  - (d) the 2 most recent dates on which the quantity of water supplied or the quantity of wastewater discharged was ascertained, whether by a meter reading or an estimate;
  - (e) if the bill is based on a meter reading —
    - (i) the actual meter reading; and
    - (ii) the total quantity of water supplied or the quantity of wastewater discharged according to the meter reading;
  - (f) if the bill is based on an estimate, the total quantity of water supplied or the quantity of wastewater discharged according to the estimate;
  - (g) information, if available, about the customer’s water usage in the billing period compared with the customer’s water usage —
    - (i) in the previous billing period; and
    - (ii) in the corresponding billing period in the previous year.
- (4) If a bill for usage for a metered water service is based on an estimate, the bill must inform the customer that the licensee will tell the customer on request —

**cl. 13**

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- (a) the basis of the estimate; and
  - (b) the reason for the estimate.
- (5) The bill must contain the following general information —
- (a) the licensee’s website address;
  - (b) a telephone number for account, payment and general enquiries;
  - (c) a telephone number for complaints;
  - (d) a Freecall telephone number for the office of the water services ombudsman;
  - (e) the telephone number of the 24-hour information line provided under clause 48;
  - (f) contact details for account, payment and general enquiries for use by customers with hearing or speech impairment;
  - (g) for a residential customer, the telephone number for interpreter services together with the National Interpreter Symbol and the words “Interpreter Services”;
  - (h) a statement that the website contains information about estimates, meter reading and testing, complaints and review;
  - (i) a statement that the bill can be reviewed in accordance with the licensee’s review procedure mentioned in clause 22.
- (6) A bill may be issued for 2 or more water services whether the water services are provided in respect of the same place or in respect of different places.
- (7) A bill issued for 2 or more water services must specify the charge payable for each water service.

**14. Estimates: licensee's obligations**

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

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

- (1) In this clause —

**consumption year**, for a customer, means —

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

**tariff** means the charge per kL of water supplied.
- (2) This clause applies to a bill for usage if —
  - (a) the amount of water supplied to a customer during a consumption year is divided for charging purposes into 2 or more volumetric ranges; and
  - (b) tariffs differ for water supplied within different volumetric ranges.

Examples of volumetric ranges for paragraph (a):

1. up to 150 kL.
2. over 150 kL but not over 350 kL.

**cl. 16**

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- (3) Each bill for usage to which this clause applies must, in addition to the requirements of clause 13, contain the following information —
- (a) the tariff for each volumetric range within which water has been supplied to the customer;
  - (b) how much more water the customer can be supplied with before supply will start to be in the next volumetric range;
  - (c) the tariff for the next volumetric range;
  - (d) the day on which, or the month during which, the customer's next consumption year starts, which is when the tariff for water supplied to the customer will revert to the lowest tariff.

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

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

**17. Leaks**

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

**18. Undercharging in bills**

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

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- (5) The licensee must allow the customer to pay the undercharged amount by way of a repayment plan that has effect for the shorter of the following periods starting on the day on which the bill mentioned in subclause (3)(a) or (b) is issued, as is applicable in the case —
- (a) a period for the same amount of time in which the undercharging occurred;
  - (b) a period of 12 months.
- (6) Subclauses (2), (4), and (5) do not apply if the undercharging occurred as a result of the fraudulent or illegal conduct of the customer.
- (7) Subclause (4) does not apply if —
- (a) the licensee has complied with subclause (3); and
  - (b) the customer fails to pay the undercharged amount by the date when payment is due and does not enter into a repayment plan under subclause (5).
- (8) However, subclause (7) does not apply if —
- (a) the licensee has assessed, under its financial hardship policy, that the customer is experiencing financial hardship or that the recovery of the undercharge will result in the customer experiencing financial hardship; or
  - (b) the customer has made a complaint directly related to the undercharged amount to the licensee or the water services ombudsman and —
    - (i) if the complaint has been made to the licensee — the complaint has not been resolved by the licensee, or the complaint has been resolved in favour of the customer; or
    - (ii) if the complaint has been made to the water services ombudsman — the complaint has not been determined or has been upheld by the water services ombudsman.

- (9) Subclause (8)(b)(ii) does not apply unless the licensee has been advised by the water services ombudsman that the customer has made the complaint.

## **19. Overcharging in bills**

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

**cl. 20**

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must credit the overcharged amount to the customer's account before the end of the period of the next 15 business days.

- (5) The licensee must notify the customer immediately after crediting the overcharged amount to the customer's account under this clause.

**20. Notice of alterations to charges**

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

**21. Review of bills**

- (1) A licensee must review a bill on the customer's request.
- (2) The licensee must inform the customer of the outcome of a review of the customer's bill as soon as practicable but no later than the end of the period of 20 business days starting on the day on which the customer's request for review is received.
- (3) If the licensee does not complete a review before the end of the period of 20 business days under subclause (2), the licensee must notify the customer of the status of the review as soon as practicable after the end of that period.

**22. Review procedure**

- (1) A licensee must have a written procedure (the *review procedure*) for the review of a bill on the customer's request.



- (2) The review procedure must include information about the following —
  - (a) requesting a meter reading or the testing of a meter as mentioned in clause 52(2)(c) and (d);
  - (b) what happens if, on review, it is found that the customer has been undercharged or overcharged;
  - (c) what the customer can do if unsatisfied with the outcome of the review.
- (3) In relation to subclause (2)(c), the review procedure must state that the customer may, but is not required to, use the licensee's complaints procedure mentioned in clause 49 before or instead of —
  - (a) applying to the water services ombudsman under a scheme approved under section 65 in respect of the complaint; or
  - (b) making an appeal from, or applying for a review of, the decision that gave rise to the customer's request for review, if an appeal or review is available under regulations mentioned in section 222(2)(k).
- (4) The review procedure must be publicly available.

## **Part 4 — Payment for water services**

### **23. Term used: consumer organisation**

In this Part —

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

### **24. When payment due**

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

### **25. Payment methods**

- (1) A licensee must allow a customer to pay a bill by any of the following methods selected by the customer —
  - (a) in the case of a residential customer — Centrepay (for those customers who are able to use this facility);
  - (b) internet;
  - (c) telephone;
  - (d) post.
- (2) A licensee must, when offering bill payment method options, inform customers of the fees and charges (if any) associated with each bill payment method offered.
- (3) Nothing in subclause (1) prevents a licensee from providing another bill payment method in addition to those set out in that subclause.

### **26. Consent for direct debits**

- (1) If under clause 25(3) a licensee allows a customer to pay a bill by direct debit, the licensee must, before receiving a bill payment by direct debit for the first time, obtain the express consent of —

- (a) the customer; or
- (b) an adult person nominated by the customer to give consent.

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

**27. Payment in advance**

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

**28. Free redirection in case of absence or illness**

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

**29. Payment assistance and related matters**

- (1) Subject to this Part, a licensee must make the following available to residential customers —
  - (a) additional time to pay a bill;
  - (b) a payment plan for an amount owing by the customer to the licensee.
- (2) However, a customer is only entitled to select 1 option under subclause (1) once per bill.

**30. Payment plans**

- (1) When formulating a payment plan to assist a customer the licensee must take into account —
  - (a) the customer's capacity to pay any bill; and

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- (b) in the case of a bill for usage, how much water has been supplied or wastewater has been discharged in previous billing periods.
- (2) If a customer has, in the previous 12 months, had 2 payment plans cancelled due to non-compliance, a licensee is not required to offer the customer another payment plan unless the licensee is satisfied that the customer will comply with the payment plan.
- (3) For the purposes of subclause (2), cancellation does not include the variation of a payment plan under clause 31.
- (4) If a customer accepts a payment plan, the licensee must, within 5 business days after the customer accepts the payment plan, provide the customer with information in writing that specifies —
  - (a) the terms of the payment plan, including the number of payments, the amount of each payment, when each payment must be made and how the payments are calculated; and
  - (b) the consequences of not complying with the payment plan, including when the payment plan may be cancelled; and
  - (c) that contact should be made with the licensee to ask for further assistance if the customer cannot comply with, or continue to comply with, the payment plan.
- (5) However, a licensee is not required to comply with subclause (4) if the licensee has provided to the customer the information referred to in that subclause within the preceding 12 months.
- (6) A licensee must, in relation to a residential customer for whom a payment plan is being considered, offer the customer assistance to manage their bills for ongoing provision of services during the period of the payment plan.

Examples for this subclause:

A licensee may offer to assist a customer —

- (a) by estimating the customer's usage over the period of the plan and building this into any repayment schedule at the start of the plan; or
- (b) by giving consideration to rolling new bills into the plan as time progresses.

### **31. Variation of payment plans**

- (1) A licensee must review a payment plan at the request of a customer.
- (2) The licensee must offer to vary a payment plan if a review under subclause (1) indicates that the customer is unable to meet obligations under the payment plan.
- (3) The licensee must, within 5 business days after the customer accepts an offer to vary the payment plan, provide the customer with information that clearly explains, and assists the customer to understand, the variation.
- (4) A licensee must not vary a payment plan without the customer's agreement.
- (5) An agreement under subclause (4) must relate to the particular variation rather than under a general agreement to future variations.
- (6) Nothing in this clause prevents a licensee from cancelling a payment plan if the customer fails to comply with the payment plan.

### **32. Financial hardship policy**

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

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- (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 if directed to do so by the Authority.
- (8) A licensee must consult with relevant consumer organisations whenever the licensee is —
  - (a) developing a financial hardship policy; or
  - (b) making a material amendment to its financial hardship policy.

**33. Assistance for customers experiencing financial hardship**

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

- (3) When formulating a payment plan or other arrangement for a customer under this clause the licensee must take into account —
- (a) the customer’s capacity to pay the bill; and
  - (b) in the case of a bill for usage, how much water has been supplied or wastewater has been discharged in previous billing periods.
- (4) In addition to the requirements of subclauses (2) and (3), the licensee must —
- (a) consider reducing an amount owing by the customer to the licensee; and
  - (b) at the customer’s request, review how the customer is paying the bill under a payment plan or other arrangement entered into under subclause (2) and, if the review indicates that the customer is unable to meet obligations under the plan or arrangement, revise it; and
  - (c) provide written information to the customer about —
    - (i) redirecting the bill free of charge under clause 28; and
    - (ii) the bill payment methods provided by the licensee; and
    - (iii) applying for concessions to which the customer may be entitled; and
    - (iv) seeking independent financial counselling or seeking advice from relevant consumer organisations; and
    - (v) applying for any other financial assistance to which the customer may be entitled including from Government-funded grant schemes.

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**34. Matters relating to customers experiencing payment difficulties or financial hardship**

- (1) In this clause —  
*payment scheme* means a payment plan or other arrangement under clause 30 or 33(2).
- (2) Nothing in clause 30 or 33 prevents a licensee from offering a payment arrangement or other kind of assistance in addition to a payment scheme.
- (3) Despite clause 30 or 33, a licensee is not required to, but may, offer a payment scheme to a customer who has had 2 payment schemes cancelled because they have not been complied with.
- (4) A licensee must have written information about the payment schemes and other assistance that it has available to customers for the purposes of clause 30 or 33.
- (5) The information must be publicly available.

**35. No interest or fees for late payment in certain cases**

- (1) A licensee must not charge interest or fees for late payment of a bill by a customer —
  - (a) if the licensee has allowed the customer additional time to pay the bill under clause 29(1)(a) or 33(2)(a) and the bill is paid within that time; or
  - (b) if the licensee has assessed that the customer is experiencing financial hardship; or
  - (c) if a complaint made by the customer to the licensee that directly relates to the non-payment of the bill is not resolved; or
  - (d) 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)(d) does not apply unless the licensee has been advised by the water services ombudsman that the customer has made the complaint.

**36. No debt collection in certain cases**

- (1) A licensee must not commence or continue proceedings to recover a debt from a customer if —
- (a) the customer is complying with a payment plan or other arrangement entered into under clause 30 or 33(2); or
  - (b) the licensee is assessing whether or not the customer is experiencing payment difficulties; or
  - (c) the licensee is assessing, under its financial hardship policy, whether or not the customer is experiencing financial hardship; or
  - (d) a complaint made by the customer to the licensee that directly relates to the water service charge to which the debt relates is not resolved; or
  - (e) a complaint made by the customer to the water services ombudsman that directly relates to the water service charge to which the debt relates is not determined or is upheld by the water services ombudsman.
- (2) Subclause (1)(e) does not apply unless the licensee has been advised by the water services ombudsman that the customer has made the complaint.

## **Part 5 — Restricting the flow of water**

### **37. Term used: water supply restriction**

In this Part —

***water supply restriction*** means —

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

Note:

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

### **38. 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.

### **39. Notice of water supply restriction**

- (1) A licensee must not start a water supply restriction unless —
  - (a) the licensee has given the customer a reminder notice under clause 38; and

- (b) the water service charge (including any interest or fees charged for late payment) has still not been paid in full; and
  - (c) the licensee has given written notice (a **restriction notice**) of the proposed water supply restriction to the customer.
- (2) A restriction notice must not be given less than 7 days before the day on which the water supply restriction is proposed to start.
- (3) A restriction notice must, in addition to anything else —
  - (a) explain the reason for the proposed water supply restriction; and
  - (b) advise the customer of the earliest date on which the water supply restriction may start; and
  - (c) inform the customer of the existence and operation of the licensee's complaints procedure mentioned in clause 49; and
  - (d) inform the customer of the procedures available to the customer under the Act for applying to the water services ombudsman under a scheme approved under section 65 and provide a Freecall telephone number for the office of the water services ombudsman; and
  - (e) inform the customer of the applicable procedures, including any costs, for the restoration of the water supply if the water supply restriction is started.

**40. No water supply restriction in certain cases**

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

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- (c) the licensee is assessing, under its financial hardship policy, whether or not the customer is experiencing financial hardship; or
  - (d) the customer is experiencing payment difficulties or financial hardship and is complying with a payment plan or other arrangement under which the customer has been given more time to pay the bill or to pay arrears; or
  - (e) a complaint made by the customer to the licensee that directly relates to the water service charge is not resolved; or
  - (f) a complaint made by the customer to the water services ombudsman that directly relates to the water service charge is not determined or is upheld by the water services ombudsman; or
  - (g) the customer has applied for a concession or other financial assistance to which the customer may be entitled and a decision on the application has not yet been made; or
  - (h) the supply of water is to a place occupied by a tenant and the customer is liable to pay the amount owing.
- (2) Subclause (1)(f) does not apply unless the licensee has been advised by the water services ombudsman that the customer has made the complaint.
- (3) An agreement referred to in clause 6(1) does not vary or displace the operation of subclause (1)(h) if the tenant uses the place as a dwelling.

Note:

For more provisions about when water flow cannot be restricted see clauses 41 and 55.

**41. No water supply restriction at certain times**

A licensee must not start a water supply restriction —

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

**42. Water flow not to be reduced below minimum rate**

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

**43. Restoration of water supply**

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

**44. Minimum performance standards for restoration of water supply**

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

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**restoration event** means —

- (a) payment under clause 43(1)(a); or
- (b) entering into an arrangement under clause 43(1)(b); or
- (c) the licensee being satisfied under clause 43(2);

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

- (a) a water supply restriction has started; or
  - (b) a supply of water has been cut off, or the rate of flow of a supply of water has been reduced, under section 95(1)(a), (c), (d) or (e).
- (2) If the licensee is the Water Corporation and the land is in the metropolitan region, the Water Corporation must restore a water supply —
- (a) if the restoration event occurs before 3 pm on a business day, by the next business day; or
  - (b) if the restoration event occurs at any other time, within the next 2 business days.
- (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.
- (4) The Water Corporation must ensure that there is a compliance rate of at least 90% with both of subclauses (2) and (3) in any 12-month period ending on 30 June.
- (5) A licensee other than the Water Corporation must restore a water supply —
- (a) if the restoration event occurs before 3 pm on a business day, by the next business day; and

- (b) if the restoration event occurs at any other time, within the next 2 business days.
- (6) A licensee other than the Water Corporation must ensure that there is a compliance rate of at least 90% with subclause (5) in any 12-month period ending on 30 June.
- (7) Subclauses (2), (3) and (5) do not apply to the extent that the licensee and customer expressly agree otherwise.

## **Part 6 — Faults, emergencies and interruptions affecting water services**

### **45. Term used: supply area**

In this Part —

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

### **46. Notice of matters that will affect a water supply service**

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

### **47. Bursts, leaks, blockages and spills**

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



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

**48. Licensee to have 24-hour information line**

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

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

## **Part 7 — Complaints about water services**

### **49. Procedure for dealing with complaints about water services**

- (1) A licensee must have a written procedure (a *complaints procedure*) in relation to investigating and dealing with complaints of customers about the provision of a water service by the licensee or a failure by the licensee to provide a water service.
- (2) The complaints procedure must be developed using as minimum standards the relevant provisions of —
  - (a) AS 10002:2022; 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) acknowledging a complaint within 10 business days after the complaint is received;
  - (c) responding to a complaint by addressing the matters in the complaint within 20 business days;
  - (d) methods for responding to complaints;
  - (e) dispute resolution arrangements.
- (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.

**50. Advice about outcome of complaint**

A licensee must —

- (a) inform the customer of the outcome of a complaint; and
- (b) unless the customer has advised the licensee that the complaint has been resolved in a manner acceptable to the customer, inform the customer —
  - (i) of the licensee’s reasons for the outcome; and
  - (ii) that if the customer is not satisfied with the outcome, 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
  - (iii) of a Freecall telephone number for the office of the water services ombudsman.

## **Part 8 — Information and communication services**

### **51. Services and information to be provided without charge**

- (1) A licensee must provide a customer with the following on request and at no charge —
  - (a) services for account, payment and general enquiries for use by customers with hearing or speech impairment;
  - (b) interpreter services for account, payment and general enquiries;
  - (c) a large-print version of any of the licensee’s publicly available documents.
- (2) A licensee must make available to each customer, on request and at no charge, the customer’s personal account information including information about bills previously issued to the customer and about the quantity of water supplied to, or wastewater discharged by, the customer in previous billing periods.
- (3) A licensee must provide the information requested under subclause (2) within 5 business days after the request is made.

### **52. Information to be widely 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 51;

- (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 (subject to the qualification that the licensee cannot cut off the supply of water to an occupied dwelling unless the occupier agrees to that);
  - (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, having entered into such a plan or arrangement, the customer does not comply with it;
  - (i) that under section 95(3), the supply of water cannot be cut off to an occupied dwelling unless the occupier agrees;
  - (j) the quality of water and its management;
  - (k) sustainable use of water;
  - (l) planned and unplanned interruptions of water supply or other incidents that may significantly affect the provision of water services to customers.
- (2) A licensee must ensure that the following information about bills may be obtained from its website —
- (a) if a bill is based on an estimate, that the licensee will tell a customer on request —
    - (i) the basis of the estimate; and
    - (ii) the reason for the estimate;

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- (b) that in the case of a metered water service, a customer may request a meter reading and bill to determine the outstanding charge for a period that is not the same as the usual billing cycle;
  - (c) that in the case where a customer disputes an estimate on which a bill is based, the customer may request a meter reading (if the water service is metered and the meter is operable) and in any event a revised bill and, if the customer so requests, information about the fees that apply;
  - (d) that a customer may request, in accordance with the regulations mentioned in section 79(3)(b), the testing of a meter and, if the customer so requests, information about the fees that apply and when the fees may be reimbursed in accordance with the regulations mentioned in section 79(3)(c);
  - (e) that the bill can be reviewed in accordance with the licensee's review procedure mentioned in clause 22;
  - (f) that complaints about the provision of a water service by the licensee or a failure by the licensee to provide a water service can be made in accordance with the licensee's complaints procedure mentioned in clause 49.
- (3) A licensee must ensure that the following information about Part 9 may be obtained from its website —
- (a) that a person mentioned in clause 54(1)(a) or (b) may apply to be recorded on a register under that Part;
  - (b) the process for applying to be recorded on a register under that Part;
  - (c) the obligations placed on the licensee under that Part in the event of a service interruption.
- (4) A licensee must ensure that its website contains a link that provides access to the current version of this code appearing on the WA legislation website.

- (5) The requirements under this clause are in addition to the requirements under clauses 8(3), 17(3), 22(4), 32(6), 34(5) and 49(5).

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

### **53. Terms used**

In this Part —

*preserved supply register*, in relation to a licensee, means the register maintained by the licensee under clause 54;

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

### **54. Preserved supply register and advice to registered persons**

- (1) This clause applies if a licensee —
  - (a) receives notice or otherwise becomes aware that a person who resides at a supply address requires water for the operation of a dialysis machine or other life support equipment; or
  - (b) assesses and determines that a person who resides at a supply address requires water for a special need of another kind.
- (2) The licensee must —
  - (a) maintain an up-to-date register for the purposes of this Part; and
  - (b) record on the register, in relation to each person mentioned in subclause (1)(a) or (b) —
    - (i) the name of the person and their preferred contact details (to the extent known to the licensee); and
    - (ii) the supply address.
- (3) The licensee must, within 5 business days after recording a person on the register, provide the following information in writing to the person —



- (a) advice that there may be planned or unplanned service interruptions to the supply of water to the supply address, and that the licensee is required to provide notice of a planned service interruption in accordance with this code;
  - (b) advice about where to find information and communications about unplanned service interruptions on the licensee's website;
  - (c) a recommendation that the person prepare a plan of action in case of an unplanned service interruption;
  - (d) an emergency telephone contact number for the licensee (the charge of which will be no more than the cost of a local telephone call (excluding mobile telephones)).
- (4) For the purposes of this clause, a person's contact details are the following —
- (a) a telephone number;
  - (b) an email address.

**55. No reduction of supply**

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

**56. Notices under clause 46 to persons on preserved supply register**

Despite clause 46(3), in the case of a service interruption that will affect a supply address recorded on the preserved supply register, the notice required by clause 46(1) must be —

- (a) given —
  - (i) to the person using the person's preferred contact details recorded on the register; or

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(ii) by any form of electronic means agreed between the licensee and the person recorded on the register;

or

(b) if notice cannot be given under paragraph (a) —

(i) sent by post to the supply address; or

(ii) delivered to the supply address.

## **Part 10 — Repeal**

**57. *Water Services Code of Conduct (Customer Service Standards) 2018 repealed***

*The Water Services Code of Conduct (Customer Service Standards) 2018 is repealed.*

Economic Regulation Authority

## Defined terms

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

*The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
AS .....	3
bill .....	3
bill for usage .....	3, 11(2)
business day .....	3
Centrepay .....	3
complaint .....	3
complaints procedure .....	49(1)
concession .....	3
connection .....	3
consumer organisation .....	23
consumption year .....	15(1)
customer's system .....	17(1)
estimate .....	3
family violence .....	3
fee-free arrangement .....	4(2)
financial hardship .....	3
financial hardship policy .....	3, 32(1)
fixed charge .....	10(1)
metropolitan region .....	44(1)
National Interpreter Symbol .....	3
overcharged amount .....	19(1)
overcharging notice .....	19(2)
payment difficulties .....	3
payment plan .....	3, 4(1)
payment scheme .....	34(1)
preserved supply register .....	53
publicly available .....	3
quantity charge .....	11(1)
relevant licensee .....	6(2)
residential customer .....	3
restoration event .....	44(1)
restore .....	44(1)
restriction notice .....	39(1)
review procedure .....	22(1)
section .....	3
service interruption .....	3
standard supply connection .....	9(1)
supply address .....	53
supply area .....	45

tariff .....	15(1)
undercharged amount.....	18(1)
water services ombudsman .....	3
water supply restriction.....	37