



Western Australia

Water Services Act 2012

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

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Water Services Code of Conduct (Customer Service Standards) 2018

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Water Services Code of Conduct (Customer Service Standards) 2018

Part 1 — Preliminary

1. Citation

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

2. Commencement

This code comes into operation as follows —

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

[3-7. Have not come into operation ².]

[Parts 2-10 have not come into operation ².]

Notes

¹ This is a compilation of the *Water Services Code of Conduct (Customer Service Standards) 2018*^{1a}. The following table contains information about that code.

Compilation table

Citation	Gazettal	Commencement
<i>Water Services Code of Conduct (Customer Service Standards) 2018</i> cl. 1 and 2	5 Feb 2018 p. 339-84	5 Feb 2018 (see cl. 2(a))

^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Citation	Gazettal	Commencement
<i>Water Services Code of Conduct (Customer Service Standards) 2018</i> cl. 3-7 and Pt. 2-10 ²	5 Feb 2018 p. 339-84	1 Jul 2018 (see cl. 2(b))

² On the date as at which this compilation was prepared, the *Water Services Code of Conduct (Customer Service Standards) 2018* cl. 3-7 and Pt. 2-10 had not come into operation. They read as follows:

3. Terms used

In this code —

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

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

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

bill means a bill for a water service charge;

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

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

concession includes an exemption, discount or rebate;

connection means a connection of a water service to land;

estimate includes a calculation based on an estimate;

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

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

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

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

section means section of the Act;

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

Note:

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

4. Application of code

- (1) In this clause —

drinking water means —

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

- (2) This code applies to —

- (a) each licensee that provides a water supply service, but only in respect of the supply of drinking water, and each of the licensee’s customers; and
- (b) each licensee that provides a sewerage service and each of the licensee’s customers.

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

- (a) Parts 3 and 4, clauses 34 to 38, clause 40(1), clause 49(1)(a), (b), (c), (g) and (h) and (2)(a) to (e) and clause 52 do not apply;

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

5. Contracting out

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

6. Local government laws prevail if inconsistent with code

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

7. Notes and examples not part of code

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

Part 2 — Connection of water services to land

8. Information about connections

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

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

9. Minimum performance standards for standard supply connections

- (1) A connection is a *standard supply connection* if it —
 - (a) connects a metered water supply service to an existing main; and
 - (b) comprises 20 mm water supply pipes.
- (2) A standard supply connection must be completed before the end of the period of 10 business days starting on the day on which both of these things have been complied with —
 - (a) the customer has done, or complied with, all the things, that the customer must do and comply with before a standard supply connection is made; and
 - (b) the fees that apply in relation to the standard supply connection have been paid.
- (3) Subclause (2) does not apply if the licensee and customer expressly agree otherwise.
- (4) A licensee must ensure that there is a 90% compliance rate with subclause (2) in any 12 month period ending on 30 June.

Part 3 — Billing for water services

10. Bills other than for quantities supplied or discharged

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

11. Bills for quantities supplied or discharged

- (1) In this clause —
quantity charge means a water service charge based on the quantity of water supplied or wastewater discharged.
- (2) If quantity charges apply for the provision of a water service to a customer by a licensee, the licensee must, at least once in every 4 month period, issue a bill for a quantity charge (a *bill for usage*) to the customer.
- (3) A bill for usage must be based on a meter reading to ascertain the quantity supplied or discharged.
- (4) If an accurate meter reading is not possible, a bill for usage must be based on an estimate, in accordance with regulations mentioned in section 222(2)(h) (if any), of the quantity of water supplied or wastewater discharged.
- (5) If an accurate meter reading is not possible and there are no applicable regulations, a bill for usage must be based on a reasonable estimate of supply or discharge —
 - (a) by referring to a daily average quantity of water supplied, or wastewater discharged, in a previous period; or
 - (b) by adjusting the quantity as measured by a faulty meter to take into account the effects of the fault; or
 - (c) on a basis agreed with the customer.
- (6) Despite subclauses (4) and (5), at least once in every 12 month period a bill for usage based on a meter reading must be issued.

12. Sending bills

A licensee must send a bill —

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

Note:

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

13. Information on bills

- (1) Each bill must contain the following information —
 - (a) the customer's name;
 - (b) the account number;
 - (c) the address of the place in respect of which the water service is provided;
 - (d) any other address nominated by the customer for sending of bills;
 - (e) the day on which the bill is issued;
 - (f) the charge payable;
 - (g) the water service for which the charge is payable;
 - (h) the date when payment is due;
 - (i) the nature and amount of any applicable concession;
 - (j) the amount of any interest or fees charged for late payment of amounts outstanding from previous bills;
 - (k) the amount of any arrears or credit standing to the customer's name;
 - (l) the options for payment that are available to the customer;
 - (m) if applicable, a statement advising the customer that interest or fees may be charged for late payment of the bill;
 - (n) a statement advising the customer that the licensee can be contacted for assistance if the customer is experiencing problems paying the bill.
- (2) A bill may be issued for 2 or more water services whether the water services are provided in respect of the same place or in respect of different places.
- (3) A bill issued for 2 or more water services must specify the charge payable for each water service.
- (4) Each bill for usage for a metered water service must also contain the following information —
 - (a) whether the bill was based on —
 - (i) a meter reading; or
 - (ii) an estimate of the quantity of water supplied or the quantity of wastewater discharged;
 - (b) the billing period;
 - (c) the number of days to which the bill applies;

- (d) the 2 most recent dates on which the quantity of water supplied or the quantity of wastewater discharged was ascertained, whether by a meter reading or an estimate;
 - (e) if the bill was based on a meter reading —
 - (i) the actual meter reading; and
 - (ii) the total quantity of water supplied or the quantity of wastewater discharged according to the meter reading;
 - (f) if the bill was based on an estimate, the total quantity of water supplied or the quantity of wastewater discharged according to the estimate;
 - (g) information, if available, about the customer's water usage in the billing period compared with the customer's water usage —
 - (i) in the previous billing period; and
 - (ii) in the corresponding billing period in the previous year.
- (5) If a bill for usage for a metered water service was based on an estimate, the bill must inform the customer that the licensee will tell the customer on request —
- (a) the basis of the estimate; and
 - (b) the reason for the estimate.
- (6) Each bill must contain the following general information —
- (a) the licensee's website address;
 - (b) a telephone number for account, payment and general enquiries;
 - (c) a telephone number for complaints;
 - (d) a Freecall telephone number for the office of the water services ombudsman;
 - (e) the telephone number of the 24 hour information line provided in accordance with clause 45;
 - (f) contact details for account, payment and general enquiries for use by customers with hearing or speech impairment;
 - (g) for a residential customer, the telephone number for interpreter services together with the National Interpreter Symbol and the words "Interpreter Services";
 - (h) a statement that the website contains information about estimates, meter reading and testing, complaints and review;
 - (i) a statement that the bill can be reviewed in accordance with the licensee's review procedure mentioned in clause 20.

14. Estimates: licensee's obligations

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

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

- (1) In this clause —

consumption year for a customer means —

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

tariff means charge per kL of water supplied.
- (2) This clause applies to a bill for usage if —
 - (a) the amount of water supplied to a customer during a consumption year is divided for charging purposes into 2 or more volumetric ranges (*e.g. up to 150 kL; over 150 kL but not over 350 kL; etc.*); and
 - (b) tariffs differ for water supplied within different volumetric ranges (*e.g. \$0.94 per kL for water supplied within the range up to 150 kL; \$1.74 per kL for water supplied within the range over 150 kL but not over 350 kL; etc.*).
- (3) Each bill for usage to which this clause applies must, in addition to the requirements of clause 13, contain the following information —
 - (a) the tariff for each volumetric range within which water has been supplied to the customer;
 - (b) how much more water the customer can be supplied with before supply will start to be in the next volumetric range;
 - (c) the tariff for the next volumetric range;

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

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

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

17. Leaks

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

18. Undercharging in bills

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

- (4) The licensee must not charge interest or late payment fees on the undercharged amount.
- (5) The licensee must allow the customer to pay the undercharged amount by way of a repayment plan that has effect for the shorter of the following periods starting on the day on which the bill mentioned in subclause (3)(a) or (b) is issued, as is applicable in the case —
 - (a) a period for the same amount of time in which the undercharging occurred;
 - (b) a period of 12 months.
- (6) Subclauses (2), (4) and (5) do not apply if the undercharging occurred as a result of the fraudulent or illegal conduct of the customer.

19. Overcharging in bills

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

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

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

20. Review of bills

- (1) A licensee must review a bill on the customer's request.
- (2) A licensee must have a written procedure for the review of a bill on the customer's request (the *review procedure*).
- (3) The review procedure must include information about the following —
 - (a) requesting a meter reading or the testing of a meter as mentioned in clause 49(2)(c) and (d);
 - (b) what happens if, on review, it is found that the customer has been undercharged or overcharged;
 - (c) what the customer can do if unsatisfied with the outcome of the review.
- (4) In relation to subclause (3)(c), the review procedure must state that the customer may, but does not have to, use the licensee's complaints procedure mentioned in clause 46 before or instead of —
 - (a) applying to the water services ombudsman under a scheme approved under section 65 in respect of the complaint; or
 - (b) making an appeal from, or applying for a review of, the decision that gave rise to the customer's request for review, if an appeal or review is available under regulations mentioned in section 222(2)(k).
- (5) The licensee must inform the customer of the outcome of a review of the customer's bill as soon as practicable or otherwise before the end of the period of 15 business days starting on the day the customer's request for review was received.
- (6) The review procedure must be publicly available.

21. Notice of alterations to charges

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

- (b) may be included in that next bill.

Part 4 — Payment for water services

22. Terms used

In this Part —

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

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

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

23. When payment due

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

24. Payment methods

- (1) A licensee must allow a customer to pay a bill by any of the following methods selected by the customer —
 - (a) in the case of a residential customer — Centrepay (*i.e. the facility that allows Centrelink customers to have automatic deductions taken from Centrelink payments*);
 - (b) internet;
 - (c) telephone;
 - (d) post.
- (2) A licensee must, when offering bill payment method options, inform customers of the fees and charges (if any) associated with each bill payment method offered.
- (3) Nothing in subclause (1) prevents a licensee from providing another bill payment method in addition to those set out in that subclause.

25. Consent for direct debits

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

- (b) of an adult person nominated by the customer to give consent.
 - (2) A consent or nomination under subclause (1) can be oral or written.
- 26. Payment in advance**
- (1) A licensee must accept payment in advance from a customer on the customer's request.
 - (2) A licensee does not have to credit interest to an amount paid in advance.
- 27. Free redirection in case of absence or illness**
- A licensee must redirect a customer's bills to another person on the customer's request and at no charge if the customer is or will be unable to pay the bills because of the customer's absence or illness.
- 28. Assistance for customers experiencing payment difficulties**
- (1) This clause applies if —
 - (a) a licensee has sent a bill to a customer; and
 - (b) the licensee has assessed that the customer is experiencing payment difficulties.
 - (2) The licensee must —
 - (a) advise the customer that the customer has a right to pay the bill under a payment plan or other arrangement under which the customer is given more time to pay the bill or to pay arrears; and
 - (b) offer to enter into an appropriate plan or arrangement with the customer.
 - (3) When formulating a payment plan or other arrangement for a customer the licensee must take into account —
 - (a) the customer's capacity to pay the bill; and
 - (b) in the case of a bill for usage, how much water has been supplied or wastewater has been discharged in previous billing periods.
 - (4) The licensee must consider and decide whether or not the payment plan or other arrangement should be interest-free, or fee-free, or both.
- 29. Financial hardship policy**
- (1) A licensee must have a written policy in relation to financial hardship.
 - (2) A licensee's financial hardship policy does not have effect unless it is approved by the Authority.

- (3) Unless the Authority approves otherwise, a licensee's financial hardship policy must comply with the Authority's guidelines (if any) in relation to financial hardship policies.
- (4) Subclauses (2) and (3) also apply to amendments to a licensee's financial hardship policy.
- (5) A licensee's financial hardship policy must be in effect before the end of the 6 month period starting on the day of the grant of the licensee's licence.
- (6) The financial hardship policy must be publicly available.
- (7) A licensee must review its financial hardship policy at least once in every 5 year period.
- (8) In addition to any review under subclause (7), a licensee must review its financial hardship policy if directed to do so by the Authority.
- (9) When formulating or reviewing its financial hardship policy, a licensee must consult with relevant consumer organisations.

30. Assistance for customers experiencing financial hardship

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

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

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

- (1) In this clause —
payment scheme means a payment plan or other arrangement mentioned in clause 28(2) or 30(2).
- (2) Nothing in clause 28 or 30 prevents a licensee from offering a payment arrangement or other kind of assistance in addition to a payment scheme.
- (3) Despite clause 28 or 30, a licensee does not have to, but may, offer a payment scheme to a customer who has had 2 payment schemes cancelled because they have not been complied with.
- (4) A licensee must have written information about the payment schemes and other assistance that it has available to customers for the purposes of clause 28 or 30.
- (5) The information must be publicly available.

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

- (1) A licensee must not charge interest or fees for late payment of a bill by a customer —
 - (a) if the licensee has assessed, under its financial hardship policy, that the customer is experiencing financial hardship; or
 - (b) if a complaint made by the customer to the licensee that directly relates to the non-payment of the bill is not resolved; or

- (c) if a complaint made by the customer to the water services ombudsman that directly relates to the non-payment of the bill is not determined or is upheld by the water services ombudsman.
- (2) Subclause (1)(c) does not apply unless the licensee has been advised by the water services ombudsman that the customer has made the complaint.

33. No debt collection in certain cases

- (1) A licensee must not commence or continue proceedings to recover a debt from a customer if —
 - (a) the customer is complying with a payment plan or other arrangement entered into under clause 28(2) or 30(2); or
 - (b) the licensee is assessing whether or not the customer is experiencing payment difficulties; or
 - (c) the licensee is assessing, under its financial hardship policy, whether or not the customer is experiencing financial hardship; or
 - (d) a complaint made by the customer to the licensee that directly relates to the water service charge to which the debt relates is not resolved; or
 - (e) a complaint made by the customer to the water services ombudsman that directly relates to the water service charge to which the debt relates is not determined or is upheld by the water services ombudsman.
- (2) Subclause (1)(e) does not apply unless the licensee has been advised by the water services ombudsman that the customer has made the complaint.

Part 5 — Restricting the flow of water

34. Term used: water supply restriction

In this Part —

water supply restriction means —

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

Note:

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

35. Reminder notice

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

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

36. Notice of water supply restriction

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

37. No water supply restriction in certain cases

- (1) A licensee must not start a water supply restriction if —
 - (a) the amount owing is less than \$200; or

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

Note:

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

38. No water supply restriction at certain times

A licensee must not start a water supply restriction —

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

39. Water flow not to be reduced below minimum rate

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

40. Restoration of water supply

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

41. Minimum performance standards for restoration of water supply

- (1) In this clause —

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

restoration event means —

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

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

 - (a) a water supply restriction has started; or
 - (b) a supply of water has been cut off, or the rate of flow of a supply of water has been reduced, under section 95(1)(a), (c), (d) or (e).
- (2) If the licensee is the Water Corporation and the land is in the metropolitan region, the Water Corporation must restore a water supply —
 - (a) if the restoration event occurs before 3 pm on a business day, by the next business day; or
 - (b) if the restoration event occurs at any other time, within the next 2 business days,

unless the licensee and customer expressly agree otherwise.

- (3) If the licensee is the Water Corporation and the land is outside the metropolitan region, the Water Corporation must restore a water supply —
- (a) if the restoration event occurs before 3 pm on a business day, within the next 2 business days; and
 - (b) if the restoration event occurs at any other time, within the next 3 business days,
- unless the licensee and customer expressly agree otherwise.
- (4) A licensee other than the Water Corporation must restore a water supply —
- (a) if the restoration event occurs before 3 pm on a business day, by the next business day; and
 - (b) if the restoration event occurs at any other time, within the next 2 business days,
- unless the licensee and customer expressly agree otherwise.
- (5) The Water Corporation must ensure that there is a 90% compliance rate with both of subclauses (2) and (3) in any 12 month period ending on 30 June.
- (6) A licensee other than the Water Corporation must ensure that there is a 90% compliance rate with subclause (4) in any 12 month period ending on 30 June.

Part 6 — Faults, emergencies and interruptions affecting water services

42. Terms used

In this Part —

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

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

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

- (1) A licensee must give notice of any planned service interruption to each customer that will be affected by the service interruption.
- (2) The notice must be given —
- (a) not less than 48 hours before the start of the service interruption; or
 - (b) if it is not reasonably practicable to comply with paragraph (a), at the earliest practicable time before the start of the service interruption.

- (3) The notice may be —
 - (a) sent by post or delivered to the place at which bills are sent under clause 12, or to the place in respect of which the water supply service is provided; or
 - (b) given by broadcast on a television or radio station broadcasting to the supply area; or
 - (c) given by publication in a newspaper circulating in the supply area; or
 - (d) given by electronic means.

44. Bursts, leaks, blockages and spills

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

45. Licensee to have 24 hour information line

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

- (a) notify the licensee of emergencies and faults; and

- (b) get information about the reason for, and the expected duration of, any unplanned service interruption.

Part 7 — Complaints about water services

46. Procedure for dealing with complaints about water services

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

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

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

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

- (c) provide a Freecall telephone number for the office of the water services ombudsman.

Part 8 — Information and communication services

48. Services to be provided without charge

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

49. Information to be publicly available

- (1) A licensee must make information about the following matters publicly available —
 - (a) the fees and charges that will be imposed and collected by the licensee;
 - (b) the licensee's bill payment method options and the fees and charges (if any) associated with each bill payment method offered;
 - (c) the concessions that are available to customers;
 - (d) the services provided by the licensee under clause 48;
 - (e) the power of a person authorised by a licensee under section 129 to enter a place without consent, notice or warrant to read a meter connected to the licensee's water service works;
 - (f) the obligations of customers under the regulations to ensure that access to a meter is available;
 - (g) that under section 95(1)(b), the licensee may cut off, or reduce the rate of flow of, a supply of water if a water service charge remains unpaid for 30 days after it becomes due;
 - (h) that if the customer is offered a payment plan or other arrangement giving the customer more time to pay the bill or to pay arrears, the licensee's power as mentioned in paragraph (g) can only be exercised if —

- (i) the customer has not accepted the offer within the period of 7 days after the day on which it was made; or
 - (ii) having entered such a plan or other arrangement, the customer does not comply with it;
 - (i) that under section 95(3), the supply of water cannot be cut off to an occupied dwelling unless the occupier agrees;
 - (j) the quality of water and its management;
 - (k) sustainable use of water;
 - (l) planned and unplanned interruptions of water supply or other incidents that may significantly affect the provision of water services to customers.
- (2) A licensee must ensure that the following information about bills may be obtained from its website —
 - (a) if a bill is based on an estimate, that the licensee will tell a customer on request —
 - (i) the basis of the estimate; and
 - (ii) the reason for the estimate;
 - (b) that in the case of a metered water service, a customer may request a meter reading and bill to determine the outstanding charge for a period that is not the same as the usual billing cycle;
 - (c) that in the case where a customer disputes an estimate on which a bill is based, the customer may request a meter reading (if the water service is metered and the meter is operable) and in any event a revised bill and that if the customer so requests, information about the fees that apply;
 - (d) that a customer may request, in accordance with the regulations mentioned in section 79(3)(b), the testing of a meter and that if the customer so requests, information about the fees that apply and when the fees may be reimbursed in accordance with the regulations mentioned in section 79(3)(c);
 - (e) that the bill can be reviewed in accordance with the licensee's review procedure mentioned in clause 20;
 - (f) that complaints about the provision of a water service by the licensee or a failure by the licensee to provide a water service can be made in accordance with the licensee's complaints procedure mentioned in clause 46.

- (3) A licensee must ensure that its website contains a link that provides access to the current version of this code appearing on the website that is maintained by or on behalf of the Western Australian Government and that provides public access to electronic versions of Western Australian legislation.
- (4) The requirements under this clause are in addition to the requirements under clauses 8(3), 17(3), 20(6), 29(6), 31(5) and 46(5).

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

50. Terms used

In this Part —

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

service interruption has the meaning given in clause 42;

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

51. Preserved supply register

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

52. No reduction of supply

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

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

Despite clause 43(3), in the case of a service interruption that will affect a supply address recorded on the preserved supply register,

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

Part 10 — Repeal

54. Repeal of previous code of conduct

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