

Water Customer Service Codes Review

Proposal for amendments to the water customer service codes

14 June 2022

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Summary

The Essential Services Commission (the commission) proposes to amend the current **Customer Service Code: Urban Water Businesses** and **Rural Water Customer Service Code** (the current customer service codes).

Access to water is necessary for people to maintain basic living standards, and to promote health and wellbeing. Going without water can pose a considerable health and safety risk. This can be exacerbated for customers who are experiencing vulnerability in other parts of their life. Therefore, a key focus of our review has been to ensure the current customer service codes continue to provide strong protection and support for customers experiencing payment difficulty.

In August 2020, the commission incorporated the National Cabinet-approved policies and principles for coronavirus support (National Principles) into the current customer service codes.¹

Many of the protections outlined in the National Principles were already regulated in some way through the current customer service codes. In some areas, such as expanded support for small businesses and halting supply restrictions and debt collection and recovery, they extended protections for customers. At the time, we noted our intent to consult on how elements of the National Principles might be reflected in the current customer service codes on an ongoing basis. We have proposed some amendments to customer protections, informed by the application of our current customer service codes and the underlying intent of the National Principles during the pandemic, and the actions of water businesses. Over the past two years, water businesses have substantially increased their support for customers, often going beyond the minimum requirements set out in our current customer service codes.

A key learning over this period has been the importance of early, proactive communication and tailored support for customers experiencing payment difficulty. We have sought to capture recent practice and learning in our proposed amendments and provide for consistent standards across the state.

The codes will continue to provide for debt management actions by water businesses, as allowed under the *Water Act 1989* and the *Water Industry Act 1994*. However, our expectation remains that actions such as water restrictions or legal action remain a last resort, with a primary emphasis on

¹ Support for households and small businesses facing hardship in paying for essential services,' Australian Government, Department of Industry, Science, Energy and Resources, accessed 23 July 2020, <https://www.energy.gov.au/publications/support-households-and-small-businesses-facing-hardship-payingessential-services>

water businesses maximising opportunities for customers to access early support that best suits their individual circumstances.

The main focus of our proposed amendments are to:

- strengthen code requirements relating to customer communication, to help ensure water businesses communicate appropriately and sensitively with their customers
- refine the minimum standards regarding support for customers experiencing payment difficulty, and mandating certain support for small businesses
- reflect changes in technology and communication channels since we last reviewed our codes
- clarify the application of interest and debt management activities by water businesses.

There are also some administrative amendments proposed throughout the paper and in the accompanying annexures.

Our proposed amendments have been informed by consultation with the industry and community stakeholders. This includes through stakeholder forums hosted by the commission, and a community panel we established to help ensure our work is informed by the voice of customers.

We propose for the amendments to take effect from 1 January 2023. We are seeking feedback on our proposals however, before we finalise our views.

Introduction

Purpose of the paper

This draft decision outlines the Essential Services Commission's proposed amendments to the **Customer Service Code: Urban Water Businesses** and **Rural Water Customer Service Code** (the current customer service codes). The main purpose of the paper is to facilitate feedback from stakeholders before we finalise the proposed amendments in September 2022.

The regulatory framework

The commission is responsible for water customer service codes that specify standards and conditions of service that water businesses must comply with. These codes govern many of the interaction's customers have with water businesses on billing, payment difficulty and collection of debt. They also specify minimum levels of standards in relation to service quality and reliability.

The **Customer Service Code for Urban Water Businesses**, and the **Rural Water Customer Service Code** are made under section 4F of the *Water Industry Act 1994* in a manner consistent with requirements of the Water Industry Regulator Order made under section 4D of the Act. In line with our codes, Victorian water businesses are required to follow the customer related standards, procedure and practices set out in the codes, and develop, issue and comply with a customer charter that meets the procedural and substantive requirements of the codes and sets out the water business' approved service standards.

We monitor and report on the water business's performance to ensure they are complying with the standards and conditions of service set out in our codes and any guidelines or any other relevant legislative instruments that govern our role.

On 1 December 2021, the *Water Industry Act 1994* was updated by the *Essential Services Commission (Compliance and Enforcement Powers) Amendment Act 2021*. The amendments had the effect that the codes are now to be known as the Water Industry Standards.²

As a result of these changes, we propose to update the name of the codes to the following:

- Water Industry Standard – Urban Customer Service
- Water Industry Standard – Rural Customer Service

² s187(3) of the *Water Industry Act 1994*

To ensure a consistent use of language and a clear distinction between the current and draft codes, this document will refer to the current customer service codes as:

- current Customer Service Code – Urban Businesses
- current Rural Customer Service Code
- current customer service codes.

The draft codes will be variously referred to as:

- draft Water Industry Standard – Urban Customer Service
- draft Water Industry Standard – Rural Customer Service
- draft water industry standards.

Structure of this paper

Chapter 2 outlines our process and engagement in our review of the current customer service codes.

Chapter 3 outlines the proposed amendments to both the Urban and Rural draft water industry standards.

Chapter 4 outlines the proposed amendments specific to the draft Water Industry Standard – Urban Customer Service.

Chapter 5 outlines the proposed amendments specific to the draft Water Industry Standard – Rural Customer Service.

Chapter 6 outlines the proposed amendments specific to the service standards in both the Urban and Rural draft water industry standards.

Chapter 7 outlines the proposed amendments to the definitions in both the Urban and Rural draft water industry standards.

Accompanying this draft decision are the following annexes:

Annex A is the proposed Draft Water Industry Standard - Urban Customer Service to apply from 1 January 2023

Annex B is the proposed Draft Water Industry Standard – Rural Customer Service to apply from 1 January 2023

Annex C is a comparison of the updates in the Draft Water Industry Standard - Urban Customer Service to the Customer Service Code – Urban Water Businesses

Annex D is a comparison of the updates in the Draft Water Industry Standard - Rural Customer Service to the Rural Water Customer Service Code.

Annex A and B include highlights to show proposed changes in clauses.

Annex C and D will help stakeholders compare the proposed amendments to the current customer service codes. These annexes are designed so that stakeholders can firstly refer to our current customer service codes and identify how specific clauses have been reflected in the draft water industry standards. The existing customer service codes are available [on our website](#).

Next Steps

Stakeholders are invited to provide feedback on this draft decision. Consultation opens on 14 June 2022 and closes on 26 July 2022.

A forum will be held in July 2022, where stakeholders will be invited to discuss the draft decision and provide written submissions.

To make a submission on this paper please go to Engage Victoria's [website](#). Alternatively, email the commission at water@esc.vic.gov.au to discuss other submission options.

All submissions come under the commission's submissions policy. Submissions will be made available on the commission's website, except for any information that is commercially sensitive or confidential. Submissions should clearly identify which information is sensitive or confidential.

Stakeholders may wish to comment on any aspect of our proposals. In some places, we have identified areas where we seek comment on specific changes. **More broadly, we are also interested in any information that would support consideration of the cost impacts of our proposals, relative to their benefits.**

To help stakeholders plan how to take part in this review, the following table provides indicative timeframes.

Key milestones	Indicative date
Draft decision	14 June 2022
Draft decision – public forum	Mid-July 2022
Submissions on draft decision close	26 July 2022
Final decision	September 2022

Our process and engagement

Our initial review of the current customer service codes in 2019

In 2019 we commenced a review of the current customer service codes. The current customer service codes had not been the subject of a wide-ranging review since they were introduced in 2005. Accordingly, we wanted to consult on whether the codes needed updating given changes in the environment facing water businesses and customers.

An extensive engagement program began with a workshop with more than 60 representatives from the water industry and community sector. A working group was also created, with members from water businesses, the community sector and government. The working group discussed:

- potential structural changes to the current customer service codes to make them more accessible
- customer communication, especially in relation to billing and customer charters
- customer protection, including support for customers experiencing payment difficulty, including small businesses
- the application of interest and debt
- reflecting contemporary changes to technology and communication methods.

The working group also discussed whether updates were needed to the hardship related Guaranteed Service Level. This requires a water business to take reasonable endeavours to contact a residential customer and provide information about help that is available if the customer is experiencing difficulties paying, prior to restricting the water supply or taking legal action.

The review was placed on hold in early 2020 due to the coronavirus pandemic. In August 2020 and after consultation, we included the National Principles in the current customer service codes to provide additional and consistent protections across the state during the pandemic. Their inclusion was to be a temporary measure which would inform future updates.

The commission recommenced the review in late 2021 to determine whether the current customer service codes were still meeting the needs of contemporary consumers. We also considered how the framework should reflect elements of the National Principles in an ongoing way.

National Cabinet approved policies and principles for coronavirus support

On 9 April 2020, the National Cabinet agreed on a policy approach and a set of principles to support households and small businesses facing hardship in paying for essential services during the coronavirus pandemic.³ These support principles were:

1. Encourage customers to contact their service providers at the earliest opportunity to discuss their situation.
2. Establish clear processes to identify, and to promptly and appropriately manage, households and small businesses experiencing financial stress, including small businesses eligible for the JobKeeper Payment, such as customers who:
 - a) Repeatedly fail to pay bills on time
 - b) Submit questions or issues to customer service centres
3. Offer households and small businesses that indicate they may be in financial stress, including small businesses eligible for the JobKeeper Payment, the option of going on a payment plan and/or other flexible options including bill smoothing, flexible repayment options, payment deferrals, extensions and access to Centrepay or other payment services.
4. Be prepared to modify existing payment plans if a customer's changed circumstances make this necessary.
5. Do not disconnect or restrict supply to households or small businesses in financial stress, including small businesses eligible for the JobKeeper Payment.
6. Defer referrals of households and small businesses in financial stress, including small businesses eligible for the JobKeeper Payment, for debt recovery/collection proceedings and credit default listings.
7. Suspend sale of debt while there is an arrangement in place with a customer under a hardship policy.
8. Waive late fees, interest charges and charges for collection of overdue amounts for households and small businesses in financial stress, including small businesses eligible for the JobKeeper Payment.

³ <https://www.energy.gov.au/sites/default/files/National%20Cabinet%20hardship%20principles%202020.pdf>

9. Provide clear, up-to-date, and readily available information about arrangements available to those in financial stress via multiple physical and digital communication channels.
10. Provide advice to households and small business customers about appropriate government concession programs and financial counselling services, and strategies to reduce their bills, and/or consumption of the service, in order to reduce future payment difficulties.
11. Minimise the frequency and duration of planned outages for critical works and provide as much notice as possible to assist households and businesses during any outage.

Many matters referred to in the National Principles were already provided for or regulated by the current customer service codes. In some areas, the principles expanded upon the current customer service codes, such as widening support to include small businesses. And some National Principles covered similar themes to those covered in our 2019 engagement on code reforms.

Getting to Fair strategy

The commission's ['Getting to fair' strategy](#) was released in August 2021. It provides a roadmap to address consumers' experiences of vulnerability and break down the barriers they can encounter. The strategy outlines the actions we are taking to ensure all consumers, regardless of circumstances, have equitable access to the essential services we regulate and administer.

The strategy commits the commission to ensuring the voices of consumers are better reflected in our work. One of the critical initiatives was to incorporate the voices of consumers in the outcomes of the review of the current customer service codes. To do this, we convened a community panel of 27 Victorian consumers to seek their views on specific issues related to the current customer service codes. More information on the panel is provided below.

The Energy Retail Code of Practice

We have identified some narrow areas where the current customer service codes could better align with the protections in the Energy Retail Code of Practice. The difference in the disconnection/restriction threshold amount and the requirement for utility companies to assist customers in applying for the Utility Relief Grant are two such areas under consideration. We have also continued to monitor the issues raised during the commission's Payment Difficulty Framework implementation review 2021.⁴

⁴ <https://www.esc.vic.gov.au/electricity-and-gas/inquiries-studies-and-reviews/payment-difficulty-framework-implementation-review-2021>.

How we engaged with our stakeholders in 2021-22

We undertook a public engagement process to ensure that the views of interested stakeholders were considered in the draft water industry standards.

Stakeholder engagement took place between February and April 2022 and built on the engagement undertaken in 2019. The activities we undertook used a range of different methods, including stakeholder forums, a community panel and targeted discussions.

Stakeholder forums

We held three online public forums in February and March 2022. These enabled interested parties to ask questions and discuss several topics in relation to the review of the current customer service codes.

Over the course of the three forums, 61 attendees from the water businesses, community organisations, customer advocates and the Energy and Water Ombudsman (Vic) (EWOV) participated. We covered 11 different topics, including:

- The underlying themes of the National Principles, specifically in relation to proactive customer engagement, payment difficulty assistance and the customer support policy
- ongoing support for small business
- communication assistance and appropriate communication, including reminder and warning notices
- E-bills (an email or other digital format that includes a link to the full bill or a PDF attachment of the full bill)
- actions for non-payment, including restrictions, interest on unrecovered amounts and the hardship related Guaranteed Service Level checklist.

Community panel

As noted above, in line with the commission's 'Getting to Fair' strategy we convened a community panel of 27 Victorian consumers, from a range of demographics to seek their views on issues related to the current customer service codes.

The panel met three times over a one-week period. This allowed the group to build knowledge and understanding, participate in a structured process to discuss and explore issues, and develop feedback for the commission to consider.

The topics the community panel discussed included:

- supporting customers experiencing financial stress
- communication assistance
- reminder and warning notices

- actions before restricting water supply or legal action
- E-bills
- what types of small businesses should be covered by the draft water industry standards.

A report summarising our customer panel process and outcomes is provided on our website⁵. We will also engage with our stakeholders on the valuable feedback the community panel provided that is outside the scope of the codes, but relevant to the way businesses communicate and engage with their customers.

“I just thought wow at the ideas that come in and proud to think that in some ways we may make a difference. I wanted to say to the ESC thank you for giving everyday people a voice, how proactive they are it is certainly a credit to them.”

Julie, panel member

Targeted discussions

Small business organisations

To explore key considerations when including support for small businesses in the draft water industry standards, we spoke directly to organisations that represent or work with small businesses. We met with key representative groups including:

- Council of Small Businesses Organisations Australia
- Australian Industry Group
- Water Services Association Australia
- Financial Counselling Victoria
- Financial Counselling Australia
- Victorian Small Business Commission
- Australian and New Zealand Mexican Chamber of Commerce

We asked each organisation what types of support should be available as a minimum to small businesses as well as what definition of small business could work best in the water sector.

Rural water businesses

Rural water businesses operate in a different environment to urban water businesses. To ensure we captured rural specific issues, we consulted with representatives from each of the water

⁵ <https://www.esc.vic.gov.au/water/codes-and-guidelines/customer-service-codes/water-codes-review-2021#tabs-container2>

businesses providing rural services in Victoria. We wanted to further understand the payment support that rural water businesses provide to their customers, such as:

- what the National Principles meant, in practice, for their business
- what forms of payment support were provided to customers
- who receives support
- approaches to hardship policies.

Other stakeholder engagement during the pandemic

As a result of the coronavirus pandemic, we commenced quarterly interviews with the water businesses in 2020. This allowed us to gather feedback on hardship measures and gain insight into how businesses are interacting with their customers due to the pandemic. We also continued to hold water, energy, and community sector roundtables. These roundtables provided opportunities for us to hear from stakeholders about issues impacting businesses and customers, including in relation to payment difficulty and customer support.

Proposal for amendments to the draft Water Industry Standard - Urban and Rural Customer Service

This chapter outlines the proposed amendments that cover issues applicable to both the Urban and Rural current customer service codes. Proposed amendments specific to each code are addressed in the subsequent two chapters.

At a high level, we propose changes to the sequence of clauses so they reflect the customer journey through billing, payment assistance support, communication, actions for non-payment and quality and reliability of supply and services. These proposed changes also help to make the two codes more consistent in structure.

The proposed new structure is reflected in Annex A (Draft Water Industry Standard - Urban Customer Service) and Annex B (Draft Water Industry Standard – Rural Customer Service), with the movement of specific clauses tracked in Annex C and Annex D, respectively.

As part of our review, we considered how elements or themes covered by the National Principles might be reflected in the industry standards, given they were intended to be temporary in nature. As noted above, many matters referred to in the National Principles were already provided for or regulated by the current customer service codes. And some matters were under consideration when we initially started our review in 2019 (such as small business support).

The following National Principles were not considered in our review as they are already covered by the current customer service codes:⁶

- **National Principle 5** - Do not disconnect or restrict supply to households or small businesses in financial stress, including small businesses eligible for the JobKeeper Payment.⁷
- **National Principle 11** - Minimise the frequency and duration of planned outages for critical works and provide as much notice as possible to assist households and businesses during any outage.⁸

⁶ The references to JobKeeper are also no longer applicable.

⁷ See clause 7.2 in the Customer Service Code – Urban Water Businesses and clause 6.3 in the Rural Water Customer Service Code.

⁸ See clause 9.4 in the Customer Service Code – Urban Water Businesses and clause 8.5 in the Rural Water Customer Service Code.

Below, we outline our proposed amendments by key theme and where relevant, we refer to the applicable National Principle(s).

Note that updates to terminology, or changes to wording that do not substantively impact obligations on water businesses are not addressed in this paper, but are highlighted in Annex A and B, and identified in Annex C and D. For example:

- minor changes to terminology such as 'code' to 'industry standard' or 'water law' to *Water Act 1989* (Vic) and the *Water Industry Act 1994* (Vic)
- minor updates to a clause to ensure it is in plain English or updates to terminology to reflect amendments to other clauses, but there is no substantive change to the obligations.

Proactive customer engagement

When we initially commenced our review in 2019, we explored the importance of proactive customer engagement with a view to considering updates to our current customer service codes. This was also an element of National Principle 2.⁹

We recognise proactive customer engagement can help identify customers in need of payment difficulty assistance before debt begins to accumulate. Throughout the coronavirus pandemic water businesses have been proactively reaching out to customers to enquire whether they need assistance rather than assuming that a customer will ask for assistance when it is needed. We have heard this has helped to provide timely support and limit build-up of debt, benefiting both water businesses and their customers.

Through our community panel, we heard the importance of proactive communication and 'checking in' with customers early if the water business identifies an increase in water usage or unpaid bills.

We propose to introduce a new clause: **Proactive customer engagement (draft Water Industry Standard – Urban Customer Service clause 8 (Annex A))**

This new clause will apply to residential customers only. It specifies that a water business must have policies and procedures that enable it to identify, contact and engage with residential customers who may be experiencing payment difficulties and provide these customers with

⁹ National Principle 2 - *Establish clear processes to identify, and to promptly and appropriately manage, households and small businesses experiencing financial stress, including small businesses eligible for the JobKeeper Payment, such as customers who repeatedly fail to pay bills on time and submit questions or issues to customer service centres.*

information and assistance. As noted above, proactive customer engagement can help identify customers in need of payment difficulty assistance before debt begins to accumulate.

We acknowledge that proactively identifying whether a small business is experiencing payment difficulties may not be feasible for water businesses. Therefore, the proposed proactive customer engagement clause will not extend to small businesses. However, in times of natural disasters or emergencies where customers in a particular geographic area have been affected, we would expect water businesses to proactively contact both residential and small business customers to offer assistance.

Flexible payment plans

Under the current customer service codes, a flexible payment plan must be able to be renegotiated at the request of a customer if there is a demonstrable change in their circumstances. We propose updating the terminology in this sub-clause to the following:

- A flexible payment plan must be able to be modified, at the request of a customer, to accommodate changes in their circumstances.

We consider this amendment will allow a customer, whose circumstances change, to amend their payment plan more easily which also reflects the intent of National Principle 4.¹⁰

We are also proposing to outline the minimum requirements of information to be included in a written letter to the customer, confirming the details of the payment plan.

We therefore propose to update the current clause: **Flexible payment plans (draft Water Industry Standard - Urban Customer Service clause 7.2 (Annex A) and draft Water Industry Standard – Rural Customer Service clause 7.2 (Annex B))**

Payment difficulties assistance

Under the current customer service codes, water businesses are required to assist customers experiencing payment difficulties by providing a range of different support options on a case-by-case basis. The National Principles extended this obligation on water businesses to all residential and small business customers in financial stress.

¹⁰ National Principle 4 - *Be prepared to modify existing payment plans if a customer's changed circumstances make this necessary.*

The National Principles also reiterated the types of support water businesses are required to offer customers in financial stress, particularly National Principles 3, 8 and 10 although certain elements of these principles are already included in the current customer service codes.

The current customer service codes include a range of different payment support measures that could be offered by a water business to customers. This includes the following:

- flexible payment plans
- extended due dates
- redirecting a bill for payment to another person
- information on how to reduce water usage, improve water efficiency and referral to government water efficiency programs
- referrals to government-funded assistance programs, including the Utility Relief Grant and independent financial counsellor services
- waiving any interest accrued
- suspending the accrual of interest.

Throughout our consultation, we heard from water businesses and the community sector that the assistance and support water businesses have been providing customers throughout the coronavirus pandemic should be available on an ongoing basis.

Feedback from water businesses indicated that engaging with customers and providing better support may lead to customer's making more regular payments, which benefits customers but also in turn has benefits for water businesses. We also heard that to allow for flexibility in providing assistance on a case-by-case basis, certain support measures should remain an option rather than being a requirement.

We propose introducing a clearer obligation for water businesses to assist customers experiencing payment difficulties, as well as adopt an approach that is appropriate to a customer's circumstances. Therefore, we propose the minimum type of assistance a water business **must** offer to customers experiencing payment difficulties. Based on the customer's circumstances a water business must offer one or more of the following:

- flexible payment plans
- extended due dates
- redirecting a bill for payment to another person
- more frequent billing or payment options (a new support measure)
- information on how to reduce water usage, improve water efficiency and referral to government water efficiency programs
- referrals to government-funded assistance programs, including the Utility Relief Grant and independent financial counsellor services.

In line with current practice amongst water businesses, and the adoption of this practice in the energy sector, we also propose to clarify that water businesses, as a minimum, must help an eligible customer apply for the Utility Relief Grant. We understand this is already common practice among water businesses, but consider it is important to embed this as a minimum standard to provide for consistency and certainty for customers across the state.

We also considered that there are additional support measures that water businesses may choose to offer a customer based on the individual circumstances of a customer. We propose outlining the payment support measures that a water business **may** consider offering a customer experiencing payment difficulties includes:

- waiving any interest accrued
- suspending the accrual of interest
- conducting regular meter readings and frequently reporting these readings to customers (a new support measure)
- suspending collection of arrears to allow for a usage-only payment plan (a new support measure)
- waiving the debt (a new support measure).

We therefore propose to update the current clause: **Payment assistance (draft Water Industry Standard – Urban Customer Service clause 10.1 (Annex A) and draft Water Industry Standard – Rural Customer Service clause 9.1 (Annex B))**

Customer support policy – residential customer

The current hardship policy clause in the Customer Service Code – Urban Water Businesses outlines a range of support measures that a water business must offer a residential customer who is identified either by themselves, the water business, or an independent accredited financial counsellor as having the intention but not the financial capacity to make the required payments in accordance with the water businesses' payment terms.¹¹ To align with our proposed amendments to the payment difficulties assistance, we propose updating the water businesses obligation to the following:

¹¹ Set out in clause 5.4 of the *Customer Service Code – Urban Water Business*.

A water business must have a customer support policy and apply it to residential customers who are identified either by themselves, the water business, or an independent accredited financial counsellor as experiencing payment difficulties.

We consider this proposed obligation reduces the burden on customers to prove that they do not have the financial capacity to make the required payments and ensures all customers who are identified as experiencing payment difficulties are entitled to support.

Under the current hardship policy requirements, a water business must waive interest accrued prior to the customer being identified as being in hardship and exempt the debt from accruing interest on overdue amounts. This aligns with National Principle 8¹², and we intend on keeping this as a requirement in water businesses' hardship policies.

We are also proposing to include the protection of suspending the sale of debt for customers supported under this policy. This will ensure customers experiencing payment difficulties and receiving support from their water business are protected from any additional charges that may be associated with selling the debt should the water business choose to do so. This is in line with the intent of National Principle 7.¹³

To ensure that all payment assistance support is available for residential customers, we propose to clearly specify that a water business' hardship policy for residential customers offers all the assistance outlined in clause 10.1 (Payment assistance) of the draft Water Industry Standard – Urban Customer Service.

Aligning with the shift in language detailed in the commission's Getting to Fair strategy and following consultation feedback that many water businesses no longer use the term 'hardship', we will use the alternative phrase of 'customer support' rather than 'hardship', in both draft water industry standards.

We therefore propose to update the current clause: **Customer support policy (residential customers) (draft Water Industry Standard – Urban Customer Service clause 10.2 (Annex A))**

¹² National Principle 8 - *Waive late fees, interest charges and charges for collection of overdue amounts for households and small businesses in financial stress, including small businesses eligible for the JobKeeper Payment.*

¹³ National Principle 7 - *Suspend sale of debt while there is an arrangement in place with a customer under a hardship policy.*

Meeting the communication needs of customers

The current customer service codes state that water businesses are to communicate effectively with their customers. Possible improvements may include:

- ensuring customers with specific communications needs are identified before needing assistance, making customer/business interaction easier
- tailoring communication to suit a customer's needs
- improving clarity and accessibility of written information.

During our consultation in 2019 and 2022 we heard that effective communication with customers is important. Water businesses should adjust their communication to suit various situations. Clear communication can enhance how customers interact with their water business.

Feedback from water businesses and our community panel, stated the need for clear, concise, friendly, non-threatening and respectful communication to all customers. Asking the customer how they prefer to communicate with a water business, and recognising and supporting multiple methods of communication, was also important.

In proposing the following amendments, we considered two key questions:

- Should businesses be required to make key information available via different methods to increase accessibility?
- What have water businesses been able to learn about what is important, from a customer's perspective, about communication?

We propose to amend the current customer service codes to reflect water businesses adapted approaches to customer communication to ensure they continue to communicate effectively with their customers. We propose amendments in the following areas:

- Communication assistance.
- Appropriate communication.
- Customer's chosen representative or support person.
- Provision of customer charters and summary charters.

In line with ensuring water businesses communicate effectively with customers, particularly around issues that will affect customers, we are proposing a minor amendment to the following:

- Variation of charges.

Communication assistance

The current customer service codes require water businesses to provide communication assistance. This includes interpreter services, as well as teletypewriter (TTY) services for speech and hearing-impaired customers.

We propose retaining the requirement of providing interpreter and TTY services. We also wish to enhance this protection by asking that water businesses, where feasible, take reasonable steps to meet the communication needs of its customers by using their preferred method of communication. We also propose introducing a requirement for all written communication to be in plain language to ensure important information from a water business is accessible to all customers.

We therefore propose to update the current clause: **Communication assistance (draft Water Industry Standard – Urban Customer Service clauses 13.6 & 13.7 (Annex A) and draft Water Industry Standard – Rural Customer Service clauses 11.8 & 11.9 (Annex B))**

Appropriate communication

The current customer service codes do not provide specific criteria for how water businesses are to communicate through their notices. We are aware that over the past two years, in line with National Principle 1,¹⁴ many water businesses tailored their reminder notices to remove the threat of restriction or legal action, instead focusing on available support and how customers may receive assistance.

In line with this adjusted approach we propose introducing a principle that all communication relating to collection must be delivered in a language and style that is sensitive and appropriate. To ensure customers are engaging with their water business and seeking assistance when required, these communications must also focus on a message of support and encourage customers to contact their water business if assistance is required.

We therefore propose to introduce a new clause: **Appropriate communication (draft Water Industry Standard – Urban Customer Service clause 15.1 (Annex A) and draft Water Industry Standard – Rural Customer Service clause 13.1 (Annex B))**

¹⁴ National Principle 1 - *Encourage customers to contact their service providers at the earliest opportunity to discuss their situation.*

Customer's chosen representative or support person

Water businesses currently allow customers to add an authorised contact to their account. Through our community panel we heard that it was important for water businesses to provide an option to customers to nominate an alternative contact person. Therefore, we propose introducing a new clause that clearly specifies a customer can choose their support person or representative. This will help to ensure that customers, particularly those that are experiencing payment difficulties or other vulnerabilities, are able to communicate effectively with their water business.

We propose that this policy/procedure is clearly published and accessible, so that customers are notified of their right to choose a representative or support person where appropriate. This proposal will make the intent of National Principle 9 and enduring requirement for all water businesses.¹⁵

We therefore propose to introduce a new clause: **Customer's chosen representative or support person (draft Water Industry Standard – Urban Customer Service clause 9 (Annex A) and draft Water Industry Standard – Rural Customer Service clause 8 (Annex B))**

Provision of customer charter and summary charter

To ensure communication is targeted to customer needs, we propose an amendment that ensures a water business' customer charter and summary charter (if used) is in a form that is easy to understand for all customers. This would align with the communication requirements outlined in clause 13.6 of the draft Water Industry Standard – Urban Customer Service (clause 13.8 in draft Water Industry Standard – Rural Customer Service).

We therefore propose to update the current clause: **Provision of charters and summary charters (draft Water Industry Standard – Urban Customer Service clause 24.3 (Annex A) and draft Water Industry Standard – Rural Customer Service clause 17.3 (Annex B))**

Variation of charges

The current customer service codes state that a water business must notify a customer of any variation in charges on or with the first bill after the decision to vary the charges has been made. In line with water businesses communicating effectively we propose that water businesses notify each customer of any proposed variation in charges for services applicable to that customer, at

¹⁵ National Principle 9 - *Provide clear, up-to-date, and readily available information about arrangements available to those in financial stress via multiple physical and digital communication channels.*

least five business days before they take effect. This aligns with the current timeframe in the Energy Retail Code of Practice and ensures customers are being notified in a timely manner, of important changes to their account.

We therefore propose to update the current clause: **Variation (draft Water Industry Standard – Urban Customer Service clause 2.1 (Annex A) and draft Water Industry Standard – Rural Customer Service clause 5.1 (Annex B))**

Support for small business customers

Prior to the coronavirus pandemic, a number of water businesses were offering payment assistance support to small businesses, that went beyond their obligations in the current customer service codes. With the introduction of the National Principles, all water businesses were required to extend payment assistance support to small business customers experiencing financial stress.

Both water businesses and consumer groups were supportive of mandating requirements that relate to payment assistance support for small businesses. We heard that small businesses support the prosperity of their communities – including during periods where payment difficulties are caused by external factors such as bush fire, or a pandemic.

There was also agreement amongst our stakeholders that there should be a definition of a small business in the draft water industry standards to ensure consistency amongst the approaches of water businesses.

Some feedback stated that any support policy for small businesses should not just be about financial support, but also focus on water efficiency and sustainability. Some stakeholders also noted that the draft water industry standards should provide for specific assistance options to be available for small businesses on a case-by-case basis.

We propose incorporating ongoing support for small businesses, and in doing so have drafted the following:

- A small business definition.
- Customer support policy – small business customers.

Small business definition

We reviewed and considered several different options including definitions used in the energy sector based on usage. However, this is not appropriate in the water sector as some small businesses (for example a hairdressing salon) can consume large volumes of water. We also consulted with several different organisations that represent small businesses and discovered that many organisations had different definitions based on the type of work or assistance they provided.

We considered different definitions by the Australian Taxation Office, the *Australian Small Business and Family Enterprise Ombudsman Act 2015*, and the Australian Bureau of Statistics.

Through our community panel, we heard that any definition developed by the commission should be well-known and simple.

We consider that fewer than 20 employees is reasonable as this is consistent with several definitions of a small business and could apply across both urban and rural sectors. And it is a simple, objective definition. We expect that small businesses who contact a water business for support would, in line with this definition, only need to self-identity as meeting the definition above to access support.

The definition we propose is:

Small business - a non-employing business (including sole proprietorships and partnerships without employees) or a business employing fewer than 20 people which has an active Australian Business Number.

We propose to add this definition in **Part G of the draft Water Industry Standard – Urban Customer Service (Annex A) and Part E of the draft Water Industry Standard – Rural Customer Service (Annex B)**

We seek stakeholder feedback on our proposed definition for a small business.

Customer support policy – small business customer

Under the current Customer Service Code – Urban Water Businesses, water businesses are obligated to have a customer hardship policy. We propose introducing a requirement for both urban and rural water businesses to have a customer support policy that applies to small business customers who are identified either by themselves, the water business or an independent financial counsellor as experiencing payment difficulties.

Through our consultation, water businesses and the community sector stated that any minimum standards should include payment support options as well as information on the sustainability of water. Therefore, we propose clearly outlining what a water business must offer, as a minimum, to a small business customer experiencing payment difficulties. This must include:

- flexible payment plans
- extending a due date
- more frequent billing or payment options
- information on how to reduce water usage and improve water efficiency
- referrals to government agencies.

To allow for flexibility in providing assistance on a case-by-case basis, we also propose a range of different support measures that a water business may consider offering a small business customer experiencing payment difficulties. This may include:

- waiving late or any other fees
- waiving interest accrued
- suspending accrual of interest
- waiving the debt.

We therefore propose to introduce a new clause: **Customer Support policy – small business customer (draft Water Industry Standard – Urban Customer Service clause 10.3 (Annex A) and draft Water Industry Standard – Rural Customer Service clause 9.2 (Annex B))**

Reflecting contemporary changes to technology and communication methods

Social and technological landscapes are also changing in tandem with regulatory changes. There is growing community consensus that essential service providers must operate in a way that is inclusive of all customers, and have policies and procedures in place that ensure customers experiencing payment difficulties or other vulnerabilities are able to access support.

For example, our stakeholders stated that emerging billing practices allow customers to opt-in to customised information on an E-bill. Some water businesses are currently sending E-bills that are brief and concise, with the full bill provided as an attachment or link.

Rapidly changing technology is also having an impact. Some businesses have introduced digital water metering. Simultaneously, the *Consumer Data Right*¹⁶ sets an expectation that consumers have better access and control over their data. This changing environment means that water industry standards need to adapt to deal with emerging potential challenges, as well as align with community expectations around access to information.

To ensure the draft water industry standards are reflective of the changes in technology and communication methods, we propose introducing three new clauses and updating two existing clauses that cover the following areas:

- E-bills
- customer self-reads

¹⁶ See <https://treasury.gov.au/consumer-data-right>

- data and digital metering
- special meter readings
- adjustment of bills.

E-bills

The current customer service codes regulatory requirements may not be flexible enough to accommodate billing practices that cater to customer communication needs. The current customer service codes specify that 15 separate requirements of content are required on a customer bill. These items are designed to provide information to customers about their account, including usage, amount due, due date, payment options, any outstanding debt or interest charges, and information about concessions and other customer services. This includes emergency contact, interpreter services and payment difficulty support.

We have heard from water businesses that the volume of mandatory information required on a bill can be especially overwhelming for customers who have specific communication needs. Some water businesses send an email with vital information about the bill and include a PDF attachment or a link to the full bill, this is known as an E-bill. However, no details on E-bills or what information they should contain, is included in the current customer service codes.

The community panel noted that to ensure consistency between businesses, E-bills should contain standardised information, be easy to read and include information about the water business' customer support policy. They also stated the importance of a clear breakdown of all charges, comparison graphics of usage and buttons to click through to payment options, the support available and to request information in different languages.

We propose introducing the ability for water businesses to send an E-bill in a digital format, with a link to the full bill or a PDF attachment. In proposing this amendment, we balanced the feedback from the community panel with that of the water businesses. We considered that some customers do not click to view the full bill, as well as what customers experiencing payment difficulties or other vulnerabilities need to be aware of prior to paying their bill.

Therefore, we have set a number of minimum requirements for an E-bill to include. These are:

- a link to the full bill or how to access the full bill
- the amount payable and due date
- the methods by which the bill can be paid
- the customers current water usage
- information about the assistance available under clauses 10.2 and 10.3 of the draft Water Industry Standard – Urban Customer Service (clause 9.1 and 9.2 and of the draft Water Industry Standard – Rural Customer Service).

We therefore propose to introduce a new clause: **E-bills (draft Water Industry Standard – Urban Customer Service clause 6.5 (Annex A) and draft Water Industry Standard – Rural Customer Service clause 6.5 (Annex B))**

Customer self-reads

To better align with the Energy Retail Code of Practice and customers' expectations of utilities, we propose introducing the ability for customers to submit self-reads to their water business after receiving an estimated bill. We are aware that some water businesses, due to inability to access a customer's water meter, do accept customer self-reads after an estimated bill has been issued. The proposed amendments will ensure that this practice continues, and that customers are made aware that they are able to submit a self-read.

We therefore propose to introduce a new clause: **Customer self-reads (draft Water Industry Standard – Urban Customer Service clause 5.1 (Annex A) and draft Water Industry Standard – Rural Customer Service clause 4.2 (Annex B))**

Digital metering and data collection

Digital water metering raises challenges around data collection and privacy.

While the Australian Privacy Principles (APPs) provide a framework for privacy in Australia, the protection of consumer data is presenting emerging challenges for existing law. The advent of digital water metering means that businesses will have greater, and more up-to-date data on their customers. In 2019, we heard that the draft water industry standards may need to be updated to include a specific provision for permissible and impermissible uses of this data. Customer consent and privacy rights must also be clear and accessible to customers in this emerging communications environment.

Based on these emerging issues, we propose introducing a new clause specifying that a water business with digital metering in its network has a policy clearly explaining how data collected from digital water meters is managed and used.

We therefore propose to introduce a new clause: **Data and digital metering (draft Water Industry Standard – Urban Customer Service clause 5.3 (Annex A) and draft Water Industry Standard – Rural Customer Service clause 4.4 (Annex B))**

Special meter readings

To reflect the proposed amendments to include customer self-reads and digital metering in the draft water industry standards we propose to outline that a water business must not charge a fee to a customer for a special meter reading that is a self-read or if the property has a digital meter.

Specific to residential customers and the draft Water Industry Standard – Urban Customer Service, we also propose that a water business must not charge a fee for a special meter read to a customer receiving assistance under a water business' customer support policy. This proposed amendment reflects the intention of the customer support policy, that is assisting customers experiencing payment difficulties.

We therefore propose to update the current clause: **Special meter readings (draft Water Industry Standard – Urban Customer Service clause 5.2 (Annex A) and draft Water Industry Standard – Rural Customer Service clause 4.2 (Annex B))**

Adjustment of bills

To better align consumer protections in the draft water industry standards with the energy sector, we reviewed the undercharging period for water businesses. In the current customer service codes, water businesses are allowed to recover undercharged amounts from a customer for a period of up to 12 months. In the energy sector it is currently four months.¹⁷

We are proposing to align the undercharging period in water with the approach taken in the energy sector, so that water businesses can only recover an amount undercharged in the four months before they notify the customer, unless the undercharging was a result of illegal use. The focus of this proposed amendment is to provide incentives for water businesses to prioritise accuracy in billing, and to proactively reach out to potentially affected customers. With any amendments to the undercharging period, we would incorporate a transition period for water businesses.

We therefore propose to update the current clause: **Adjustment of bills (draft Water Industry Standard – Urban Customer Service clause 6.7 (Annex A) and draft Water Industry Standard – Rural Customer clause 6.6 (Annex B))**

We are interested in stakeholder feedback about the costs and benefits in reducing the undercharging period in the draft water industry standards.

¹⁷ See <https://www.esc.vic.gov.au/electricity-and-gas/inquiries-studies-and-reviews/changes-back-billing-rules-2020>

Actions for non-payment

Restricting a customer's water supply or taking legal action is included as an action for non-payment under the current customer service codes. Prior to commencing legal action or restricting a customer's water supply, a water business must notify their customer of the overdue debt, as well as provide information on assistance available to the customer.

We propose updating the minimum requirements for reminder and warning notices. This aligns with our proposed amendment stating that all communication relating to collection must be delivered in language and style that is sensitive and appropriate.

These communications must also focus on a message of support, and encourage customers contact the water business if assistance is required.

In line with the water business' adapted approach to customer support throughout the pandemic, we also propose to outline additional protections for customers on a payment plan or those receiving assistance under a water business' customer support policy.

We are proposing amendments to the following:

- Reminder and warning notices.
- Interest on unrecovered amounts.
- Maximum rate of interest that may be charged
- Dishonoured payments.

Reminder and Warning notices

To ensure all water customers across Victoria are afforded the same protections where possible, we propose amending the minimum requirements for reminder and warning notices.

Under the current customer service codes, both reminder and warning notices need to include all the content on a bill, except for information about meter readings, usage, previous bills and past payments. We considered whether all this information is relevant to a customer, who has not paid their bill by the due date, and whether there was additional information that should be included on these notices.

Through our consultation, we heard that water businesses do allow time after the reminder and warning notice is issued before following up with the customer. We also heard that this period differs between water businesses. To ensure consistency, we propose specifying that a reminder notice be sent to the customer no later than two business days after the due date of the bill, and introducing a six-business day 'due date,' for both the reminder and warning notices.

Specific to the warning notices, we propose replacing the word 'warning' with 'final' as this is more appropriate considering the timing of when this notice would be sent. In line with National Principle

6,¹⁸ if a water business does refer overdue debt to an external debt collection agency, we propose an addition to the final notice outlining this debt recovery process to a customer.

Through our community panel, we heard that it is important for water businesses to educate its customers about the consequences of non-payment. In line with this feedback, we propose introducing a minimum requirement for water businesses to clearly advise what the customer must do to avoid legal action or be restricted from their water supply. Information about any applicable fees to remove a restrictor should also be provided.

We therefore propose to update the current clause: **Reminder and Warning Notices (draft Water Industry Standard – Urban Customer Service clauses 15.2 & 15.3 (Annex A) and draft Water Industry Standard – Rural Customer Service clauses 13.2 & 13.3 (Annex B))**

We are seeking stakeholder feedback on whether our proposed amendments to the reminder and final notices are appropriate.

Interest on unrecovered amounts

Under the current Customer Service Code – Urban Water Businesses, customers that are holders of an eligible concession card or receiving assistance under a water business' customer support policy¹⁹ are exempt from being charged interest on unrecovered amounts.

To ensure that customers who are making regular payments towards their account are also protected, we are also proposing to include customers on a payment plan in this list where interest cannot be charged on unrecovered amounts.

We therefore propose to update the current clause: **Interest on unrecovered amounts (draft Water Industry Standard – Urban Customer Service clause 15.5 (Annex A))**

Maximum rate of interest that may be charged

The current customer service codes state the maximum rate of interest that may be charged on unrecovered amounts is:

- 10 per cent until 30 June 2013; or

¹⁸ National Principle 6 - *Defer referrals of households and small businesses in financial stress, including small businesses eligible for the JobKeeper Payment, for debt recovery/collection proceedings and credit default listings.*

¹⁹ Formerly 'hardship policy'

- on and from 1 July 2013 an annual rate set by the Commission each May based on the 10 year Australian Commonwealth Government Bond Rate plus a margin to be determined by the Commission; and
- the interest starts accruing on the day the amount is due and ends on the date all unrecovered amounts of the charge are paid in full, both days inclusive.

As the first requirement above no longer applies, we propose to remove it.

We therefore propose to update the current clause: **Maximum rate of interest that may be charged (draft Water Industry Standard – Urban Customer Service clause 15.6 (Annex A) and draft Water Industry Standard – Rural Customer Service clause 13.5 (Annex B))**

Dishonoured payments

The current Customer Service Code – Urban Water Businesses states that a water business may recover from a customer, an amount charged by the water businesses’ financial institution due to a customer’s cheque being dishonoured due to a customer having insufficient funds available when paying by direct debit. We propose retaining this provision, however, in line with the water business’ adapted approach to customer support throughout the pandemic, we propose for residential customers that hold an eligible concession card or are receiving assistance under a water business’ customer support policy, a water business must not charge the customer costs incurred by the water business as a result of a dishonoured payment. This will ensure those customers, most vulnerable, will not be impacted by additional charges on their account.

We therefore propose to update the current clause: **Dishonoured payments (draft Water Industry Standard – Urban Customer Service clause 15.8 (Annex A))**

With the introduction of the National Principles, water businesses could not restrict a customer’s water supply if they were in financial stress.²⁰ In thinking about what restriction/suspension²¹ and taking legal action could look like in the draft water industry standards we considered the benefits of water businesses supporting customers prior to restriction/suspension and taking legal action for an essential service. Water businesses providing better payment support may lead to customer’s making more regular payments, which benefits customers by reducing their debt. Therefore, we propose including a principle that restriction is a measure of last resort.

²⁰ National Principle 5 - *Do not disconnect or restrict supply to households or small businesses in financial stress, including small businesses eligible for the JobKeeper Payment.*

²¹ Suspension is the removal of a rural customer’s access to any water ordering or request system for irrigation water.

Community stakeholders have previously stated that the unique properties of water mean that restriction may not be an appropriate means of customer engagement, or that the threshold for restriction should be higher.

In addition, we propose updates to the following areas:

- Limits to restriction and legal action.
- Life support and other special circumstances.

Restriction to be a measure of last resort

In line with water as an essential service, we propose to include the following principle:

The restriction of a customer's water supply for non-payment must be a measure of last resort

We anticipate that this will ensure a water business will endeavour to contact their customer throughout the collection cycle and offer assistance in line with the customer's capacity to pay. The customer's circumstances will also be taken into consideration on a case-by-case basis, prior to moving towards restricting their water supply.

We therefore propose to introduce a new clause: **Restriction to be a measure of last resort (draft Water Industry Standard – Urban Customer Service clause 16.1 (Annex A) and draft Water Industry Standard – Rural Customer Service clause 14.2 (Annex B))**

Limits to restriction and legal action

Since the introduction of the current customer service codes, the restriction/suspension and legal action threshold was amended once in 2010 from \$120 to \$200. To better align with the energy sector and to reflect the change in water prices over the last decade, we propose increasing the restriction/suspension and legal action threshold to \$300, which is the equivalent to an average quarterly water bill.

We also propose, amending the limits on restriction and legal action, to clearly state that a water business cannot commence legal action or take steps to restrict a customer's water supply due to non-payment if the customer is receiving any form of assistance for payment difficulties under the draft water industry standards.

We therefore propose to update the current clause: **Limits to restriction and legal action (draft Water Industry Standard – Urban Customer Service clause 16.2 (Annex A) and draft Water Industry Standard – Rural Customer Service clause 14.3 (Annex B))**

Life support and other special circumstances

Water businesses currently do not restrict a customer's water supply if they are aware that the customer or a person ordinarily residing at the property is on any form of life support. To provide clarity and consistency, and to ensure this important customer protection is outlined in the draft water industry standards, we propose including a new clause clearly stating that a water business must have policies and procedures in place that enable it to identify these customers.

We therefore propose to introduce a new clause: **Life Support and other special circumstances (draft Water Industry Standard – Urban Customer Service clause 16.4 (Annex A))**

Step in clause

As Victoria moves into a new phase of the pandemic, we considered whether to include a 'step in' clause in the draft water industry standards to state when water businesses should not restrict a customer's water supply in terms of a natural disaster, emergency, pandemic or state declared emergency. Our view is that the consumer protections in the draft water industry standards are clear enough that water businesses are aware of their obligations and allow a water business to respond appropriately and flexibly in response to challenges in their region. Therefore, we are not proposing to introduce such a clause into the draft water industry standards.

Proposal for amendments specific to draft Water Industry Standard – Urban Customer Service

Hardship related Guaranteed Service Level (reasonable endeavours) checklist

The hardship related GSL (reasonable endeavours) checklist (reasonable endeavours checklist)²² provided a threshold for water businesses' communication with residential customers to avoid water restriction where non-payment of the bill is due to payment difficulty. A guaranteed service level scheme is where a water business pays (or rebates) a pre-determined amount to an affected customer when it breaches specified service level obligations.

A water business must pay the hardship related GSL to a customer when it fails to take the steps set out in the reasonable endeavours checklist, prior to restricting their water supply.²³

Our review of the checklist is not intended to make it easier for businesses to restrict customers' water service.

Background

The hardship related GSL is defined as:

Restricting the water supply of, or taking legal action against, a residential customer prior to taking **reasonable endeavours** (as defined by the ESC) to contact the customer and provide information about help that is available if the customer is experiencing difficulties paying.

This means that before a water business can restrict water supply to - or take legal action against - a customer, it must meet a minimum standard of contact with the customer to avoid a GSL payment. Under the current reasonable endeavours checklist, a water business must contact a customer via a personal visit or registered post letter prior to restricting the water supply of, or taking legal action against, a residential customer. However, these contact methods are clearly limited and inflexible.

Our community and industry stakeholders stated that there is no 'one-size-fits all' approach to identifying and assisting customers who are having difficulty paying their bills. Industry

²² Essential Services Commission, *Hardship Related Guaranteed Service Level Review: Final Decision* (May 2012) <https://www.esc.vic.gov.au/sites/default/files/documents/454fcbdd-b465-48bd-9a17-2b3d3b8f7>.

²³ This is a self-administered scheme, although the commission does report on any compliance breaches in our annual performance reports and outcomes reporting.

stakeholders consider that the prescription of the reasonable endeavours checklist does not support — and in some instances acts as a barrier to identifying and engaging with — customers experiencing vulnerability.

For example, consumer representatives have informed us that a registered post letter might not always be an effective means of communication for people experiencing financial hardship or vulnerability. Registered post is often considered synonymous with a ‘shouting’ message; the customer who receives it knows the message is not a good one, or feels the message is threatening, and therefore avoids collecting it. It can also be difficult for customers in regional areas to manage the travel time frequently required to collect registered mail.

Water businesses also stated that registered post is expensive to administer and less effective than other methods of contact.

Details of proposed amendment

In proposing these amendments, we have considered the intention of a ‘reasonable endeavours checklist’, which ensures that retailers make multiple, genuine, and meaningful attempts to contact customers before restricting their water supply or taking legal action. We have also considered feedback from the water sector, community groups and community panel stating that broadening communication methods will provide greater flexibility in meeting the discrete communication needs of customers.

Through our consultation with the community panel, it was noted that water businesses should communicate via the most appropriate method for the customer. Therefore, we propose introducing a list of communication methods water businesses can use to contact the customer, prior to restricting their water supply or taking legal action.

After an extensive review and feedback, we propose to include a new clause which will replace the current reasonable endeavours checklist. The proposed new clause is outlined below:

Proposed clause 15.4 - Communication requirements

- (a) A water business must use reasonable endeavours to communicate with a customer and to offer payment assistance before it seeks to restrict water supply or take legal action to collect the debt.
- (b) The reasonable endeavours must be carried out within a period of 90 calendar days commencing on the due date of the bill.
- (c) The reasonable endeavours must include (but need not be limited to):
 - (i) at least four attempts to contact the customer, including but not limited to three or more of the following types:

- I. phone call inside business hours;
- II. phone call outside business hours;
- III. regular mail;
- IV. registered mail;
- V. email;
- VI. SMS;
- VII. other forms of digital communication; and
- VIII. site visit;

and

- (ii) sending a final notice.
- (d) At least one of the attempts in clause 15.4(c)(i) must be made after the final notice is sent.
- (e) A water business must maintain records that are sufficient to evidence:
- (i) the time and date of attempted contacts;
 - (ii) the type of contact attempted;
 - (iii) which customer service staff attempted contacts; and
 - (iv) whether attempt at contacts were successful and if so a short summary of discussions with customer including verification that information on payment assistance was provided by the business and the nature of commitments given by either party.

In meeting their obligations under these proposed changes, we would expect a water business to comply with the requirements under the draft Water Industry Standard – Urban Customer Service. This includes the following:

- Bill issued
- Reminder notice issued
- Final notice issued
- One business day after the due date of the (unpaid) bill, and over a 90-calendar day period, attempt to contact the customer at least four times via three of more of the following communication methods:
 - phone call inside business hours;
 - phone call outside business hours;

- regular mail;
- registered mail;
- email;
- SMS;
- other forms of digital communication
- site visit.

At least one of the aforementioned attempts must be made after the final notice is sent to the customer. We are also proposing to retain the requirement for water businesses to maintain records sufficient to evidence the contact made. This is in line with the feedback we received from the community panel, that water businesses need to show proof of contact before restricting a customer's water supply or taking legal action.

We seek stakeholder feedback on the above proposed checklist and whether it meets the varied communication needs of customers.

Restriction and Legal Action

In line with introducing the communication requirements into the draft Water Industry Standard – Urban Customer Service, we propose to update the conditions that must be met prior to a water business taking legal action or restricting a customer's water supply.

We propose clearly outlining that a water business must meet the proposed communication requirements, along with the requirement to notify the customer of the proposed restriction or legal action and ensure:

- the customer has been offered a flexible payment plan and the customer has refused or has failed to respond or
- the customer has agreed to a flexible payment plan and has failed to comply with the arrangement.

We therefore propose to update the current clause: Restriction and Legal Action (draft Water Industry Standard – Urban Customer Service clause 16.5 (Annex A))

Proposal for amendments specific to the draft Water Industry Standard - Rural Customer Service

Rural water businesses operate in a different environment to urban water businesses and the majority of their customers are businesses. Proposed new clauses or amended clauses in the draft Water Industry Standard – Urban Customer Service which relate to residential customers only, have not been replicated in the draft Water Industry Standard – Rural Customer Service.

To more accurately reflect the customer journey of a rural water customer, we moved the clauses in relation to quality and reliability of services and supply to the start of the draft Water Industry Standard – Rural Customer Service and have retained the references to consultation with committees.

We propose specifically amending the following areas:

- Overuse use policy
- Clear and concise service standards

Change of overuse policy to unauthorised use policy

As part of our consultation with rural water businesses, we heard from rural water businesses that the requirement for an ‘overuse policy’ was more appropriately referred to as an ‘unauthorised use’ policy. The title change more accurately reflects that a water business must have and comply with policies, practices and procedures for use of water by customers which is prohibited or above the authorised amount which a customer is permitted to use, rather than simply using term ‘overuse’.

We therefore propose to update the current clause: **Unauthorised use policy (draft Water Industry Standard – Rural Customer Service clause 11.4 (Annex B))**

Proposal for amendments to the service standards in the draft Water Industry Standard – Urban and Rural Customer Service

The sections in the current customer service codes on service quality, service reliability, service standards and guaranteed service levels have not been updated since the release of the latest Water Industry Regulatory Order (WIRO) in 2014. In that time, we have introduced a new water pricing framework that requires businesses to report their performance against a bespoke set of customer outcomes.²⁴

We propose amendments to these clauses to clarify for businesses and customers how the code aligns with our current economic and legislative frameworks.

Our economic and legislative frameworks provide three distinct avenues for water businesses to define and monitor service delivery:

- Outcomes – water businesses should use their outcome commitments to drive improvements in service areas that customers value most. As part of our regular water price reviews, water businesses must engage with their customers to identify the services they value most and develop measures, targets and implementation plans to monitor their service delivery.
- Service standards – service standards help set customer expectations of service delivery. Rather than driving improvements in various service areas that are informed by customer priorities, service standards are minimum service levels that customers can expect to receive from their water business in relation to water and sewerage service quality and reliability.
- GSLs – a guaranteed service level scheme recognises when a customer receives a level of service that is worse than a predetermined level. A breach of a guaranteed service level automatically triggers a payment or rebate to the impacted customer or customers.

Typically, there may be some overlap between these three types of service measure, represented in the following diagram. This will vary between businesses and service areas.

²⁴ See our Water Pricing Framework and Approach – Final Paper at <https://www.esc.vic.gov.au/premo-water-pricing-framework>.



Businesses should develop and review their service expectations in consultation with their customers, choosing the most appropriate service measure for the type of behaviour and business process they are trying to incentivise and steward. We do not expect water businesses to have outcomes, service standards and guaranteed service levels for every service they provide.

To clarify the differences between these three areas for monitoring service delivery, and to ensure consistency with our current economic and legislative frameworks, we propose a number of clarifications in the draft water industry standards. The information is already largely present, but it is distributed across different reports addressing price, current customer service codes and framework reviews.

Clear and concise service standards in the draft Water Industry Standard – Urban Customer Service

Details of proposed service quality and reliability amendments

We propose amending some of the clause headings to clearly describe the content under each of these clauses. The following table outlines the current and proposed headings for these clauses.

Current clause	Current heading	Proposed clause	Proposed heading
8.2	Delivery quality (flow rates)	17.2	Water supply (pressure or flow rate)
8.3	Testing	17.3	Water supply testing
8.4	Rectification	17.4	Water supply rectification

We propose additional wording for the ‘Obligation to provide reliable services’ clause. This will serve to clarify that water businesses should have ‘programs’ instead of ‘systems’, and businesses should seek to manage ‘and maintain’ their assets.

We therefore propose to remove the clause ‘**Quality improvement programs**’ given water business have service delivery obligations beyond just the service standards.

Minimum water pressure

We propose introducing minimum water pressure as an alternative to minimum flow rate. This will give businesses the option to monitor this service standard using either method.

We therefore propose to update the current clause: **Water Supply (pressure or flow rate) (draft Water Industry Standard – Urban Customer Service clause 17.2 (Annex A))**

We also propose adding the minimum pressure or flow rate service standard into the list of service standards.

We therefore propose to introduce a new clause: **Service Standards (draft Water Industry Standard – Urban Customer Service clause 18.2 (Annex A))**

Service Standards

The main proposed changes to service standards include the following:

- Adding a new clause ‘service standards’ (proposed clause 18.2 of the draft Water Industry Standard – Urban Customer Service) to clarify the intent of service standards. Under this proposed clause we define service standards as the minimum service levels a customer should expect to receive.
- Changing the service standard targets to standing targets, rather than a set of annual targets for each year of the regulatory period. All but one urban water business has the same targets for each of their service standards for every year of the current regulatory period. Additionally, instead of using service standards to drive improvements in service levels, water businesses should use their outcome commitments to drive improvements. Therefore, under our new pricing framework, there is no need for service standards to have improving targets over the regulatory period as service standards should simply set minimum service levels.
- Adding a statement that water businesses should review the targets under proposed clause 18.2 with customers periodically.

We also propose removing ‘approved service standards’ from the definitions list and changing all existing references to just ‘service standards.’ The term ‘approved service standards’ is a legacy

term from the previous Water Industry Regulatory Order. In addition, we propose updating the wording for Schedule 1 that sets out each water business’s service standards. We will update the service standards for most water businesses in July 2023, following completion of our 2023 water price review.

Other minor changes or clarifications we have proposed to the service standards include the following:

- Simplifying the headings for clause 9.2 and 9.3 in the current Customer Service Code – Urban Water Businesses, from ‘Unplanned interruptions – response’ and ‘Planned interruptions – information and response’ to ‘Unplanned interruptions’ and ‘Planned interruptions,’ respectively.
- Changing the wording of the list of service standards (clause 18.2 in the draft Water Industry Standard – Urban Customer Service) to outline each service standard exactly as they are listed for each water business in Schedule 2 of the current Customer Service Code – Urban Water Businesses.
- Rephrasing three of the service standards so that they are presented in a way that is more meaningful to the customer and better fits with our definition of service standards. The following table outlines the current and proposed wording for these three measures.

Current	Proposed
Number of customers experiencing more than 5 unplanned water supply interruptions in the year (number)	Maximum number of unplanned water supply interruptions a customer should experience in any 12-month period
Customers receiving more than 3 sewer blockages in the year (number)	Maximum number of sewer blockages a customer should experience in any 12-month period
Spills contained within 5 hours (per cent)	Maximum time taken to contain a sewer spill (minutes).

Guaranteed service level (GSL) schemes

We are proposing to amend this clause in order to make mandatory the requirement for all urban water businesses to have a GSL scheme. While previously optional, all urban water businesses have now established their GSL schemes since the first introduction of the clause.

We have clarified:

- the definition of a GSL scheme
- when a GSL breach may be out of the business’ control because this information previously sat in Schedule 2, separated from the main clause.

We propose the hardship related GSL remains mandatory for all urban water businesses. This GSL is in relation to limiting debt collection actions against customers where the water business has not taken reasonable endeavours to contact the customers and offer support.

We also propose removing 'GSL rebate' from the Definitions list as it is no longer required, as well as updating the Schedule 1 wording.

We propose to update the current clause: **Guaranteed Service Levels (draft Water Industry Standard – Urban Customer Service clause 20 (Annex A))**

Clear and concise service standards the draft Water Industry Standard – Rural Customer Service

Details of proposed service quality and reliability amendments

Under sub-clause 1.2(h) 'Delivery of water and access to drainage services,' we propose changing 'amendment' to 'exemptions' to better clarify that a water business can negotiate with a customer when a service standard does not apply.

We propose additional wording for the 'Obligation to provide reliable services' clause. This will clarify that water businesses should have 'programs' instead of 'systems', and businesses should seek to manage 'and maintain' their assets. We also propose removing the clause 'Maintenance obligations', given that water businesses have service delivery obligations beyond just the service standards, and information provision is required under clause 11.10.

Clause 8.4 of the current Rural Customer Service Code requires rural water businesses to use reasonable endeavours to minimise the impact of unplanned interruptions to supply services. To align the draft Water Industry Standard – Rural Customer Service to the draft Water Industry Standard – Urban Customer Service, we propose introducing a new clause requiring rural water businesses to have policies, practices and procedures to minimise the impact of unplanned interruptions to supply services.

Service standards

Similar to our proposed amendments for the draft Water Industry Standard – Urban Customer Service, we propose inserting a new 'Service standards' clause to clarify the minimum service levels a customer should receive. We require rural water businesses to define service standards and set a target for each of these. We also found that most of the existing urban and rural service standards have the same targets for every year of the current pricing period. By simplifying the

presentation of service standards to a single standing target, this will help improve clarity for customers, and business should instead use outcomes to drive service improvements.

Unlike the common list for urban water businesses, rural water businesses currently have custom service standards and targets, reflecting the diversity in rural water services offered to customers. We identified a list of high-level service categories for service standards and ran a workshop with rural water businesses. This was done to share the intention behind our proposal, as well as hear feedback on what they would expect to see in a new clause. We heard from rural water businesses that they would like to retain flexibility in the service standards, so they could adopt measures that best reflect their customers' range of service needs.

Accordingly, we consider it remains appropriate not to develop a prescriptive list of service standards for rural water businesses. However, we do wish to make it clearer for any businesses or customers reading the draft, what service standards are, and what they should cover.

In addition to clarifying the definition, we propose including the following categories for service standards:

- Assessing and/or processing licensing and other administrative applications
- Responding to correspondence or complaints and providing information
- Providing a reliable water supply
- Any other customer-related areas.

We also propose changing 'approved service standards' to just 'service standards' in the current definitions list, as 'approved service standards' is a legacy term from the previous WIRO. In addition, we propose updating the wording for Schedule 2 that sets out each water business' service standards.

Performance reporting

We propose to remove the clause 'Performance reporting (GMW)' that only requires Goulburn-Murray Water to report to its customers on its service standards.

All rural water businesses will soon have their prices regulated under our PREMO pricing framework and approach.²⁵ This framework requires all water businesses to report to their

²⁵ Refer to the ACCC's decisions for Lower Murray Water: <https://www.accc.gov.au/regulated-infrastructure/water/water-projects/lower-murray-water-decisions-under-part-6-of-the-water-charge-rules-2010>, and Goulburn-Murray Water: <https://www.accc.gov.au/regulated-infrastructure/water/water-projects/goulburn-murray-water-decisions-under-part-6-of-the-water-charge-rules-2010>.

customers on their performance against their outcomes and demonstrate accountability for any performance shortfalls. At each price review, we will assess how a water business has performed in the preceding pricing period, which will inform reputational and financial rewards (or penalties) for the business.

In addition to reporting on outcomes, we also expect rural water businesses to monitor their service standards using appropriate methods with each of their relevant customer groups.

Guaranteed service level schemes

We propose retaining guaranteed service levels as an optional clause requirement for all rural water businesses. However, we propose updating wording to align with the similar clause for urban water businesses.

We have clarified:

- the definition of a guaranteed service level scheme
- when a guaranteed service level breach may be out of the business's control.

We also propose to remove 'GSL rebate' from the definitions list as it is no longer required.

Proposal for amendments to the definitions in the draft Water Industry Standard – Urban and Rural Customer Service

We have reviewed all definitions to update references and to ensure consistency across our regulation areas. The following table outlines the current and proposed definition.

Current definition	Proposed definition	Industry standard
<p>“complaint” a written or verbal expression of dissatisfaction about an action, proposed action, or failure to act by a water business, including a failure of the water business to observe its published policies, practices, or procedures.</p>	<p>complaint means a written or verbal expression of dissatisfaction about an action, proposed action, or failure to act by a water business, its employees, or contractors, requiring a resolution (as per AS/NZS 10002:2014).</p>	Urban and rural
<p>“enquiry facility” a telephone call centre and may also include an on-line information facility or an over-the-counter information service.</p>	<p>enquiry facility means a telephone call centre, an SMS service, or MMS service, on-line information facility or over-the-counter information service.</p>	Urban and rural
<p>“health regulation” includes the Safe Drinking Water Act 2003, the Food Act 1984, the Health (Fluoridation) Act 1973 and other applicable requirements of the Department of Human Services.</p>	<p>health regulation includes the Safe Drinking Water Act 2003, the Food Act 1984, the Health (Fluoridation) Act 1973 and other applicable requirements of the Department of Human Services Health (or any successor).</p>	Urban only
<p>“interruption” means in the case of a customer’s water or recycled water supply, a total loss of flow from a water business to a customer.</p>	<p>Interruption means in the case of a customer’s water or recycled water supply, a total loss of water supply due to any cause. Does not include those caused by bursts or leaks in the property service connection (mains to meter) unless the burst or leak requires the mains to be shut down for repair. For clarity, an interruption includes a loss of recycled water supply to a residential property where toilet flushes and laundry are not possible.</p>	Urban only
<p>“planned interruption” means a scheduled</p>	<p>planned interruption means an interruption for which the water business has provided the</p>	Urban only

interruption to a service to a customer which is caused by a water business to allow routine maintenance or augmentation to be carried out.	required notification to the customer of at least two business days in advance.	
	planned interruption means an interruption for which the water business has provided the required notification to the customer of at least five business days in advance.	Rural only
“restrict” means to physically reduce the flow of water	restriction means the water business’ installation of a device to limit the flow of water from the meter to a customer’s property due to non-payment by a customer.	Rural only
“unplanned interruption” means an interruption to services to a customer caused by a fault in the water business’s system or a fault which is the maintenance responsibility of the water business.	unplanned interruption means an interruption where the customer has not received notification from the water business or where a planned interruption exceeds the duration estimated.	Urban and rural

We also propose to include the following definitions:

Term	Proposed Definition	Industry standard
digital format	A digital communication method that is provided by a water business for the purpose of the sending of bills and other service-related communications with the agreement of the customer.	Urban and rural
E-bill	A bill that meets the requirements of clause 6.2 of this industry standard (Urban) A bill that meets the requirements of clause 6.5 of this industry standard (Rural)	Urban and rural
flexible payment plan	Has the meaning given in clause 7.2 of this industry standard.	Urban and rural
restriction	The water business’ installation of a device to limit the flow of water from the meter to a customer’s property due to non-payment by a customer.	Urban only

sanitary drain	A line of pipes including all fittings, conveying, or intended to convey sewage or trade waste from a building or structure on a serviced property to the sewer main of a water corporation.	Urban only
self-read	A reliable method of water meter reading selected and undertaken by a customer for their property that is approved by the water business.	Urban and rural
small business customer	A non-employing business (including sole proprietorships and partnerships without employees) or a business employing fewer than 20 people which has an active Australian Business Number.	Urban and rural
Statement of Obligations	Obligations for a water business issued by the Minister for Water under section 41 of the <i>Water Industry Act 1994</i> , in relation to the performance of water business's functions and the exercise of its powers.	Urban and rural
usage only payment plan	A payment plan where the customer only pays for usage charges over a period agreed by both the water business and the customer and that suspends or waives the other charges during and/or before that period.	Urban only
Utility Relief Grant Scheme	The grant by that name administered by the Department of Families, Fairness and Housing (or any successor).	Urban only

