



## **Tasmanian Water and Sewerage Industry**

### **Customer Service Code**

First Issued:	1 July 2010 (Version 1)
Amended:	12 April 2013 (Version 2)
Amended:	29 April 2015 (Version 3)
Amended:	1 July 2015 (Version 4)
Amended:	1 July 2018 (Version 5)
Amended:	25 November 2019 (Version 6)

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## PART A - INTRODUCTION

This code is made under section 57 of the *Water and Sewerage Industry Act 2008* and in accordance with the *Water and Sewerage Industry (Customer Service Standards) Regulations 2019*.

### I. PURPOSE

The purpose of this code is to specify standards and conditions of service and supply with which a *regulated entity* (and its agents) must comply in providing certain *regulated services* to *customers*. It applies in respect of a *regulated entity's* water supply services intended for drinking water, reticulated drinking water that is *non-potable* water, and *sewerage services*.

Each *regulated entity* is required to:

- meet the *customer*-related standards, procedures, practices and conditions for *regulated services* as set out in this code; and
- develop, issue and comply with a customer charter which meets the procedural and substantive requirements of this code and sets out the *minimum service standards*.

The code will result in obligations upon *customers* through the customer charters to be developed and issued by *regulated entities*.

Customer charters will be the primary means by which *customers* will be informed of their rights and obligations.

### II. AMENDMENT TO THIS CODE

#### a. GENERAL AMENDMENT TO THIS CODE

This code may be reviewed by the *Regulator* on its own initiative or at the request of any person or the Minister.

The *Regulator* may amend, rescind or substitute this code.

The *Regulator* must advise the Minister of any amendments, rescissions or substitutions and provide the Minister with a copy of the amended or substituted code.

Subject to clause II(b), the *Regulator* will not amend, rescind or substitute this code until *regulated entities* and other stakeholders have had a reasonable opportunity to make representations and those representations have been considered, in accordance with the *Consultation Policy and Procedures of the Tasmanian Economic Regulator Guideline*.

The *Regulator* will give reasonable notice to a *regulated entity* of any amendments or substitutions to, or rescission of, this code.

As soon as practicable after amending, rescinding or substituting this code, the *Regulator* will cause –

- a notice of the rescission or making of the amendment or substitution to be published in the *Gazette*;
- a notice of the rescission to be published on the *Regulator's* website; and
- the amended or substituted code to be published on the *Regulator's* website.

b. FAST TRACK AMENDMENT TO THIS CODE

The *Regulator* may change the code without conducting consultation if the *Regulator* considers that it is necessary or desirable to change the code in relation to any matter which is:

1. of a minor or procedural nature;
2. required to reflect a change in legislation or industry technical standards;
3. required to correct a manifest error; or
4. one on which the *Regulator* has previously consulted with all relevant licensees or interested parties in accordance with the *Consultation Policy and Procedures of the Tasmanian Economic Regulator Guideline*, and
  - i. it was explained during the consultation that the decision or solution based on that consultation may be given effect by a code change;
  - ii. the proposed code change does give effect to that decision or solution in relation to the matter;
  - iii. adequate records of the consultation and submissions received during the consultation are publicly available; and
  - iv. the proposed code change is consistent with *water law*.

### III. SEPARATE WRITTEN CONTRACTS

A separate written contract, entered into in accordance with section 61 of the *Water and Sewerage Industry Act 2008*, for the provision of a *regulated service* need not comply with this code.

### IV. INTERPRETATION

Italicised terms in this code are defined in Part D - Definitions.

## **PART B – STANDARDS AND CONDITIONS OF SERVICE AND SUPPLY**

# **1 MINIMUM SERVICE STANDARDS**

## **1.1 Application of minimum service standards**

- 1.1.1 For the purposes of clauses 10 and 11 of this code, a *regulated entity* is required to meet the *minimum service standards* as provided at Schedule 1.
- 1.1.2 The *minimum service standards* are determined as part of the relevant *Price Determination* and form part of the *regulated entity's price and service plan*.
- 1.1.3 *Minimum service standard* requirements have no significance or bearing on the application of, and a *regulated entity's* adherence to, other industry regulatory obligations.

# **2 CONNECTION AND SERVICE PROVISION**

## **2.1 Obligation to provide a regulated service**

- 2.1.1 Subject to *water law* and this code, if a *customer's* property is connected to a *system*, the *regulated entity* must provide the relevant *regulated service* in accordance with this code.

## **2.2 Obligation to connect**

- 2.2.1 A *regulated entity* must permit an owner of land to connect a property that is owned or occupied by a person to the *regulated entity's* infrastructure within 10 *business days*, or such later date as agreed between the *regulated entity* and the person, if:
  - a. the property is on the *served land* as defined in the *regulated entity's price and service plan*; and
  - b. the person requests permission to connect the property to the *regulated entity's* infrastructure; and
  - c. the person has paid, or has agreed to pay, all applicable *fees for connection*; and



- d. the person has complied with all reasonable terms and conditions of connection imposed by the *regulated entity*; and
- e. the connection is required to be made by the connection policy contained in an approved *price and service plan* of the *regulated entity*; and
- f. the physical characteristics or location of the property are not such as to require the application of unusual or unusually costly infrastructure, design, or installation techniques in order for the connection to be made; and
- g. no plan of subdivision, or other instrument of a type approved by the *Regulator*, specifies that connection to the *regulated entity*'s infrastructure, or provision of *regulated services* by the *regulated entity*, will not occur.

## 3 FEES

### 3.1 Schedule of fees

- 3.1.1 A *regulated entity* must publish on its website, and provide a copy to a *customer* upon request within five *business days* of the request:
  - a. a list of all the types of fees that the *regulated entity* may charge; and
  - b. the amount of fees or the methods or policies applicable for the calculation of fees.

### 3.2 Variation

- 3.2.1 A *regulated entity* may, subject to *water law*, the *minimum service standards* and any relevant determination of the *Regulator*, vary fees to *customers*.
- 3.2.2 A *regulated entity* may calculate a pro rata fee to effect a variation in fees where the variation date falls within a *billing period*.

### 3.3 Notification of Imposition and Variation of Fees

- 3.3.1 A *regulated entity* must directly notify all affected *customers* in writing at least 28 days in advance of imposing or varying:
  - a. a fee that the *customer* is to be charged; or
  - b. the method for calculation of the fee that the *customer* is to be charged; or
  - c. a policy that is to apply in the determination of a fee that is to be charged.

- 3.3.2 The notification requirements for the imposition or variation of a fee do not apply if there is in force, in relation to the *customer*, a *Price Determination* or an interim price order made in accordance with *water law* which does not require such notice to be given.

## 4 COMPLAINTS, DISPUTES AND CUSTOMER ENQUIRIES

### 4.1 Complaints, enquiries and disputes policy

- 4.1.1 A *regulated entity* must have and comply with policies, practices and procedures for the handling of *complaints* and *enquiries* from *customers* and the resolution of disputes between *customers* and the *regulated entity*.

- 4.1.2 Without limiting the general obligation under clause 4.1.1, a *regulated entity's complaints, enquiries* and disputes policy must provide:

- a. information on the process by which a *customer* may make an *enquiry* or *complaint* to the *regulated entity*; and
- b. that the *regulated entity* will take no more than 48 hours to commence action to resolve the *complaint* or unresolved *enquiry*; and
- c. that the *regulated entity* will take no more than 10 *business days* to provide a reply to a *customer's complaint* or unresolved *enquiry*; and
- d. that, if the timeframe in clause 4.1.2(c) cannot be achieved, the *regulated entity* will provide written notification to the *customer* explaining why the timeframe could not be achieved and when the *regulated entity* will provide a reply to the *customer's complaint* or unresolved *enquiry*; and
- e. that a reply to a *customer's enquiry* or *complaint* must deal with the substance of the *enquiry* or *complaint*; and
- f. the reasons for a decision, made by a *regulated entity* in resolution of the *complaint*, to be given to the complainant, in writing, including details of the legislative or policy basis for the reasons if appropriate; and
- g. a *complaint* and dispute escalation process that gives a *customer*:
  1. an opportunity to raise the *complaint* or dispute up to the level of a senior manager within the *regulated entity's* management structure; and

- 2. information about referral to the *Tasmanian Ombudsman* in the event that the *customer* has raised the *complaint* or dispute to a higher level and is not satisfied with the *regulated entity's* response; and
- h. that the *regulated entity* is restricted in its ability to recover an amount of money which is in dispute, until the dispute has been resolved; and
- i. that a complainant is informed of the matters in clauses (a) to (g) above; and
- j. that a complainant is informed about their rights as a *customer* as detailed in clause 4.2 of this code; and
- k. consideration of the relevant Australian Standard on complaints handling.

## 4.2 Resolution of disputes

- 4.2.1 A *regulated entity* must endeavour to resolve in good faith any dispute directly with its *customers* and others affected by its operations.
- 4.2.2 Where a *customer* and a *regulated entity* agree to resolve, by way of arbitration, mediation or negotiation, a dispute concerning the amount of money that the *customer* is required to pay, the *customer* is not liable to pay the amount that is in dispute until the process of arbitration, mediation or negotiation is concluded.
- 4.2.3 After having followed the *complaints* and disputes escalation process, a *customer* may lodge a *complaint* with the *Tasmanian Ombudsman* in respect of a dispute with the *regulated entity* concerning the amount of money that the *customer* is required to pay to the *regulated entity*.
- 4.2.4 Where a *complaint* to the *Tasmanian Ombudsman* is lodged, in advance of the day that the amount in dispute is otherwise due and payable, the *customer* is not liable to pay the amount that is in dispute until:
  - a. the *complaint* is dismissed by the *Tasmanian Ombudsman*; or
  - b. the *Tasmanian Ombudsman* has completed the investigation of the *complaint* and resolved that the *customer* is liable to pay all, or part, of the amount that is in dispute.
- 4.2.5 For the purposes of clause 4.1.2(g), a *regulated entity* may consider a dispute about the amount of money that the *customer* is required to pay to the *regulated entity* resolved if:
  - a. it has informed the complainant of its decision on the dispute or any internal review of the dispute; and
  - b. 10 *business days* have passed since the complainant was informed; and

c. the complainant has not:

1. sought a further review under clause 4; or
2. lodged a *complaint* with the *Tasmanian Ombudsman*.

4.2.6 A *regulated entity* must not consider a dispute resolved until any *complaint* lodged with the *Tasmanian Ombudsman* has been finalised.

## 5 BILLING

### 5.1 Billing period

5.1.1 For *customers* who have not elected to enter into a *separate service contract*, the *billing period* must be no less than 1 month and no more than 3 months, unless otherwise approved by the *Regulator*.

### 5.2 Regulated entity's meter readings

5.2.1 Where meters are installed and used for the purposes of billing, a *regulated entity* must use reasonable endeavours to ensure that all *customers'* meters are read every *billing period*.

5.2.2 A *customer* may request that a *special meter reading* be undertaken outside the normal *billing period*.

5.2.3 A *regulated entity* must respond to a request by a *customer* for a *special meter reading* within five *business days*.

5.2.4 A *customer* is not liable to pay for a *special meter reading*, where requested, if the *meter reading* shows that the meter has inaccurately measured the amount of water supplied to, or sewage removed from, the property.

### 5.3 Issue of bills

5.3.1 A *regulated entity* must issue a *bill* to:

- a. a *customer* at the physical or *electronic address* specified by the *customer*; or
- b. a *customer's agent* at the physical or *electronic address* specified by the *customer* if the *customer* has made a written request to the *regulated entity*; or

- c. any person authorised to act on behalf of the *customer* at the physical or *electronic address* specified by that person.

If no address has been specified, a *regulated entity* may send the *bill* to the physical address of the property in respect of which the charges have been incurred, or to the *customer's* last known address.

5.3.2 Subject to clause 5.7, a *bill*:

- a. must be issued within 30 days of the conclusion of the *billing period* to which the charges in the *bill* relate; but
- b. may be issued at any time during a *billing period* to which the charges in the *bill* relate.

5.3.3 A *regulated entity* must, at the request of the *customer*, issue a separate *bill* for each property in relation to which the person is a *customer* of the *regulated entity*.

5.3.4 A *regulated entity* may, if different parts of a property have separate water meters installed in respect of different *customers* of the *regulated entity*, issue a separate *bill* for each of the *customers*.

## 5.4 Content of bills

5.4.1 A *bill* issued by a *regulated entity* must contain the following information, in non-technical language that is likely to be easily understood:

- a. the date of issue;
- b. the *customer's* name, billing address and *account number*;
- c. the address of the property and the *billing period* to which the charges in the *bill* relate;
- d. where water meters are installed and used for the purposes of billing, the details of any *meter reading*, whether it is a *special meter reading* or not, at the property to which the account relates, and including the meter registration number and the date on which the meter was read, or if the reading is an estimation, a clear statement that the reading is an estimation;
- e. the amount the *customer* is required to pay for the previous *billing period* in respect of the property;
- f. the date by which the *customer* is required to pay, which must be a date after the *minimum period*;

- g. the options for payment that are available to the *customer*;
- h. information about the services and options that the *regulated entity* is able to offer *customers* experiencing financial difficulties;
- i. details of the *regulated entity's enquiry facility*, including a 24 hour service difficulties and faults telephone service number;
- j. referral to interpreter services offered by the *regulated entity*;
- k. any outstanding credit or debit from previous *bills*;
- l. the amount of any payments made by the *customer* to the *regulated entity* since the previous *bill* was issued;
- m. information on concessions and discounts available and any concession or discount to which the *customer* may be entitled;
- n. any adjustments that have been made to the amount otherwise owed in respect of the account, including refunds, underpayments, concessions and discounts;
- o. where water meters are installed and used for the purposes of billing, the average daily rate of water use at the property for the current *billing period*; and
- p. if a *regulated entity* intends to charge interest or a fee on outstanding amounts, a clear statement of the rate of interest or amount of fee and from what future date the interest or fee is to be applied.

5.4.2 A *bill* issued by a *regulated entity* to a *customer* otherwise than as part of a regular sequence of accounts is not required to contain information regarding the payments made by the *customer* to the *regulated entity* since the previous *bill* was issued or the amount that the *customer* is required to pay for the previous *billing period* in respect of the property.

## 5.5 Presentation of charges

5.5.1 A *bill* issued by a *regulated entity* must separately itemise each charge, including:

- a. any non-usage charge designed to recover the fixed costs of providing water services and sewerage services; and
- b. the usage charge for each *regulated service* to the property, including fees determined by the volume of water provided or sewage removed, or estimated to be provided or removed; and

- c. any *service charge* to the property; and
- d. any other charge in connection with the provision of *regulated services* provided; and
- e. any other charges.

## **5.6 Presentation of customer water usage**

5.6.1 Where water meters are installed and used for the purposes of billing, a *bill* issued to a residential *customer* must display a graphical illustration of the *customer's* current water usage and, to the extent the data is available:

- a. the *customer's* usage for each *billing period* over the past 12 months at that *connection point*; and
- b. a comparison of the *customer's* usage with the *customer's* usage at that *connection point* for the same period of the previous year.

## **5.7 Adjustment of bills**

5.7.1 A *regulated entity* may recover from a *customer* an amount undercharged in respect of any *billing period* if:

- a. except in the case of *fraud*, the amount to be recovered is limited to the amount undercharged in the 12 months prior to the *regulated entity* first becoming aware that the *customer* has been undercharged; and
- b. the amount to be recovered is listed as a separate item on the next *bill* issued to the *customer* after the *regulated entity* becomes aware of the undercharge, or on a *bill* specific to the undercharged amount and issued to the *customer* other than as part of a regular sequence of accounts; and
- c. except in the case of *fraud*, an explanation is provided on the *customer's bill*, referred to in clause 5.7.1(b), as to how the undercharging occurred and how the amount owing has been calculated; and
- d. except in the case of *fraud*, it allows, where the total period in which the *customer* was undercharged was a period of 30 days or less, the *customer* to pay the amount to be recovered over a 30 day period, which ends not less than 30 days after the day on which the *bill*, referred to in clause 5.7.1(b), is sent to the *customer*; and
- e. except in the case of *fraud*, it allows, where the total period in which the *customer* was undercharged was a period of more than 30 days, the *customer* to pay the amount to be recovered over a time period at least equal

to that period in which undercharging occurred, up to a maximum of 12 months and beginning on the day on which the *bill*, referred to in clause 5.7.1(b), is sent to the *customer*; and

- f. it allows the *customer* to pay the amount to be recovered through a *regulated entity's* payment plan in accordance with clause 6.2.

5.7.2 A *regulated entity* is not entitled to impose a fee or interest on a *customer* in relation to an amount by which a *customer* has been undercharged, except if the undercharging occurred because of *fraud* by the *customer*.

5.7.3 Where a *regulated entity* has *disconnected* a *regulated service* provided to a *customer* who has been undercharged because of *fraud* by the *customer*, the *regulated entity* may:

- a. estimate the usage that the *customer* has not paid for; and
- b. recover from the *customer* the amount that would have been payable together with any fee or interest payable under clause 7.4 of this code.

5.7.4 If a *regulated entity* overcharges a *customer* for a *regulated service* because of an error by the *regulated entity*, or inaccurate metering by the *regulated entity*, it must:

- a. inform the *customer* within 10 *business days* of becoming aware that the *customer* has been overcharged; and
- b. refund to the *customer* the amount overcharged, together with any interest payable under clause 7.4, in accordance with any reasonable instructions by the *customer*.

Where no reasonable instructions for refund are received by the *regulated entity* from the *customer*, the *regulated entity* must credit the amount overcharged, together with any interest payable under clause 7.4, to the *customer's* next account.

## 6 PAYMENTS

### 6.1 Payment methods

6.1.1 A *regulated entity* must provide for the following methods of payment from *customers*:

- a. in person at a network of agencies or payment outlets;



- b. by mail;
- c. by electronic means;
- d. through a facility (if any) provided by a provider of income support (e.g. Centrelink);
- e. by direct debit arrangement in accordance with any agreement between the *regulated entity*, the *customer* and the *customer's* bank; and
- f. in advance, including periodic payments in advance via the methods listed in clauses 6.1.1(c) to (e).

6.1.2 A *regulated entity* must not require *customers* to agree to direct debit as a condition of service.

## 6.2 Payment plans

6.2.1 Subject to *water law*, a *regulated entity* must make payment plans available to *customers*, formulating them in accordance with the *customer's* capacity to pay and having regard to the *customer's* pattern of *regulated service* consumption. A payment plan must:

- a. state how the total amount to be paid under the payment plan has been calculated; and
- b. state the period over which the *customer* will pay the agreed amounts; and
- c. specify an amount to be paid in each instalment under the payment plan; and
- d. state that the payment plan may be able to be renegotiated at the request of a *customer* if there is a demonstrable change in the *customer's* financial circumstances; and
- e. be confirmed in writing to the *customer* prior to, or as soon as practicable after, the payment plan commences.

6.2.2 A *regulated entity* is not required to offer to enter into a payment plan with a *customer* in relation to an amount of money if the *customer* has:

- a. within the previous 12 month period entered into more than two payment plans with the *regulated entity* and failed, without reasonable excuse, to comply with the terms and conditions of the payment plans; or
- b. entered into more than three payment plans with the *regulated entity* and failed, without reasonable excuse, to comply with the terms and conditions of the payment plans.

- 6.2.3 A *regulated entity* must not, in other circumstances, refuse to enter into a reasonable offer made by a *customer* to enter into a payment plan.
- 6.2.4 A *customer* is taken to have entered into a payment plan with a *regulated entity* when the *customer* makes their first payment to the *regulated entity* under the payment plan and a payment plan continues to be in force until payments under the payment plan are completed.
- 6.2.5 Where a payment plan requires the *customer* to pay instalments over a period of more than three months, the *regulated entity* must:
- a. monitor the *customer's* consumption, where such information is available, after the payment plan has been entered into; and
  - b. ensure that the payment plan enables the *customer* and the *regulated entity*, by agreement, to adjust the instalments required to be paid under the payment plan to account for the liability arising from the *customer's regulated service* consumption after the payment plan has been entered into.
- 6.2.6 Payment plans cannot be altered to increase the amount that the *customer* is required to pay, or the frequency of the payment instalments, unless the *customer* provides their consent or the payment plan allows for adjustments to account for the liability arising from the *customer's regulated service* consumption as specified in clause 6.2.5(b).
- 6.2.7 Where a *customer* enters into a payment plan with the *regulated entity*, the *regulated entity* must not charge the *customer* interest or impose a fee except in accordance with the payment plan.

## **6.3 Payment difficulties**

- 6.3.1 Subject to *water law*, a *regulated entity* must, where notified by a *customer* that the *customer* is having difficulty paying an amount that is, or may become, due, assist the *customer* by:
- a. making provision for an alternative payment arrangement in accordance with the *customer's* capacity to pay by offering to enter into a payment plan in accordance with clause 6.2; and
  - b. offering to provide information about independent financial counselling to the *customer*.

## 6.4 Financial hardship policy

6.4.1 A *regulated entity* must have a financial hardship policy and apply it to *customers* suffering from financial hardship.

6.4.2 For the purposes of this code, a *customer* is suffering financial hardship if –

- a. the *customer* occupies, as his or her principal place of residence, a property in respect of which the person is a *customer* of the *regulated entity*; and
- b. the *customer*, an accredited, independent financial institution, or an institution that provides, on a not-for-profit basis, assistance to persons experiencing financial difficulty, has notified the *regulated entity* that the *customer* is suffering financial hardship and is consequently having difficulty, or expects in the near future to have difficulty, in paying an amount of money specified in an account that is or may be issued by the *regulated entity* in relation to the property; and
- c. the *customer* would, but for financial hardship, pay the amount of money or amount of moneys that are, or may become, due and payable by the *customer* to the *regulated entity*.

6.4.3 Without limiting the general obligation under clause 6.4.1, the financial hardship policy must:

- a. contain policies and internal assessment processes for implementation by persons employed or engaged by the regulated entity to enable those persons to:
  - 1. determine a *customer's* eligibility using objective criteria<sup>1</sup> as indicators of financial hardship; and
  - 2. make an early identification of a *customer's* financial hardship; and
  - 3. determine the internal responsibilities for the management, development, communication and monitoring of the policy;
- b. provide for staff training about the *regulated entity's* policies and procedures and to attempt to ensure that those persons treat *customers* who are suffering financial hardship with respect and sensitivity and in a manner that does not reflect any bias against such *customers*;

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<sup>1</sup> Criteria may include, but are not limited to: a *customer's* eligibility for concessions; a *customer's* previous payment history; and appropriate self-assessment by the *customer*.

- c. exempt *customers* in financial hardship from supply restriction, legal action, and additional debt recovery costs while payments are made to the *regulated entity* according to an agreed payment plan or other payment schedule;
- d. state any circumstances in which a *regulated entity* will waive or suspend fee and interest payments on outstanding amounts;
- e. subject to water law, offer a range of payment options in accordance with the *customer's* capacity to pay;
- f. provide for written confirmation of any alternative payment method to be sent to *customers* within 10 *business days* of an agreement being reached;
- g. offer information and referral to the services of independent financial counsellors;
- h. offer information about the *regulated entity's* dispute resolution policy, and the *customer's* right to lodge a *complaint* with the *Tasmanian Ombudsman* if their financial hardship claim is not resolved to their satisfaction by the *regulated entity*;
- i. detail the circumstances in which the policy will cease to apply to *customers*; and
- j. provide for a review mechanism of the policy and its associated procedures.

6.4.4 A *regulated entity's* financial hardship policy must be consistent with this Code and the *Water and Sewerage Industry Act 2008*.

## 7 COLLECTION

### 7.1 Reminder notices

7.1.1 If a *customer* fails to pay by the required date stated in the *bill*, a *regulated entity* must, within seven days after that required date and prior to taking action for non-payment under clause 9, send a reminder notice (in the same manner in which it sent the *bill*) that:

- a. notifies the *customer* that a debt is due and must be paid; and
- b. provides information on any assistance that is available to the *customer*, including information about the *Tasmanian Ombudsman* (accompanied by the *Tasmanian Ombudsman's* telephone number) and the *regulated entity's* financial hardship policy; and

- c. provides information about the remedies the *regulated entity* may pursue if the debt is not paid; and
- d. advises the *customer* of the rate of any interest and fees that may be charged, for failure to pay a debt due, from the date specified in the notice and until the debt is paid to the *regulated entity*.

## **7.2 Additional content of reminder notices**

- 7.2.1 A reminder notice under clause 7.1 must contain (in addition to the requirements of that clause) all of the information listed in clause 5.4 except information about *meter readings*, usage, previous *bills* or past payments.

## **7.3 Security deposits**

- 7.3.1 A *regulated entity* may, before connecting a property to the *regulated entity's* infrastructure in accordance with clause 2.2 or for maintenance, upgrade or renewal of the *regulated entity's* infrastructure to which a property is connected, require that a person, liable to pay the charges in connection with the provision of *regulated services* to the property to be connected or altered, pay, to the *regulated entity*, a security deposit.

- 7.3.2 A security deposit may only be required for the connection of *regulated services* to a property that is to be used wholly or partly for non-residential purposes if the person:

- a. has no history of paying accounts for *regulated services* provided by the *regulated entity* in respect of that business; or
- b. has an unsatisfactory record in relation to the payment of accounts for *regulated services* provided by the *regulated entity*; or
- c. has an unsatisfactory credit rating.

- 7.3.3 A security deposit may only be required for the connection of *regulated services* to a property that is to be used wholly for residential purposes if the person:

- a. is a new *customer* and has failed to produce acceptable identification upon the request of the *regulated entity*; or
- b. has, within the preceding two years, been responsible for the *fraud* in relation to *regulated services*; or
- c. is believed, by the *regulated entity*, to have previously taken or diverted, without authority, water or sewage from the *regulated entity's* infrastructure; or

- d. has previously left premises without settling, with a *regulated entity*, an account for *regulated services* and –
    - 1. the account remains outstanding; and
    - 2. the person refuses to pay the account; or
  - e. has refused to enter into a payment plan or other payment option and has either or both of the following:
    - 1. an unsatisfactory record in relation to the payment of *regulated services* provided by a *regulated entity*;
    - 2. an unsatisfactory credit rating.
- 7.3.4 The amount of the security deposit cannot be greater than 37.5 per cent of the *customer's* annual *bill*, based on previous billing history or the average use of a comparable *customer* over a comparable period.
- 7.3.5 Where a *customer* has paid a *regulated entity* a security deposit in accordance with clause 7.3, the *regulated entity* must pay the *customer* interest on the security deposit calculated at the rate specified in clause 7.4.
- 7.3.6 The *regulated entity* may use the security deposit, and any interest earned on the security deposit, to offset a debt due and payable by the *customer* to the *regulated entity* –
- a. if the *customer* fails to pay an amount owing for the provision of a *regulated service* and the *regulated entity* restricts or *disconnects* the *regulated service*; or
  - b. if the *customer* did not provide the *regulated entity* with any reasonable instructions in respect of the return of the security deposit and accrued interest, in relation to a final *bill* issued by a *regulated entity* to a *customer* (i.e. a *bill* that the *regulated entity* issues when the *customer* vacates their premises, or when the *customer* requests that the *regulated service* to their premises be *disconnected*).
- 7.3.7 The *regulated entity* must return the *customer's* security deposit and any accrued interest within 10 *business days* of the *customer* completing:
- a. one year's payments, in the case of a *customer* who is a *customer* of the *regulated entity* in respect of premises that are wholly residential premises; or

- b. two years' payments, in the case of a *customer* who is a *customer* of the *regulated entity* in respect of premises that are wholly or partly non-residential premises.

7.3.8 If the *customer* does not provide the *regulated entity* with any reasonable instructions in respect of returning the security deposit and any accrued interest, the *regulated entity* must credit the amounts in the next account issued to the *customer* as part of a regular series of accounts.

## 7.4 Interest and other fees

7.4.1 A *regulated entity* must not charge interest or fees except in accordance with the provisions of this code.

7.4.2 Where interest is to be charged for failure by a *customer* to pay a debt due, or where interest is to be paid on a refund on an overcharged amount, or as interest earned on a security deposit paid, the applicable interest rate is the *reference rate* + 6%. Interest is to accrue daily and is to be calculated by applying the daily rate to the amount outstanding, the amount overcharged, or the amount deposited.

7.4.3 For the purposes of clause 7.4.2, the daily rate will be calculated in accordance with the following formula:

$$\text{Daily rate} = \frac{\text{reference rate} + 6\%}{365}$$

365

7.4.4 If not paid by a *customer*, or paid to a *customer*, interest is to capitalise every 90 days. Unless payment is accepted on other terms, any part payment of an outstanding amount will go to reduce the amount of interest first.

7.4.5 Where interest is charged on an outstanding debt, interest accrues on the amount outstanding from the day after the due date and ends on the date the debt is paid in full, with both days inclusive.

7.4.6 Where interest is paid on a refund of an overcharged amount, interest accrues from the date of payment of the amount overcharged to the date the amount overcharged is refunded to the *customer* or credited to the *customer's* account in full.

7.4.7 Where interest is to be paid on a security deposit, interest accrues from the date the funds are received by the *regulated entity* to the date the funds are either refunded to the *customer* or credited to the *customer's* account in full.

7.4.8 Where a fee is to be applied for failure to pay a debt due, the amount of the fee must be a *reasonable charge*.

7.4.9 A fee for failure to pay a debt due cannot be charged if:

- a. the account balance is less than \$50; or
- b. the *customer* is eligible for a concession under the *Water and Sewerage Industry (Community Service Obligation) Act 2009*; or
- c. the *customer* pays the overdue amount within five days of the due date; or
- d. the *customer* has contacted the *regulated entity* prior to the fifth day after the due date and has been offered a payment plan in accordance with clause 6.2 except if the fee is charged in accordance with the payment plan.

## 7.5 Dishonoured payment

7.5.1 A *regulated entity* may recover from a *customer* a fee charged by the *regulated entity's* financial institution due to payment by the *customer* being dishonoured or reversed.

7.5.2 The *regulated entity* may include the fee, referred to in clause 7.5.1, to be recovered from the *customer*:

- a. in the next account issued to the *customer* as part of a regular sequence of accounts; or
- b. in circumstances where the *regulated entity* is not going to be sending another account to the *customer*, in an account that is sent to the *customer* otherwise than as part of a regular sequence of accounts.

## 7.6 Discounts

7.6.1 A *regulated entity* may provide a discount to a *customer* which uses one or more of the payment methods as set out in subclause 6.1.



## 8 RESTRICTION AND DISCONNECTION

### 8.1 Circumstances for disconnection

8.1.1 A *regulated entity* may only *disconnect* the supply of a *customer's sewerage service* if:

- a. a *planned interruption* in relation to the property is required by the *regulated entity*; or
- b. the *regulated entity* suspects on reasonable grounds that the *customer* has committed an offence relating to safety in respect of the *regulated entity's* infrastructure or an offence relating to illegal use of the *regulated entity's* infrastructure; or
- c. the *regulated entity* suspects on reasonable grounds that, without authority, the *customer* is taking or diverting, or has taken or diverted, water or sewage from the *regulated entity's* infrastructure; or
- d. the *regulated entity* is satisfied on reasonable grounds that a *customer* has engaged in conduct that has interfered with the supply of a *regulated service* to other *customers* or has jeopardised the safety of the *regulated entity's* infrastructure; or
- e. the *customer* has requested or agreed to the *disconnection* or restriction.

8.1.2 A *regulated entity* may only *disconnect* the supply of a *customer's water service* to the *customer's* premises if one or more of clauses 8.1.1(a) to (e) have been satisfied or:

- a. the *customer* is a *customer* of the *regulated entity* in respect of premises that are not residential premises; and
- b. the *customer* has not paid a debt that is due in respect of the supply of the *water service* to the premises.

### 8.2 Circumstances for restriction

8.2.1 Other than because of an *unplanned interruption*, a *regulated entity* may only restrict the supply of a *customer's water service* in respect of premises that are residential premises if one or more of clauses 8.1.1(a) to (e) have been satisfied or the *customer* has not paid a debt due in respect of the supply of a *water service* to the premises.

- 8.2.2 A restriction under clauses 8.2.1 may reduce the supply of water to no less than two litres per minute at the tap nearest the meter.

### **8.3 Limits on restriction and disconnection**

- 8.3.1 Other than because of an *unplanned interruption*, a *regulated entity* must not take steps to restrict or *disconnect regulated services* to a *customer* if:
- a. it is a Friday, public holiday, weekend, day before a public holiday, or after 3.00 pm; or
  - b. the *customer* is registered as a special needs *customer* under clause 11.6; or
  - c. the *regulated entity* believes that the restriction or *disconnection* will cause a hazard having taken into consideration the consequences of the restriction or *disconnection* to health, safety, the environment and any *customer* concerns; or
  - d. it is a day of total fire ban declared by the Tasmania Fire Service in the area in which the property is located.
- 8.3.2 Other than under sections 56K, 56L and 56M of the *Water and Sewerage Industry Act 2008* and clause 9 of this code, a *regulated entity* must not restrict or *disconnect regulated services* to a *customer* unless, where practicable, the *regulated entity* has sent written notice to the affected *customer*, or published a notice on the *regulated entity's* website, or published a notice in a newspaper circulating generally in the area in which the restriction or *disconnection* is to take place, detailing:
- a. the extent of the proposed restriction or *disconnection*; and
  - b. the reason for the proposed restriction or *disconnection*; and
  - c. the time at which the restriction or *disconnection* is to occur; and
  - d. the time at which, or the circumstances, if any, in which, the *regulated service* will cease to be restricted or *disconnected*.

### **8.4 Removal of restrictions and disconnections**

- 8.4.1 After becoming aware of the reason for restriction or *disconnection* no longer persisting, a *regulated entity* must restore a *regulated service disconnected* or restricted under clauses 8.1 and 8.2 as soon as practicable.

## 9 ACTIONS FOR NON-PAYMENT

### 9.1 Legal action, restriction and disconnection for non-payment

9.1.1 A *regulated entity* may only use the remedies specified in this code in respect of a debt due and payable by the *customer* to the *regulated entity* and must, as soon as practical, notify the *customer* in writing of the *regulated entity's* intention to pursue a remedy against the *customer* in relation to non-payment. The remedies that may be used are:

- a. charging interest and fees;
- b. taking action to recover the debt in a court of competent jurisdiction; or
- c. the *disconnection* or restriction of a *regulated service* under clause 8.

9.1.2 A *regulated entity* may only take legal action, disconnect or restrict a *customer's regulated service* for non-payment if:

- a. more than 28 days have elapsed since the issue of the *bill* referred to in clause 5.4 and more than 14 days have elapsed since the issue of a reminder notice referred to in clause 7.1;
- b. the *customer* has been sent a reminder notice referred to in clause 7.1, consistent with the information requirements of clauses 7.1.1(a) to (d), and including information on the *regulated entity's* financial hardship policy and other programs that are available to help *customers* with payment difficulties; and
- c. the *regulated entity* or its agent has used its best endeavours to take all reasonable steps to make contact with the *customer* about the non-payment in the following ways:
  - 1. in person;
  - 2. by telephone; or
  - 3. by email (but only if the *customer* acknowledges receipt of email); and
- d. the *customer* has been notified of the proposed *disconnection*, restriction or legal action and the associated costs, including the cost of removing a restrictor; and
- e. the *customer* has:

1. been offered a payment plan under clause 6.2 and the *customer* has refused or has failed to respond; or
2. agreed to a payment plan and has failed to comply with the arrangement.

9.1.3 A *regulated entity* must give notice in writing to a *customer* if a *regulated service* provided to the *customer* is disconnected or restricted for non-payment specifying:

- a. the extent of the restriction or *disconnection*; and
- b. the reason for the restriction or *disconnection*; and
- c. the date when the restriction or *disconnection* is to occur; and
- d. that the *regulated service* will not be restricted or *disconnected* if, within the period specified in the notice, the *customer* pays the debt; or enters into a payment plan or another agreement with the *regulated entity* for the *customer* to pay the debt; and
- e. the circumstances in which the *regulated service* will cease to be restricted or *disconnected*.

## 9.2 Limits on legal action, restriction or disconnection for non-payment

9.2.1 A *regulated entity* must not commence legal action or take steps to restrict a *customer's water service* or *disconnect* a non-residential *customer* due to non-payment if:

- a. the amount owed by the *customer* is less than \$120, unless the *customer* has failed to pay consecutive *bills* in full over a period of not less than 12 months; or
- b. the *customer* is eligible for and has lodged an application for a concession relating to amounts charged by the *regulated entity* and the application is outstanding; or
- c. the amount in dispute is subject to an unresolved *complaint* procedure in accordance with a *regulated entity's complaints* policy; or
- d. the *customer* pays the debt within the period specified in the notice referred to in clause 7.1; or
- e. the *customer* enters into a payment plan or another agreement with the *regulated entity* for the *customer* to pay the debt within the period specified in the notice referred to in clause 7.1.

- 9.2.2 Clause 9.2.1 does not restrict a *regulated entity's* rights under *water law* to pursue a debt owed to it by a person who is no longer a *customer*.

### **9.3 Removal of restrictions and disconnections for non-payment**

- 9.3.1 A *regulated entity* must restore a *regulated service* restricted or *disconnected* for non-payment as soon as practicable after the *customer*.
- a. pays the debt; or
  - b. enters into a payment plan with the *regulated entity* for the *customer* to pay the debt; or
  - c. enters into an agreement with the *regulated entity* for the *customer* to pay the debt and any additional *reasonable charge* that the *regulated entity* may impose for the cost of restoring the *regulated service* to the *customer*.

## **10 QUALITY OF SERVICES**

### **10.1 Product and service quality**

- 10.1.1 In addition to complying with applicable requirements of *health regulation* and *environmental regulation*, a *regulated entity* must provide a *regulated service* in accordance with any commitments in the *minimum service standards*.

### **10.2 Delivery quality (flow rates)**

- 10.2.1 A *regulated entity* must ensure that a *customer's* water supply is at least equal to *minimum flow rates* except to the extent that:
- a. a *property owner's infrastructure* falls short of the required condition;
  - b. there is an emergency;
  - c. there is a water shortage;
  - d. there is an *unplanned interruption* or *planned interruption* to water services;
  - e. supply is restricted or *disconnected* in accordance with this code; or
  - f. *water law* provides.

- 10.2.2 The flow rate must be measured at the meter, where installed and used for the purposes of billing, or the tap nearest the *customer's* point of connection to the *regulated entity's water infrastructure*.

### 10.3 Testing

- 10.3.1 A *regulated entity* must test flow rates and water quality for compliance with clauses 10.1 and 10.2 upon request by the *customer*.

- 10.3.2 A *regulated entity*:

- a. must advise the *customer* prior to the test that a *reasonable charge* may be imposed if the test demonstrates compliance with clauses 10.1 and 10.2;
- b. must pay the cost of a test if the test demonstrates that the *regulated entity* is not complying with clauses 10.1 and 10.2;
- c. may impose a *reasonable charge* on the *customer* in the event the test demonstrates compliance with clauses 10.1 and 10.2.

### 10.4 Rectification

- 10.4.1 A *regulated entity* must rectify any deficiency in satisfying clauses 10.1 to 10.3 as soon as possible, or within a time agreed with the *customer*.

## 11 RELIABILITY OF SERVICES

### 11.1 Obligation to provide reliable services

- 11.1.1 Subject to its *price and service plan* and *licence obligations*, a *regulated entity* must develop and implement plans, systems and processes to manage its assets to provide reliable *regulated services*.

### 11.2 Unplanned interruptions - information

- 11.2.1 A *regulated entity* must have policies, practices and procedures containing the information as set out in subclause 17.8 in relation to *unplanned interruptions* to minimise the impact of *unplanned interruptions* to *regulated services*.
- 11.2.2 A *regulated entity* must take all reasonable steps to comply with the obligations provided in the *regulated entity's* customer charter in relation to *unplanned interruptions*.

### 11.3 Unplanned interruptions – response

- 11.3.1 A *regulated entity* must comply with standards specified in the *minimum service standards for unplanned interruptions of water services and sewerage services*.
- 11.3.2 Where a *regulated service* to a *customer* has been *disconnected* or restricted because of an *unplanned interruption*, the *regulated entity* must restore the *regulated service* to the *customer*, or remove the restriction, as soon as practicable.

### 11.4 Bursts, leaks, blockages and spills

- 11.4.1 A *regulated entity* must have policies, practices and procedures to deal with a burst, leak or blockage in its *sewerage infrastructure* or *water infrastructure*, including to:
- a. promptly attend the site upon notification;
  - b. take action to rectify the situation taking into account the potential or actual impact on:
    1. *customers*;
    2. others affected by the failure;
    3. property; and
    4. the environment.
  - c. provide information about any *unplanned interruption* to a *regulated service* through a 24 hour telephone facility which advises callers of the estimated duration of any *unplanned interruption*;
  - d. ensure that, in the event of a sewage spill on a *customer's* property, damage and inconvenience to *customers* and others affected is minimised; and
  - e. ensure that a sewage spill is promptly cleaned up and the affected area disinfected.

### 11.5 Planned interruptions – information and response

- 11.5.1 A *regulated entity* must have policies, practices and procedures containing the information as set out in subclause 17.8 in relation to *planned interruptions* to minimise the impact of *planned interruptions* to *regulated services* and must comply with standards specified in the *minimum service standards for planned interruptions of regulated services*.

- 11.5.2 A *regulated entity* must take all reasonable steps to comply with the obligations provided in the *regulated entity's* customer charter in relation to *planned interruptions*.

## 11.6 Special needs

- 11.6.1 A *regulated entity* must keep an up to date register of *customers* who, at properties to which a *regulated service* is provided:

- a. require the services of a dialysis machine; or
- b. are determined by the *regulated entity* to have special requirements, because of a medical condition of the *customer* or persons to whom services are provided by the *customer*; or
- c. are special needs *customers* as determined by the *Regulator*.

- 11.6.2 A *regulated entity* must contact *customers* registered under clause 11.6.1:

- a. as soon as possible in the event of an *unplanned interruption* to a *regulated service*; and
- b. at least four *business days* before a *planned interruption* unless a longer period of notice is requested by a *customer* in which case that longer notice must be given if it is reasonably necessary and able to be accommodated by the *regulated entity*.

- 11.6.3 In all cases a *regulated entity* must ensure that all reasonable attempts are made so that, so far as is reasonably practical –

- a. *customers* registered under clause 11.6.1 continue to have *regulated services* provided to them, despite *planned interruptions* or *unplanned interruptions*; and
- b. inconvenience to these *customers* is minimised; and
- c. the provision of *regulated services* to these *customers*, or the resumption of their *regulated services* following a *planned interruption* or *unplanned interruption*, takes priority, if necessary, over the needs of other *customers*.

## 12 RECONNECTION

- 12.1.1 A *regulated entity* must promptly reconnect a *customer's* property which has been *disconnected* upon:

- a. the reason for *disconnection* no longer persisting; or



- b. receipt of a written undertaking as to compliance by the *customer* in a form acceptable to the *regulated entity*; and
- c. payment by the *customer* of any *reasonable charge* imposed by the *regulated entity*.

## 13 WORKS AND MAINTENANCE

### 13.1 Quality improvement programs

- 13.1.1 Subject to *water law*, a *regulated entity* must implement programs to maintain its *systems* in accordance with the *minimum service standards*.
- 13.1.2 A *regulated entity* is not responsible for the maintenance of a backflow prevention device installed at the outlet of the meter, a private fire service, private extension or trunk services or property service pipes from private extensions.

### 13.2 Worker identification

- 13.2.1 In addition to the requirements under section 56F of the *Water and Sewerage Industry Act 2008*, a representative of a *regulated entity* must not enter a *customer's* property without appropriate identification and must produce that identification for inspection upon request.

### 13.3 Keys held by regulated entity

- 13.3.1 If a *regulated entity* holds keys to a *customer's* premises, the keys must be held in safe custody, or securely stored, and returned to the *customer* upon notification of the *customer's* vacation of the relevant property or if access is no longer required.

## 14 INFORMATION

### 14.1 Enquiries

- 14.1.1 A *regulated entity* must have policies, practices and procedures to provide the following information to *customers*, in non-technical language that is likely to be easily understood, through an *enquiry facility*.
  - a. account information;

- b. *bill* payment options;
- c. concession entitlements;
- d. programs available to *customers* who are having payment difficulties, including the *regulated entity's* financial hardship policy;
- e. information about the *regulated entity's complaint* handling procedures; and
- f. information about the *Tasmanian Ombudsman*.

## **14.2 Fees for information or advice**

- 14.2.1 Unless stated otherwise in this code, a *regulated entity* must not charge a fee for the provision of information or advice required under this code to *customers* or others affected by its operations.

## **14.3 Trade waste**

- 14.3.1 A *regulated entity* must advise *customers* of the standards and requirements necessary for entering a *trade waste* agreement or obtaining a *consent*.

## **14.4 Sustainable use of water**

- 14.4.1 A *regulated entity* must provide information to *customers* about how it is meeting its responsibilities in relation to the sustainable use of Tasmania's water resources and how *customers* may conserve water.

## **14.5 Service and billing history**

- 14.5.1 A *regulated entity* must, upon a *customer's* request, provide to that *customer* information held by the *regulated entity* about the history of the *regulated service* provided to that *customer*, or payments made by that *customer* to the *regulated entity*.
- 14.5.2 Where requested, the *regulated entity* must provide the information, referenced in clause 14.5.1, to the *customer* within 10 *business days* of the request.
- 14.5.3 Where a *customer's* account and usage history is held beyond three years, in accordance with the relevant Public Record Office Standard General Disposal Schedule as regulated by the Archives Office of Tasmania, a *regulated entity* may impose upon the *customer* a *reasonable charge* for the provision of that information.

## 14.6 Regulatory information

- 14.6.1 A *regulated entity* must provide to *customers* upon request a copy of any regulatory instruments other than primary legislation under which it operates, including a copy of this code.

## 14.7 Communication assistance and provision of information

- 14.7.1 A *regulated entity* must make available to *customers* information as specified in this code.
- 14.7.2 In the communication of information referred to in clause 14.7.1, a *regulated entity* must provide, or provide access to, a telephone interpreter service and a *TTY service* for speech and hearing impaired *customers*.
- 14.7.3 A *regulated entity* must also make available to *customers* a large-print version of the fees payable for providing information to the *customer*, consisting of text that is at least 16 point in height.
- 14.7.4 A *regulated entity* must publish a statement in languages other than English, advising of the availability of a telephone interpreter service is to be set out in accounts issued to *customers*.

## 14.8 Customer information

- 14.8.1 A *regulated entity* must provide information to a *customer* concerning the *customer's* rights and obligations in relation to the *regulated entity* and the *regulated entity's* rights and obligations in relation to the *customer*. This includes, but is not limited to, providing information about:
- a. how a *complaint* by a *customer* is to be dealt with by the *regulated entity*; and
  - b. how a *customer* may be provided with information held by the *regulated entity* in relation to the *customer* or policies of the *regulated entity*; and
  - c. any fees that may be charged by the *regulated entity* for providing information to a *customer*; and
  - d. *regulated services* that the *regulated entity* provides for special needs *customers*; and
  - e. the uses that a *customer* is permitted, and is not permitted, to make of a *regulated service*; and
  - f. the obligations of a *customer* as specified in clause 14.8; and

- g. information about drinking water quality, and the management of drinking water quality, if such information is available.

14.8.2 A *regulated entity* must use reasonable endeavours to keep each *customer* informed of the *customer's* material obligations and rights under *water law* including:

- a. to give a *regulated entity* at least five days notice before vacating the property or selling or leasing the property to another person;
- b. to ensure that each water meter is accessible by the *regulated entity*;
- c. to maintain the *property owner's infrastructure* upon notice by the *regulated entity*;
- d. to remove trees upon request of the *regulated entity*;
- e. to seek the consent of the *regulated entity* for any building or construction work which might interfere with a *regulated service* or *water infrastructure* or *sewerage infrastructure*;
- f. to not alter any *water system* or *sewerage system* connected to the *regulated entity's water infrastructure* or *sewerage infrastructure* without the *regulated entity's* consent;
- g. to observe restrictions imposed by the *regulated entity* in accordance with *water law*.

## 14.9 Disclosure of incidents

14.9.1 A *regulated entity* is required to adequately respond to incidents that impact on the level of reliability, security and quality of the supply of *regulated services* to *customers*.

14.9.2 A *regulated entity* must disclose on its website incidents that have a significant impact on *customers* and which are not otherwise captured by existing water and sewerage incident reporting arrangements in place with other industry regulators. Information to be disclosed would include, but is not limited to:

- a. a description of the incident;
- b. the possible causes of, or contributing factors to, the incident;
- c. an estimate of the number of *customers* affected;
- d. the response of the *regulated entity* to the incident; and

- e. the measures proposed by the *regulated entity* to reduce the probability of such an incident happening again.

## **14.10 Requests for information**

- 14.10.1 Where a *regulated entity* requests, in writing, an information update from a *customer*, then the *regulated entity* must allow the *customer* a period of no less than 14 days to provide a reply to the *regulated entity's* request.

# **15 GUARANTEED SERVICE LEVELS**

- 15.1 If a *regulated entity* implements a guaranteed service level scheme as approved by the *Regulator*, the scheme must:
  - a. provide for any *GSL rebate* available to *customers* under the scheme to be applied automatically in the event that *customer* entitlement to the *GSL rebate* arises; and
  - b. ensure that any *GSL rebate* is paid or given to *customers* as soon as practicable after a *customer* entitlement to the *GSL rebate* arises.

## PART C – CUSTOMER CHARTERS

# 16 REQUIREMENT FOR CUSTOMER CHARTER

## 16.1 Requirement for customer charter

- 16.1.1 A *regulated entity* must develop and issue a customer charter to inform *customers* about the *regulated services* performed by the *regulated entity* and the respective rights and responsibilities of the *regulated entity* and of *customers*.
- 16.1.2 A *regulated entity* must prepare a customer charter in respect of each class of *customer of the regulated entity*.
- 16.1.3 A *regulated entity's* customer charter must comply with:
- a. the *Water and Sewerage Industry Act 2008*, the *Water and Sewerage Industry (customer Service Standards) Regulations 2019* and any other relevant Act; and
  - b. any guidelines issued by the *Regulator* under the *Water and Sewerage Industry Act 2008*; and
  - c. this Code.

## 16.2 Multiple customer charters

- 16.2.1 A *regulated entity* may have a customer charter that relates to one or more classes of *customers* of the *regulated entity* that are specified in the customer charter.

## 16.3 Consultation

- 16.3.1 Unless clause 16.3.2 applies, before adopting or varying a customer charter, a *regulated entity* must consult with its *customers*.
- 16.3.2 A *regulated entity* may vary a customer charter when required, without consulting with its *customers*, to reflect a change in legislation or industry technical standards.

## 16.4 Contravention of customer charter

- 16.4.1 A *regulated entity* must not, in its dealings with members of a class of *customers* of the *regulated entity* to which a customer charter published by the *regulated entity* relates, contravene the customer charter.

# 17 CONTENT OF CUSTOMER CHARTER

- 17.1 A *regulated entity* must set out in its customer charter:

- a. information about or explaining each of the standards and conditions in Part B of this code (including, where relevant, the detail of the standards and conditions which are set out in the *minimum service standards*); and
- b. all material rights and responsibilities of the *regulated entity* and its *customers* in relation to *regulated services* performed by the *regulated entity*.

- 17.2 In particular, and without limiting the general obligation under clause 17.1, the customer charter must include:

- a. where this code requires a *regulated entity* to have a policy or provide information, an indication of how the policy or information may be obtained;
- b. an explanation of the *regulated entity's* rights and obligations in respect of:
  - 1. connection and service provision in accordance with clause 2;
  - 2. the number of days from the issue of a *bill* by which it must be paid;
  - 3. actions it may take for non-payment in accordance with clause 9;
  - 4. reconnection in accordance with clause 12; and
  - 5. works and maintenance;
- c. a description and explanation of the *regulated entity's* practices and processes in respect of:
  - 1. the types of charges for provision of a *regulated service* and any reconnection;
  - 2. how the *regulated entity* will deal with *complaints*, disputes and *enquiries* under clause 4;
  - 3. any approved guaranteed service level scheme; and

4. information about how *regulated services* may be affected and any penalties that may apply under applicable drought or emergency plans.

17.3 The customer charter must, in respect of billing arrangements in accordance with clause 5 of this code:

- a. specify the *billing period* for *customers* of the class of *customers* to which the customer charter applies;
- b. specify the period between *meter readings*;
- c. include a statement that a *customer* may request that a *special meter reading* be undertaken outside of the normal *billing period*;
- d. specify the maximum period by which a *regulated entity* must respond to a request by a *customer* for a *special meter reading*;
- e. specify that a *customer* is not liable to pay for a *special meter reading*, where requested, if the *meter reading* shows that the meter has inaccurately measured the amount of water supplied to, or sewage removed from, the property;
- f. include a statement that a separate *bill* will be issued by the *regulated entity*, at the request of the *customer*, for each property in relation to which the person is a *customer* of the *regulated entity*; and
- g. include a statement that if different parts of a property have separate water meters installed in respect of different *customers* of the *regulated entity*, the *regulated entity* may issue a separate *bill* for each of the *customers*.

17.4 The customer charter must, in respect of payment arrangements in accordance with clause 6 of this code, include:

- a. acceptable methods of payment by a *customer* additional to those methods specified in clause 6.1; and
- b. the financial hardship policy of the *regulated entity*;

17.5 The customer charter must, in respect of collection arrangements in accordance with clause 7 of this code, specify:

- a. the fee that the *regulated entity* is charged by its financial institution because a payment by a *customer* has been dishonoured or reversed; and
- b. the discounts a *regulated entity* provides to its *customers*.



- 17.6 The customer charter must specify the *minimum flow rate* that the *regulated entity* will provide to its *customers*, except in the case of the particular circumstances specified in the customer charter (being those listed at clause 10.2.1).
- 17.7 The customer charter must specify the quality of drinking water that the *regulated entity* will provide to *customers*, in terms of whether the water is potable or non-potable, on a system or area basis.
- 17.8 The customer charter must, in respect of reliability of service arrangements in accordance with clause 11 of this code, specify:
- a. the maximum period within which the *regulated entity* must begin to take action to deal with an *unplanned interruption* to a *regulated service* provided to a *customer* to which the customer charter applies;
  - b. the maximum period for which an *unplanned interruption* to a *regulated service* provided to a *customer* to which the customer charter applies may be expected to continue after the *regulated entity* becomes aware of the *unplanned interruption*;
  - c. the maximum period for which a *planned interruption* to a *regulated service* provided to a *customer* to which the customer charter applies may be expected to continue;
  - d. the process that the *regulated entity* must follow when an *unplanned interruption* occurs, if the *unplanned interruption* does not end within the maximum period as specified in clause 17.8(b);
  - e. the process that the *regulated entity* must follow when undertaking a *planned interruption*, if the *planned interruption* does not end within the maximum period as specified in clause 17.8(c);
  - f. details as to the provision of emergency supplies of drinking water if an *unplanned interruption* or *planned interruption* of the supply of *water services* to *customers* continues for longer than the maximum period as specified in clauses 17.8(b) and 17.8(c) respectively;
  - g. the estimated number of *unplanned interruptions* and *planned interruptions* to a *regulated service* that may be expected to occur within any 12 month period; and
  - h. the special provisions that the *regulated entity* will make in relation to special needs *customers*.

- 17.9 The customer charter may specify that a *customer* must notify the *regulated entity* of a change to the *customer's* personal circumstances (including, but not limited to, a change in circumstances, or an address, that may affect whether a concession applies to the *customer* or the amount of the concession that may apply to the *customer*) that may affect whether the *customer* may be required to pay a fee or interest to the *regulated entity* or the amount of a fee or interest that the *customer* may be required to pay to the *regulated entity*.
- 17.10 The customer charter may specify that a *customer*, who owns or occupies property to which the customer charter relates, must notify the *regulated entity* at least five days before the *customer* vacates, sells or leases the property to another person.
- 17.11 The customer charter must outline such obligations and particulars of the *regulated entity's* privacy practices in accordance with applicable privacy laws.

## 18 CUSTOMER COMMUNICATION

### 18.1 Publication of customer charter

- 18.1.1 A *regulated entity* must publish its customer charter or amended customer charter on its website and must make a copy available to a *customer* upon request.
- 18.1.2 A *regulated entity* must keep a copy of its customer charter at its offices for inspection upon request.

### 18.2 Summary of customer charter

- 18.2.1 A *regulated entity* may summarise the contents of its customer charter if the summary document at least addresses:
- a. the issuing of *bills*;
  - b. the types of charges;
  - c. the payment of accounts;
  - d. concessions and assistance available to *customers*;
  - e. key service standards (e.g. quality and reliability);
  - f. the maintenance responsibilities of the *regulated entity*;
  - g. guaranteed service levels (if applicable);

- h. *enquiry* and *complaint* handling details, including contact details for the *Tasmanian Ombudsman*;
- i. privacy information in accordance with privacy legislation;
- j. contact details of the *regulated entity*; and
- k. where a copy of the *regulated entity's* customer charter may be obtained.

### **18.3 Provision of customer charter or summary**

- 18.3.1 Subject to clause 18.3.2, a *regulated entity* must provide a copy of the customer charter or a summary of the customer charter:
- a. to existing *customers* with the first *bill* after it has been issued or changed; and
  - b. to new *customers* within one month of becoming registered with the *regulated entity* in respect of a property.
- 18.3.2 Where a *regulated entity* anticipates that it will be unable to meet the obligations imposed under 18.3.1(a), the *regulated entity* must request in writing to the *Regulator* that the *Regulator* allow a copy of the customer charter or summary of the customer charter to be provided to existing *customers* at such later date as may be agreed between the *regulated entity* and the *Regulator*.

### **18.4 Notification of variation**

- 18.4.1 If a *regulated entity* materially changes its customer charter, it must inform each *customer* on or with the next *bill* sent to the *customer* that the customer charter has changed and that details of the change and the amended customer charter are available on its website or upon request.

## **19 CUSTOMER OBLIGATIONS**

### **19.1 Notification of changes to personal circumstances**

- 19.1.1 A *customer* must notify the *regulated entity* of a change to the *customer's* personal circumstances (including, but not limited to, a change in circumstances, or an address, that may affect whether a concession applies to the *customer* or the amount of the concession that may apply to the *customer*) that may affect whether the *customer* may be required to pay a fee or interest to the *regulated entity* or the amount of a fee or interest that the *customer* may be required to pay to the *regulated entity*.

## **19.2 Notification of vacating, selling or leasing**

- 19.2.1 A *customer* who owns or occupies property must notify the *regulated entity* at least five days before the *customer* vacates, sells or leases the property to another person.

## PART D - DEFINITIONS

**“account number”** means the number assigned to the record of the *customer’s* use of a *regulated service* provided by a *regulated entity* and debits and credits in respect of the property.

**“bill”** has the same meaning as the term ‘account’ as defined in the *Water and Sewerage Industry (Customer Service Standards) Regulations 2019*.

**“billing period”** has that same meaning as in the *Water and Sewerage Industry (Customer Service Standards) Regulations 2019*.

**“business day”** has the same meaning as in the *Water and Sewerage Industry Act 2008*.

**“complaint”** means a written or verbal expression of dissatisfaction about an action, proposed action or failure to act by a *regulated entity*, including a failure of the *regulated entity* to observe its published policies, practices or procedures.

**“connection point”** has the same meaning as in the *Water and Sewerage Industry Act 2008*.

**“consent”** means an agreed arrangement between the *customer* and the *regulated entity* for the *customer* to discharge *trade waste* into the *sewerage system*.

**“customer”** has the same meaning as in the *Water and Sewerage Industry Act 2008*.

**“customer’s agent”** means a person who, for and on behalf of a *customer*, has the administrative responsibility to facilitate payment of the *customer’s bill* for *regulated services* provided by a *regulated entity*.

**“disconnect”** means to physically prevent the flow of water or sewerage.

**“electronic address”** means an email or internet address supplied by a *customer* to a *regulated entity* for the purpose of the receipt of *bills* and other *regulated service* related communications.

**“enquiry”** means a written or verbal approach by a *customer* which can be satisfied by the *regulated entity* providing written or verbal information, advice, assistance, clarification, explanation or referral about a matter.

**“enquiry facility”** means a telephone call centre and may also include an on-line information facility or an over-the-counter information service.

**“environmental regulation”** includes applicable requirements of the Environment Protection Authority, the *Environmental Management and Pollution Control Act 1994* and associated subordinate legislation.

**“fraud”** has the same meaning as in Regulation 20 of the *Water and Sewerage Industry (Customer Service Standards) Regulations 2019*.

**“GSL rebate”** means any form of payment or compensation made to a *customer* by a *regulated entity* due to a breach of the *regulated entity’s* stated obligations under a guaranteed service level scheme as approved by the *Regulator*.

**“health regulation”** means the regulation of health, public safety and monitoring with respect to the supply of drinking water by the Director of Public Health, the *Public Health Act 1997*, the *Fluoridation Act 1968* and associated subordinate legislation.

**“interim licence”** means a *licence* granted under section 89 of the *Water and Sewerage Industry Act 2008*.

**“licence”** means a *licence* granted under section 35(1) or a temporary *licence* granted under section 43(5) of the *Water and Sewerage Industry Act 2008*.

**“licence obligations”** means any obligatory requirements under an *interim licence* or *licence*.

**“meter reading”** has the same meaning as in the *Water and Sewerage Industry (Customer Service Standards) Regulations 2019*.

**“minimum flow rate”** means the minimum rate of flow of water as detailed in the *regulated entity’s price and service plan*.

**“minimum period”** means 10 *business days*.

**“minimum service standards”** means the *minimum service standards* for the provision of a *regulated service* as listed in Schedule 1 of this code.

**“non-potable water”** means water that, on the basis of both health and aesthetic considerations, does not comply with the health guideline values contained in the Australian Drinking Water Guidelines and is not, therefore, suitable for drinking or culinary purposes.

**“occupier”** has the same meaning as in the *Water and Sewerage Industry Act 2008*.

**“planned interruption”** has the same meaning as in the *Water and Sewerage Industry (Customer Service Standards) Regulations 2019*.

**“price and service plan”** means a price and service plan approved under section 65 of the *Water and Sewerage Industry Act 2008*.

**“Price Determination”** has the same meaning as in the *Water and Sewerage Industry Act 2008*.

**“property owner’s infrastructure”** includes the *customer’s* pipes, any fittings or apparatus and other equipment of the *customer* connected to a *system*.

**“reasonable charge”** means a fee or charge that is set in accordance with a *Price Determination* or Pricing Order or, where not applicable, under the pricing principles of the *Water and Sewerage Industry Act 2008*.

**“reference rate”** refers to the monthly 90-day Bank Accepted Bill rate published by the Reserve Bank of Australia. The rate to apply in each quarter is the rate for the second month preceding the start of each new quarter. The *reference rate* will apply from the first *business day* of each new quarter up to and including the last *business day* of that quarter. The *reference rate* for the next quarter must be published on the *regulated entity’s* website two weeks before the start of that quarter.

**“regulated entity”** has the same meaning as in the *Water and Sewerage Industry Act 2008*.

**“regulated service”** has the same meaning as in the *Water and Sewerage Industry Act 2008*.

**“Regulator”** means the Water and Sewerage Economic Regulator established under section 11 of the *Water and Sewerage Industry Act 2008*.

**“separate service contract”** means a contract entered into in accordance with section 61 of the *Water and Sewerage Industry Act 2008*.

**“service charge”** means a charge levied under section 68A of the *Water and Sewerage Industry Act 2008*.

**“serviced land”** has the same meaning as in the *Water and Sewerage Industry Act 2008*.

**“sewerage infrastructure”** has the same meaning as in the *Water and Sewerage Industry Act 2008*.

**“sewerage service”** has the same meaning as in the *Water and Sewerage Industry Act 2008*.

**“sewerage system”** has the same meaning as in the *Water and Sewerage Industry Act 2008*.

**“special meter reading”** has the same meaning as in the *Water and Sewerage Industry (Customer Service Standards) Regulations 2019*.

**“system”** means a *regulated entity’s* water system or sewerage system.

**“Tasmanian Ombudsman”** means the Ombudsman appointed under the *Ombudsman Act 1978*.

**“trade waste”** has the same meaning as in the *Water and Sewerage Industry Act 2008*.

**“TTY service”** means a facility to enable a deaf or hearing impaired person to communicate by telephone through the use of a telephone typewriter.

**“unplanned interruption”** has the same meaning as in the *Water and Sewerage Industry (Customer Service Standards) Regulations 2019*.

**“water infrastructure”** has the same meaning as in the *Water and Sewerage Industry Act 2008*.

**“water law”** means the relevant powers and obligations in the *Water and Sewerage Industry Act 2008* or the *Water Management Act 1999* and associated subordinate legislation.

**“water service”** has the same meaning as in the *Water and Sewerage Industry Act 2008*.

**“water system”** has the same meaning as in the *Water and Sewerage Industry Act 2008*.



## SCHEDULE 1

### MINIMUM SERVICE STANDARDS

*Regulated entities* are required to meet the *minimum service standards* in accordance with clause 1.1.

	2018-19	2019-20	2020-21	Actual minimum achieved X% of time	Average standard or ratio
<b>Water</b>					
Water main breaks (no. per 100km of water main)	35	35	35		✓
Percentage of response times within 60 minutes to attend Priority 1* bursts and leaks				✓ (90%)	
Percentage of response times within 180 minutes (3 hours) to attend Priority 2* bursts and leaks				✓ (90%)	
Percentage of response times within 4 320 minutes (3 days) to attend Priority 3* bursts and leaks				✓ (90%)	
Incidence of unplanned interruptions - water (no. per 1 000 properties)	170	170	170		✓
Incidence of planned interruptions - water (no. per 1 000 properties)	20	20	20		✓
Average duration of an unplanned interruption - water (minutes)	180	180	180	✓ (80%)	
Average duration of a planned interruption - water (minutes)	180	180	180	✓ (80%)	
Percentage of unplanned water supply interruptions restored within 5 hours	94	94	94		✓
Percentage of planned water supply interruptions restored within 5 hours	90	90	90		✓
Percentage of non-revenue water (of total sourced potable water) (unaccounted for water)	28	28	28		✓

\* *Priority 1: is a burst or leak that causes, or has potential to cause, substantial damage or harm to customers, water quality, flow rate, property or environment.*  
*Priority 2: is a burst or a leak that causes, or has the potential to cause, minor damage or harm to customers, water quality, flow rate, property or environment*  
*Priority 3: is a burst or leak that causes no discernable impact on customers, property or the environment.*

	2018-19	2019-20	2020-21	Actual minimum achieved X% of time	Average standard or ratio
<b>Sewerage</b>					
Sewerage mains breaks and chokes (no. per 100km of sewer main)	65	65	65		✓
Percentage of response times within 60 minutes to attend sewer spills, breaks and chokes				✓ (85%) 2018-19 & 2019-20 (90%) 2020-21	
Percentage of sewage spills contained within 5 hours	99	99	99		✓
	2018-19	2019-20	2020-21	Actual minimum achieved X% of time	Average standard or ratio
<b>Customers</b>					
Total water and sewerage complaints (no. per 1000 properties)	11	10	9		✓
Water and sewerage complaints to the Ombudsman (no. per 1000 properties)	0.5	0.5	0.5		✓
Percentage of calls answered by an operator within 30 seconds	85	85	85		✓