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Water and Sewerage Industry (Customer Service Standards) Regulations 2019

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Water and Sewerage Industry (Customer Service Standards) Regulations 2019

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the Water and Sewerage Industry Act 2008 .

18 November 2019

C. WARNER

Governor

By Her Excellency's Command,

GUY BARNETT

Minister for Primary Industries and Water

PART 1 - Preliminary

1. Short title

These regulations may be cited as the Water and Sewerage Industry (Customer Service Standards) Regulations 2019 .

2. Commencement

These regulations take effect on 25 November 2019.

3. Interpretation

(1) In these regulations –

account, in relation to a regulated entity, means a written instrument issued, or to be issued, to a customer setting out any fees or interest that are payable to the regulated entity by the customer;

Act means the Water and Sewerage Industry Act 2008 ;

billing period, in relation to a customer, means the period (which may be recurrent) in respect of which an account may be issued by a regulated entity to the customer;

customer charter means a customer charter referred to in regulation 4 ;

fee includes –

- (a) a one-off fee or charge; and
- (b) a volumetric charge; and
- (c) a fee that is payable periodically; and
- (d) a scale of fees or charges; and
- (e) an amount of money determined using a method of calculation or by application of a policy;

meter reading, in relation to a device used for the measurement of a regulated service, means –

- (a) a reading of the flow of water to, or the flow of sewage from, a property; or
- (b) an estimate made by the regulated entity of the flow of water to, or the flow of sewage from, a property that is based on a reading of the meter at the property for an equivalent period of time; or
- (c) an estimate made by the regulated entity of the flow of water to, or the flow of sewage from, a property that is based on a reading of a meter for a comparable property for an equivalent period of time;

payment plan means a payment plan referred to in regulation 26 ;

planned interruption, in relation to a property, means an interruption to the provision of a regulated service to the property that is necessary in order to maintain, augment or upgrade infrastructure;

special meter reading, in relation to a water meter that is used for the purposes of a regulated entity, means a reading of the water meter by the regulated entity at a time other than the end of the period at which the meter would usually be read;

special needs customers means –

- (a) customers of a regulated entity who require the services of a dialysis machine at properties to which a regulated service is provided by the regulated entity; or
- (b) customers of a regulated entity who are determined by the regulated entity to have special requirements, because of a medical condition of the customers or persons to whom services are provided by the customers, in respect of the provision by the regulated entity of a regulated service; or

(c) customers of a regulated entity in relation to whom a determination under subregulation (2) applies;

unplanned interruption, in relation to a property, means an interruption to the provision of a regulated service to the property that –

(a) is not caused by the regulated entity; or

(b) is necessitated by an event beyond the regulated entity's control.

(2) For the purposes of these regulations, the Regulator may determine –

(a) that a class of persons are special needs customers because of a medical condition suffered by the persons or persons to whom services are provided by the customers; and

(b) the special requirements of the class of persons who are special needs customers; and

(c) that a regulated entity is required to specify in a customer service code the special requirements of the class of persons who are special needs customers.

PART 2 - Customer Charters

4. Publication of customer charter

- (1) A customer service code must specify that a regulated entity must publish a customer charter for customers of the regulated entity.
- (2) A customer service code must specify that a regulated entity in its dealings with customers must not contravene a customer charter.

5. Customer charter to comply with relevant legislation

A customer charter must comply with –

- (a) the Act, these regulations and any other relevant Act; and
- (b) any guidelines issued by the Regulator under the Act; and
- (c) the customer service code relating to the regulated entity.

PART 3 - Connections to Services

6. Customer service code to include information included in price and service plan relating to connections

A customer service code must contain information relating to connections that is included in a price and service plan in accordance with section 56U of the Act.

7. Customer service code to specify matters relating to security deposits

(1) A customer service code must specify the circumstances, if any, in which a regulated entity may request a person to pay a security deposit for the connection, maintenance, upgrade or renewal of the regulated entity's infrastructure to a property owned or occupied by the person.

(2) A customer service code that specifies circumstances for the purposes of subregulation (1) must specify a regulated entity's obligations in relation to receiving, holding, retaining and returning security deposits provided to the regulated entity by a person.

(3) In this regulation –

security deposit means an amount of money that –

(a) a person may be required to provide to a regulated entity; and

(b) may be retained by the regulated entity, or returned to the person, if certain events occur or do not occur.

PART 4 - Disconnections and Restrictions of Services

8. Customer service code to specify matters relating to supply and disconnection

- (1) A customer service code must specify the circumstances in which a regulated entity may –
 - (a) disconnect the supply of a sewerage service to a customer; and
 - (b) disconnect the supply of a water service to a customer; and
 - (c) restrict the supply of a water service to a customer.
- (2) A customer service code must specify the days and times, and the circumstances, if any, in which the supply of a regulated service must not be disconnected or restricted by a regulated entity (other than because of an unplanned interruption).
- (3) A customer service code must specify the circumstances in which the supply of a regulated service may be restricted by a regulated entity (other than because of an unplanned interruption).
- (4) A customer service code must specify that, before disconnecting or restricting a regulated service to a property, a regulated entity must consider the consequences to health, safety and the environment if the disconnection or restriction takes place.

9. Customer service code to specify notice of certain disconnections or restrictions

- (1) A customer service code must specify that a regulated entity must not disconnect or restrict (other than under sections 56K , 56L and 56M of the Act) a regulated service provided to a customer unless, where practicable, the regulated entity has given notice to the customer.
- (2) A customer service code must specify that a regulated entity must give notice to a customer if a regulated service provided to the customer is disconnected or restricted because the customer has failed to pay a debt due and payable to the regulated entity.
- (3) A customer service code must specify –
 - (a) the manner in which a notice, referred to in subregulations (1) and (2) , is to be given; and
 - (b) the details to be included in a notice referred to in subregulations (1) and (2) .

10. Customer service code to specify circumstances relating to disconnection or restriction because of debt

- A customer service code must specify the circumstances in which a regulated entity –
- (a) may restrict or disconnect a regulated service provided to a customer, if the customer has failed to pay a debt due and payable to the regulated entity; and
 - (b) must restore a regulated service provided to a customer, if the customer has entered into a payment plan, or other arrangement, with the regulated entity for the payment of a debt due and payable to the regulated entity.

11. Customer service code to specify policy on planned and unplanned interruptions

- (1) A customer service code must specify that a regulated entity must develop policies, practices and procedures as to how the regulated entity intends to minimise the effect on customers of planned interruptions, or unplanned interruptions, to regulated services provided to the customers.
- (2) A customer service code must specify the information to be included in the policies, practices and procedures developed by a regulated entity in accordance with subregulation (1) .
- (3) A customer service code must specify that a regulated entity must, as soon as practicable, restore a regulated service to a customer that has been disconnected or restricted because of an unplanned interruption.

12. Customer service code to specify provision to be made for special needs customers

A customer service code must specify how a regulated entity is to make special provision for special needs customers to continue to have regulated services provided to them despite planned interruptions and unplanned interruptions.

13. Customer service code to specify rate of water flow

A customer service code may specify the minimum rate of flow of the water that the regulated entity is to (except in the case of particular circumstances specified in the customer service code) provide to its customers.

PART 5 - Fees

14. Customer service code to specify notice of certain matters relating to fees

(1) A customer service code must specify the minimum period of notice that a regulated entity must give to a customer before imposing or varying –

(a) a fee that the customer is to be charged; or

(b) a method of calculating the fee that a customer is to be charged; or

(c) a policy that is to apply when determining the fee that a customer is to be charged.

(2) A customer service code must specify that subregulation (1) does not apply in relation to a customer if there is a price determination in force in relation to the customer that does not require the customer to be given the notice.

(3) A customer service code must specify that a fee, method or policy referred to in subregulation (1) may be viewed at the regulated entity's website.

(4) A customer service code must specify the time period within which a regulated entity must provide to a customer of the regulated entity a copy of a fee, method or policy referred to in subregulation (1), if the customer requests that the copy be given to him or her.

PART 6 - Details of Accounts, Meter Readings and Methods of Payment

15. Customer service code to specify billing periods

A customer service code must specify the minimum and maximum length of a billing period that will apply to a customer of a regulated entity who has not entered into a contract with the regulated entity under section 61 of the Act.

16. Customer service code to specify issue of separate accounts

(1) A customer service code must specify that a regulated entity must, at the request of a person, issue a separate account for each property in relation to which the person is a customer of the regulated entity.

(2) A customer service code must specify that 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 account for each of the customers.

17. Customer service code to specify matters relating to meter readings

(1) If a meter for the measurement of the amount of water supplied to, or sewage removed from, a property that is owned or occupied by a customer is installed on the property, a customer service code must specify –

(a) the minimum frequency at which the regulated entity will conduct meter readings; and

(b) that the customer may request that a special meter reading take place; and

(c) that the customer is not liable to pay for a special meter reading if the meter has inaccurately measured the amount of water supplied to, or sewage removed from, the property.

(2) A customer service code must specify the maximum period by the end of which a regulated entity must respond to a request by a customer for a special meter reading.

18. Customer service code to specify contents of accounts issued

(1) A customer service code must specify the information that a regulated entity must include in an account issued by the regulated entity to a customer.

(2) The customer service code must specify –

(a) the information that a regulated entity is required to provide, at a customer's request, about the regulated service provided to, or payments made to the regulated entity by, the customer; and

(b) the time period within which the regulated entity must provide that information to that customer.

19. Customer service code to specify methods of payment

(1) A customer service code must specify –

(a) the methods by which a customer may pay to the regulated entity an amount of money payable to the regulated entity by the customer; and

(b) whether a discount is available to a customer in relation to the method of payment used by the customer to pay to the regulated entity an amount of money payable to the regulated entity by the customer.

(2) A customer service code must specify how a regulated entity may recover from a customer a fee, if the regulated entity has incurred the fee because a payment by the customer has been dishonoured or reversed.

PART 7 - Overpayments and Underpayments

20. Circumstances in which fraud is committed by customers

For the purposes of this Part, fraud is committed by a customer of a regulated entity if the customer, or a person acting with the express or implied consent of the customer, has –

- (a) tampered with a meter measuring the provision of a regulated service for which the customer is liable to pay the regulated entity; or
- (b) otherwise defrauded the regulated entity of an amount of money that the regulated entity is entitled to claim from the person in relation to a regulated service.

21. Customer service code to specify matters relating to adjustments of overpayments

A customer service code must specify the circumstances in which, and the process by which, a regulated entity will refund a customer who has been overcharged for the supply of a regulated service by the regulated entity.

22. Customer service code to specify matters relating to recovery of amount of money undercharged

- (1) A customer service code must specify that a regulated entity is entitled to recover from a customer an amount of money by which the customer was undercharged in respect of any billing period.
- (2) A customer service code must specify the circumstances in which, and the process by which, a regulated entity may recover from a customer an amount of money by which the customer was undercharged, except if the undercharging occurred because of fraud committed by the customer.

23. Customer service code to specify matters relating to claiming of fees and interest on underpayments

- (1) A customer service code must specify that a regulated entity is not entitled to impose on a customer a fee, or interest, in relation to an amount of money by which the customer has been undercharged, except if the undercharging occurred because of fraud committed by the customer.
- (2) A customer service code must specify that if a regulated entity has disconnected a regulated service provided to a customer who has been undercharged because of fraud committed by the customer, the regulated entity may recover from that customer –
 - (a) an estimate of the usage that the customer has not paid for and that would have been payable by the customer as determined in accordance with the scale of fees under which the regulated service was provided to the customer; and
 - (b) the amount of the fee, or interest, if any, as specified in the customer service code.

PART 8 - Payment of Arrears

24. Customer service code to specify interest and fees payable on overdue accounts

A customer service code may specify –

- (a) the circumstances in which a fee, or interest, or both, may be imposed or charged by a regulated entity for a failure to pay a debt due and payable to the regulated entity; and
- (b) the amount of that fee or interest.

25. Customer service code to specify matters relating to collection of arrears

(1) A customer service code must specify that a regulated entity may only use, in respect of a debt due and payable to the regulated entity, the remedies specified in the customer service code.

(2) A customer service code must specify that, if a customer has entered into a payment plan with a regulated entity, the regulated entity must not impose or charge fees or interest on the customer except in accordance with the plan.

(3) A customer service code must specify –

- (a) a period, after a debt has become due and payable to a regulated entity by a customer, within which the regulated entity must send to the customer a reminder notice in the same manner in which it issued an account to the customer; and
- (b) the information to be contained in that reminder notice.

(4) A customer service code must specify that, until a reminder notice referred to in subregulation (3) is sent by a regulated entity to a customer, the regulated entity may not pursue a remedy in relation to the customer.

(5) A customer service code must specify that a regulated entity that pursues a remedy against a customer in relation to a debt that is due and payable to the regulated entity must, as soon as reasonably practicable, notify the customer in writing that the regulated entity is pursuing the remedy against the customer in relation to the debt.

26. Customer service code to specify matters relating to payment plans

(1) A customer service code must specify the obligations of a regulated entity where the regulated entity is notified by a customer that the customer is having difficulty paying an amount of money that is or may become due and payable by the customer to the regulated entity.

(2) A customer service code must specify that a payment plan must –

- (a) specify how the total amount to be paid is to be calculated; and
- (b) specify the period over which the customer is to pay the amounts of money; and
- (c) specify the amount of money to be paid in each instalment; and
- (d) specify that the plan may be renegotiated by the customer if the customer is able to demonstrate that there has been a change in the customer's financial circumstances; and
- (e) be confirmed by notice in writing to the customer.

27. Customer service plan to specify matters relating to disputed accounts

(1) A customer service code must specify that, if a regulated entity and a customer –

- (a) dispute the amount of money that the customer is required, by an account issued to the customer, to pay to the regulated entity; and
- (b) agree to resolve the dispute by arbitration, mediation or negotiation –

the customer is not liable to pay, during the period before the arbitration, mediation or negotiation is concluded, the amount of money that the customer disputes is payable.

(2) A customer service code must specify that if –

- (a) a customer makes a complaint to the Ombudsman in respect of an amount of money that the customer is required, by an account issued to the customer, to pay to a regulated entity; and
- (b) the amount of money is not due and payable on the day on which the complaint is made – the customer is not liable to pay to the regulated entity the amount of money that the customer disputes is payable, until –
- (c) the complaint is dismissed by the Ombudsman; or
- (d) the Ombudsman has completed the investigation of the complaint and has found the customer liable to pay all, or part, of that amount of money.

28. Customer service code to specify financial hardship policy

- (1) A customer service code must specify that a regulated entity must have, and apply, a financial hardship policy to customers who are suffering financial hardship.
- (2) A customer service code must specify that a regulated entity's financial hardship policy must be consistent with the customer service code and the Act.

PART 9 - Customer Information, Services and Obligations

29. Customer service code to specify information provided to customers

(1) A customer service code must specify that a regulated entity must provide to a customer information in relation to –

- (a) the customer's rights and obligations under the Act in relation to the regulated entity; and
- (b) the regulated entity's rights and obligations under the Act in relation to the customer.

(2) A customer service code may specify the customer information to be provided in accordance with subregulation (1) .

30. Customer service code to specify matters relating to publication and provision of customer information

A customer service code must specify the means by which a regulated entity must make available to customers information as specified in the customer service code.

31. Customer service code to specify matters relating to customer enquiries

A customer service code must specify that a regulated entity must have a policy that must specify –

- (a) how a customer may make an enquiry to the regulated entity; and
- (b) how the regulated entity is to deal with an enquiry made to the regulated entity by a customer; and
- (c) the time period in which an enquiry made to the regulated entity by a customer must be dealt with by the regulated entity.

32. Customer service code to specify customer complaints and dispute resolution policy

(1) A customer service code must specify that a regulated entity must have a policy in relation to –

- (a) customer complaints; and
- (b) the resolution of disputes between the regulated entity and customers.

(2) A customer service code must specify the information to be included in a policy referred to in subregulation (1) .

(3) A customer service code must specify that a regulated entity must provide, to a customer who has made a complaint to the regulated entity, written reasons of a decision made by the regulated entity in relation to the complaint.

33. Customer service code to specify customer obligations

(1) A customer service code must specify that a customer must notify the regulated entity of a change to the customer's personal circumstances that may affect –

- (a) whether the customer may be required to pay a fee or interest to the regulated entity; or
- (b) the amount of a fee or interest that the customer may be required to pay to the regulated entity.

(2) A customer service code must specify the changes to a customer's personal circumstances that are relevant for the purposes of subregulation (1) .

(3) A customer service code must specify the time period within which a customer who owns or occupies property must notify the regulated entity before the person vacates, sells or leases the property to another person.

Displayed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 21 November 2019

These regulations are administered in the Department of Primary Industries, Parks, Water and Environment.

