

## Water Services Code of Practice (Family Violence) 2020

SL 2020/241

Made by the Minister under section 26 of the Act.

### Part 1 — Preliminary

#### 1. Citation

This code is the *Water Services Code of Practice (Family Violence) 2020*.

#### 2. Commencement

This code comes into operation as follows —

- (a) Part 1 — on the day on which this code is published in the *Gazette*;
- (b) the rest of the code — on the day after that day.

#### 3. Terms used

- (1) In this code —

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

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

***family violence policy*** has the meaning given in clause 5(1);

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

***financial hardship policy***, of a licensee, means the licensee's policy under the *Water Services Code of Conduct (Customer Service Standards) 2018* clause 29;

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

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

Note for this subclause:

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

- (2) A reference in this code to a customer affected by family violence is a reference to a residential customer who is directly or indirectly affected by family violence.

#### **4. Application of code**

This code applies to a licensee that provides a water service to a residential customer.

## **Part 2 — Family violence policies**

#### **5. Family violence policy**

- (1) A licensee must have a policy (a *family violence policy*) that sets out the following matters —
  - (a) the training to be provided to employees and other persons interacting with customers on behalf of the licensee to enable them to appropriately respond to customers affected by family violence;
  - (b) the information to be provided to customers affected by family violence about external services through which they can receive support, and when that information is to be provided;
  - (c) a process by which the account of a customer affected by family violence can be identified by employees without the need for a customer to repeat details of the issues;
  - (d) how information obtained from, or relating to, customers affected by family violence is to be protected;
  - (e) in what circumstances a customer affected by family violence will, as a result, be taken to be experiencing —
    - (i) payment difficulties for the purposes of the *Water Services Code of Conduct (Customer Service Standards) 2018*; or
    - (ii) financial hardship for the purposes of the licensee's financial hardship policy;
  - (f) how the licensee is to deal with debt management and recovery in relation to the accounts of customers affected by family violence;
  - (g) that the licensee must not request written evidence of family violence from a customer unless the evidence is reasonably necessary to enable the licensee to assess appropriate measures that it may take in relation to debt management and recovery.

- (2) A licensee must have a family violence policy before the end of the 6-month period starting on —
  - (a) unless paragraph (b) applies — the day on which this clause comes into operation; or
  - (b) if the day of the grant of the licensee’s licence is after the day on which this clause comes into operation — the day of the grant of the licensee’s licence.

**6. Family violence policy must be made available**

A licensee must —

- (a) publish its family violence policy on its website; and
- (b) provide a hard copy of the policy to a customer on request and at no charge.

**7. Review of family violence policy**

A licensee must review its family violence policy —

- (a) at least once in every 5-year period; and
- (b) in addition to any review under paragraph (a) — if directed to do so by the Minister.

## **Part 3 — General**

**8. Record keeping**

- (1) A licensee must maintain adequate records in relation to compliance with this code or any policy made under the code —
  - (a) if the licensee is a government organization as defined in the *State Records Act 2000* section 3(1) — in accordance with its obligations under that Act; or
  - (b) otherwise — in accordance with subclause (2).
- (2) For the purposes of subclause (1)(b), the licensee must retain each record —
  - (a) if the record relates to a customer — for at least 7 years after the last communication between the licensee and the customer or water services ombudsman in relation to the matter the subject of the record; or
  - (b) otherwise — for at least 7 years after the record is made.

**9. Customers must be informed about complaints procedure**

When a customer affected by family violence first contacts a licensee about a particular matter relating to the family violence, the licensee must inform the customer of the existence and operation of the licensee’s complaints procedure under the *Water Services Code of Conduct (Customer Service Standards) 2018* clause 46.

**10. Code must be made available**

A licensee must ensure that its website contains a link that provides access to the current version of this code as it appears on the website that is maintained by or on behalf of the Western Australian Government and that provides public access to electronic versions of Western Australian legislation.

D. KELLY, Minister for Water.

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