



12 October 2023

Ms Carmel Donnelly
Chair
Independent Pricing and Regulatory Tribunal
PO Box K35
Haymarket Post Shop
NSW 1240

Dear Carmel

2023-24 Review of the WaterNSW Operating Licence

Thank you for the opportunity to comment on IPART's review of the WaterNSW Operating Licence – Issues Paper.

The Energy & Water Ombudsman NSW (EWON) investigates and resolves complaints from customers of electricity and gas providers in NSW, and some water providers, including WaterNSW.

Our comments are informed by our investigations into these complaints, and through our community outreach and stakeholder engagement activities.

EWON investigates and resolves complaints from customers of WaterNSW about matters including:

- billing, fees and charges
- metering
- payment difficulties and affordability
- debt management
- processing and administration of water access licences
- access to private land e.g., asset maintenance and vegetation management
- customer service e.g., provision of incorrect information.

EWON is generally limited to providing independent information/advice and suitable referrals for complaints about other matters, including:

- water access licence approvals and terms and conditions
- catchment, infrastructure and/or facilities issues
- dam management/water releases
- water quality/safety
- water theft
- price setting.

We have only responded to those questions in the consultation paper that align with issues customers raise with EWON, or with our organisation's operations as they relate to this review.



If you would like to discuss this matter further, please contact Dr Rory Campbell, Manager Policy & Systemic Issues, on [REDACTED]

Yours sincerely

[REDACTED]

Janine Young
Ombudsman
Energy & Water Ombudsman NSW

2023-24 Review of the WaterNSW Operating Licence

38. Should WaterNSW be required to have a family violence policy that protects customer privacy and ensures that family violence sufferers can access payment difficulty arrangements? If so, what as a minimum, should the condition include? Would a change to the Code of Practice on Payment Difficulties also be required?

EWON strongly supports introducing a requirement for WaterNSW to have a family violence policy. There is recognition across all sectors that special protections are vital for people who are experiencing, or have experienced, this form of vulnerability.

We support WaterNSW's request for adequate time to develop and implement its family violence policy and ensure staff readiness. When this requirement was introduced for Hunter Water and Sydney Water, they were each provided with a suitable timeframe set out explicitly in their Operating Licence wording.

For consistency, the minimum requirements should be as similar to those in the Hunter Water and Sydney Water Operating Licences as possible, taking into account any relevant differences in functions, operations and stakeholders. We note that changes to the Sydney Water minimum requirements are under consideration in the 2023-24 Review of the Sydney Water Operating Licence. If the review results in any improvements or enhancements to the minimum requirements for Sydney Water, IPART should also consider these for WaterNSW.

WaterNSW's current Code of Practice on Payment Difficulties already includes family violence as an example of circumstances that can cause or relate to payment difficulties. We suggest that WaterNSW update the Code of Practice on Payment Difficulties to explicitly reference the availability of the family violence policy once implemented.

39. Should the Licence require WaterNSW to engage with its customers, but allow WaterNSW to determine the best way for engagement?

40. Is there any value in continuing to require WaterNSW to utilise Customer Advisory Groups (CAGs) to engage with different customer groups?

EWON supports retaining a requirement for WaterNSW to engage with its customers, including an explicit requirement to engage with different customer groups. WaterNSW deals with a broader range of customer groups and stakeholders than other water providers. Retaining a non-exhaustive list, similar to what is currently captured in Clause 6.5.4, ensures transparency and clarity about who is impacted by WaterNSW's operations.

We support reducing prescription of how that engagement should be conducted and allowing a more outcomes-focused approach. WaterNSW suggests that suitable wording could be adapted from the wording in Clause 29 of the 2022-2027 Hunter Water Operating Licence, including the requirement to develop a customer and community consultation procedure. This would be a reasonable approach and in line with IPART's approach to customer consultation wording in the 2023-24 Review of the Sydney Water Operating Licence. We encourage consistency across water providers, while acknowledging that some variation is inevitable and necessary due to differences in functions, operations and stakeholders.

Potential risk associated with reducing prescription in the Operating Licence would be mitigated by:

- IPART Better Regulation Handbook requirements
- requiring the development of a customer and community consultation procedure as per WaterNSW's suggestion.



65. Do you have any other issues or concerns you would like to raise relating to WaterNSW's Licence?

Internal complaint handling standards

Clause 6.9.1 of the Operating Licence refers to *AS/NZS 10002:2014 Guidelines for complaint management in organizations*. This version has been replaced by *AS/NZ 10002:2022 Guidelines for complaint management in organizations*. The Operating Licence should be updated with the most recent version, noting IPART's similar intention to update *ISO 55001:2014 Asset Management – Management Systems – Requirements* to the latest version in Clause 5.1.1.

Provision of internal complaint handling and external dispute resolution information

Clause 6.9.3, 6.9.4 and 6.10.2 indicate that WaterNSW must provide information concerning internal complaints handling and external dispute resolution free of charge to customers:

- at least annually with their bills
- on its website.

Hunter Water and Sydney Water have the same requirements, along with a third requirement to provide this information upon request. Hunter Water is required to provide this information "to any other person upon request made through the General Enquiry Process"¹. Sydney Water is required to provide this information "upon request made to the Contact Centre"².

For consistency across water providers, we suggest that WaterNSW's Operating Licence include:

- a similar third requirement in Clause 6.9 to provide information concerning internal complaints handling upon request
- a similar third requirement in Clause 6.10 to provide information concerning external dispute resolution upon request.

The benefits of this third requirement include:

- increased likelihood that a customer will receive complaints procedure information at a time that it is directly relevant
- support for customers with no, or limited, internet access.

¹ 2022-2027 Hunter Water Operating Licence, Clause 30(3)(c) and Clause 31(4)(b)(iii)

² 2019-2023 Sydney Water Operating Licence, Clause 6.7.4(b) and Clause 6.8.2(c)(ii)