



Diversion Management Customer Charter

June 2013

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Document History

Version 1 – March 2008

Version 2 – June 2013

1 Introduction

1.1 About Melbourne Water

Melbourne Water is the wholesaler of Melbourne's water supply and sewage removal and treatment.

We are responsible for managing the water catchments, as well as the 8,400 kilometres of rivers and creeks and the major drainage systems throughout the Port Phillip and Westernport region.

Our customers include the metropolitan retail water businesses, other water authorities, land developers and businesses that divert river water.

The 1.8 million households who receive waterways and drainage services are also our customers. We deliver our services in partnership with others including government agencies, local councils, catchment authorities, contractors and suppliers.

As the caretaker of river health in the Port Phillip and Westernport region we manage:

- rivers and creeks
- floodplains - the land surrounding rivers and creeks that can sometimes experience flooding
- the regional drainage system - drains, gutters and channels that carry rainwater from roofs, roads and buildings to rivers and creeks.

We aim to:

- make sure our rivers, creeks and wetlands are popular places to visit
- have healthy rivers and creeks with more native animals and plants
- provide a safe level of flood protection for communities
- work with communities to protect our rivers and creeks
- protect water quality and meet State environment protection targets
- make sure urban development does not harm our rivers and creeks
- base long-term decisions on research and monitoring
- achieve a balance between social, economic and environmental outcomes.

1.2 Our vision: Enhancing Life and Liveability

Water is central to living. It sustains the communities we live in, the natural environment we value and the economy we depend on.

We will improve the quality of life and prosperity of the region by providing safe, secure and reliable water services, desirable urban spaces and thriving natural environments supported by healthy waterways and bays.

Every day, we will work with others to develop shared solutions to manage rainwater, seawater, stormwater and treated sewage as one integrated system. This approach will deliver the best economic, social and environmental outcomes for all, now and in the future.

To deliver our vision we need to focus on how we do things (our approach) as well as what we are doing (our business activities), to deliver successful outcomes.

1.3 Overview of Diversion Management

Under the Water Act 1989 licences are required to take and use water from waterways, private farm dams and works of an Authority.

The Minister for Water has delegated Melbourne Water with the responsibility for managing surface water licensing within the waterways and major drainage systems of the Yarra River, the lower Maribyrnong River, Stony, Kororoit, Laverton and Skeleton Creek catchments. This includes licensing the harvesting of stormwater from urban drainage systems.

Within these catchments we currently manage approximately 1300 licenses from waterways and administer approximately 500 farm dam registrations and licences relating to catchment dams. The total allocation issued under these licences is approximately 52,000 Megalitres (ML). Water use is primarily for agricultural, industrial, commercial, sporting grounds and domestic and stock purposes.

Licenses are administered in accordance with the Water Act, State government policy and statewide diversion management practices.



2 Customer Charter

2.1 What is the Customer Charter?

This Customer Charter outlines the customer service standards for diversion services¹ and obligations of our diversion customers. This charter meets or exceeds the minimum relevant customer service standards specified in the Essential Services Commission's (the Commission) Customer Service Code² unless specified otherwise and has been approved by the Commission. A copy of the Commission's Customer Service Code is available from the Commission or their website (www.esc.vic.gov.au)

The Charter will inform customers about diversions services and licensing activities performed by Melbourne Water and the respective rights and responsibilities of Melbourne Water and of customers in delivering these services. Nothing in this Charter is intended to limit our powers under water legislation.

2.2 Scope

In this Customer Charter you will find advice about:

- our operating performance and service standards
- our responsibilities to you in managing your licence
- how your licensing charges are set
- our and your legal obligations under the Water Act 1989
- your obligation and options around payment of licensing accounts
- how to gain information or enquire about any matter
- how to have a complaint or dispute dealt with promptly and satisfactorily
- your Customer Consultative Committee
- how and when you can give us feedback on our performance

2.3 Commencement and Termination of this Charter

This Charter commences 1 June 2013 and will terminate when the Charter is superseded or withdrawn.

¹ This Customer Charter is not applicable to other services eg water, sewerage because Melbourne Water is not responsible for the retail functions in those services. Questions in relation to these services should be referred to your retail water company.

² Originally issued in 2007. Updated in 2012.

3 Rights and Obligations

3.1 Customer rights

If you are a Melbourne Water diversion services customer, Melbourne Water will provide diversion services in accordance with the terms and conditions set out in this Charter.

3.2 Obligations

3.2.1 Melbourne Water Obligations

Melbourne Water will:

Managing Surface Water

- Manage water extractions sustainably, responsibly, and equitably between those who rely on water, including the environment.
- In assessing applications, we will assess licence applications in accordance with the provisions of the Water Act 1989 and consistent with Government policy.
- Comply with relevant statutory and legislator obligations, including the need to protect the environment.
- Install, monitor and maintain flow-recording meters as necessary on licensed water users' properties.
- Plan, implement, monitor and maintain the hydrographic network that provides accurate and timely stream-flow data.

In undertaking compliance and enforcement

- Carry out our regulatory activity in a reasonable and consistent manner.

When dealing with water shortages

- Ensure that allocations, restrictions and rosters apply equitably to customers with similar entitlements.
- Manage drought in accordance with its published Drought Response Plan and relevant Stream-flow Management Plans or Local Management Rules where applicable.
- Maintain and implement the drought response plan as required.

When entering land

- Cause as little harm and inconvenience as possible when entering onto your land to carry out any authorised activity or works, not to stay on the land any longer than reasonably necessary, to remove our plant, equipment etc after completing the works, and to leave the land as nearly as possible as we found it.

In all of our dealings

- Act with courtesy and respect.
- Communicate openly with licensed water users, industry groups and stakeholders.

3.2.2 Customer Obligations

Customers need to:

For taking and using water

- Ensure you hold a licence and it remains valid
- Comply with all of the terms and conditions on your licence
- Make yourself aware of and comply with any rosters, restrictions and bans that apply from time to time. (For more information on rosters and restrictions, contact us using the details at the front of this Charter).
- Ensure water taken is fit for purpose.
- Understand and comply with the Drought Response Plan and applicable Streamflow Management Plans and/or Local Management Rules.
- Proactively seek and monitor information about drought status.
- Prepare individual drought contingencies and manage own water use during times of drought conditions.
- Contact Melbourne Water for clarification and/or advice if uncertain about any aspect of water resource management.

For constructing or operating On-farm works

- Ensure you hold a valid works licence for all pumps and dams located on a waterway
- Ensure you hold a valid works licence for all dams considered hazardous in size or location
- Maintain all works associated with taking and using water in safe and operable condition.
- Tell us when things go wrong or when you are planning any action or activity that might impact on a waterway.
- Decommission and remove unused or abandoned works.

When we need access to your property

- Assist by maintaining safe access for our staff.
- Notify us of if you have special requirements for access to your property, eg. for bio-security or other reasons, so that we can agree on access arrangements that meet our mutual needs.

With regard to your bills

- Make payment in full by the due date.
- Notify us ahead of the due date if having trouble paying an account.
- Tell us if you are moving and provide us with current postal address and contact details.
- Advise if you sell your property so that your licence can be transferred if necessary.

With regard to our staff

- Act with courtesy and respect towards staff.
- Comply with any other instruction issued by Melbourne Water.
- Make application to renew their licence as appropriate.

We also ask that you contact us immediately if you observe any other person undertaking any activity in, on or around waterways that you feel is improper, or if you observe any accident or other incident which affects or has the potential to affect either our works or any waterway.

Customers who do not comply with their licensed volumes, restrictions and conditions are committing an offence and may be subject to prosecution and / or have their licence cancelled without refund.

3.3 Melbourne Water Policy

Melbourne Water has a Diversions Management Policy, which provides information in relation to the procedures to be followed by Melbourne Water in issuing or transferring take and use and works licences. This policy is available to all customers on the Melbourne Water website (www.melbournewater.com.au). A copy of the policy will be sent to any customer upon request.

3.4 Water Quality

The waterways under Melbourne Water responsibility are subject to a range of external catchment influences that can impact on water quality (eg spills into the waterway). These influences can vary from day to day and are outside of Melbourne Water's ability to control.

In particular, please note that the water has not been treated in any way and is therefore not fit for any use which may involve human consumption, directly or indirectly. We also do not warrant its suitability for stock watering, domestic purposes or commercial use (eg vegetable washing).

Consequently, Melbourne Water does not guarantee water quality and has no responsibility to advise customers of the quality of water being supplied. The onus is on the customer to ensure any water taken is fit for their particular purposes and to monitor ongoing water quality.

Melbourne Water will endeavour to notify licence holders of detrimental impacts on the quality of the water supply through known pollution events using the contact details supplied by the licensee.

3.5 Reliability of Supply

Other than the Lower Maribyrnong River all licences issued by Melbourne Water are on unregulated waterways, meaning they are reliant on natural flow conditions within the catchment and are not supplied by releases from reservoirs.

Consequently, Melbourne Water is unable to guarantee reliability of supply (a percentage chance of a licensee being able to fully use their water entitlement in any year). Melbourne Water has an obligation under the State Environment Protection Policy to protect the health of the Yarra River and tributaries by attempting to maintain minimum environmental flow rates. Licence holders access to water will be determined based on the current flow conditions occurring and will be managed in accordance with the *Drought Response Plan for Licensed Water Users* and any approved *Streamflow Management Plan* in the catchment.

3.6 Drought Response Plan for Licensed Water Users

Water is a scarce resource and Melbourne Water has developed a *Drought Response Plan (DRP) for Licensed Water Users*. In accordance with licence conditions and the *DRP*, diverters' access to water may be restricted or banned depending on flow levels within our waterways to avoid adverse environmental impacts.

Melbourne Water has an obligation under the *State Environment Protection Policy, Schedule F7, Waters of the Yarra Catchment 1999*, to protect the health of the Yarra River by attempting to maintain minimum environmental flow rates. Minimum flow rates have similarly been determined for the smaller sub-catchment waterways feeding into the Yarra River main stem and are detailed in the *DRP*.

The *DRP* will be used by Melbourne Water to qualify rights to water in conjunction with licence conditions. The *DRP* provides a mechanism to:

- Manage access to water by all users and the environment
- Define the conditions under which restrictions or bans on use will be required and the process by which these will be implemented
- Outline obligations of both Melbourne Water and water users
- Enable Melbourne Water to meet statutory obligations.

The *DRP* will be used by Melbourne Water to make informed decisions as to when the volume or quality of water available to satisfy rights to water is, or is likely to be, inadequate.

The *DRP* is active at all times in conjunction with licence conditions and requires licence holders to proactively seek and monitor information about waterway status prior to taking any water.

All licensed water users have been provided with a copy of the *DRP* and will also be provided with the amended *DRP* after any significant changes or revision of the plan. All new licence holders will be forwarded a copy of the *DRP* with the issuing of their licence. In addition the *DRP* will be available for download on the Melbourne Water website and copies will be provided to any licence holder upon request.

The *DRP* applies to all Melbourne Water managed private river water diversions. Where a *Streamflow Management Plan* has been developed for a catchment, drought response approaches will be managed in line with the *Streamflow Management Plan* and may differ to the requirements of the *DRP*.

3.7 Streamflow Management Plans

The Government's action plan, *Our Water Our Future* delivers obligations on Melbourne Water to prepare *Streamflow Management Plans* on catchments that have been identified as stressed or potentially stressed within our area of operations.

Streamflow Management Plans are developed to guide the sharing of available water sustainably between all users and the environment within a particular catchment. They put in place agreed rules for management of the water resource in a more refined manner than the *DRP*.

Streamflow Management Plans are developed by a committee, made up of a mix of government and private representatives who hold an interest in the catchment. At least 50% of the committee members must be landowners / licence holders from within the catchment.

Streamflow Management Plans include management arrangements that:

- Recognise historical rights to water in the catchment
- Establish environmental flows, including minimum flows and other aspects of the flow regime
- Outline conditions that are placed on licences to protect the environment or to protect other water users
- Define the total volume of water that can be taken under licence in any year (a cap on diversions)
- Establish trading rules that will apply to transfers of water entitlements into, and within, the catchment.

In catchments where *Streamflow Management Plans* are not required, Melbourne Water may develop Local Management Rules.

Streamflow Management Plan and *Local Management Rules* information will be sent to all affected licence holders within a catchment and copies can be obtained from the Melbourne Water website.



Flow Gauge Site on Woori Yallock Creek at Yellingbo

3.8 Customer Advisory Committees

The views and needs of our licence customers are represented by our Customer Advisory Committees. These groups play an important role in consultation, collaboration and feedback in the operation of our business. Our committees include:

- The Diversion Management Advisory Committee
- The Keilor Diverters Advisory Committee

We supplement these committees with working groups and local committees as needed to deal with specific issues as they arise.

The Advisory Committees will comprise of members selected from peak groups and / or interested licence holders. Members will be selected for their willingness and ability to contribute to the work of Melbourne Water, and their knowledge and experience of the needs and interests of a range of external stakeholders, including the environment and the community.

If you are interested in nominating for membership or would like more information on membership, the work these committees do on your behalf or when they meet, please contact us on 131 722.

3.9 Victorian Water Register

The Water Register is a public register of all water-related entitlements in Victoria. All take and use and works licenses managed by Melbourne Water are held and stored in the state register.

The register is shared between an independent Victorian Water Registrar, the Office of Water in the Department of Sustainability and Environment, and rural water corporations.

The Water Register records water entitlements with integrity, enables proper water accounting, keeps track of the water market and produces crucial information for managing Victoria's water resources.

Further information can be found at www.waterregister.vic.gov.au

4 Standards & Conditions of Service

4.1 Charges

4.1.1 Setting and Variation

The Essential Services Commission sets maximum charges for diversion services. The annual prices or price increases for all diversion charges are determined by Melbourne Water based on the efficient cost of the services to be provided and are put forward by Melbourne Water every 5 years in its Water Plan taking account of comments made by customer advisory committees and other interested parties during the consultation phase. Melbourne Water may only vary charges subject to legislation and any relevant determination by the Essential Services Commission. Melbourne Water will notify customers of any change to their licence charges on or with the first bill issued after the decision to vary the charges has been made.

Melbourne Water may calculate a pro-rata charge to effect a variation in charges where the variation date falls within the period during which a customer's bill is calculated.

Charges for a licence are based on total allocation and licence type. Charges are not based on actual usage, whether metered or not and a refund or reduction in fees is not available to licence holders who do not utilise their full entitlement.

4.2 Schedule

A schedule of the approved fees and charges is published on the Melbourne Water website or can be obtained by contacting Melbourne Water.

4.3 Complaints and Disputes

4.3.1 Complaints and Disputes Policy

Customers are asked to contact Melbourne Water if they have an enquiry, dispute or a complaint. Customers can contact Melbourne Water by phone, in writing, via email or in person. Melbourne Water's contact details are listed at the end of this Charter.

Complaints and disputes will be handled in accordance with Melbourne Water's policy and *Complaint Handling Procedure*. If a customer asks for a written response to an enquiry or complaint, Melbourne Water will respond to the customer within 10 business days of the request. Melbourne Water's response will deal with the substance

of the enquiry or complaint or tell the customer when they will receive such a response if the matter is complex. Melbourne Water will do its best to resolve all complaints to the satisfaction of all parties and will provide reasons for any decisions. Customers unhappy with the handling of any complaint or enquiry may escalate their complaint to the Diversions Manager or a higher level of management upon request.

If the matter is still unable to be resolved to the satisfaction of the customer then Melbourne Water will provide the customer referral information for the Energy and Water Ombudsman Victoria. Contact details are listed at the end of this Charter.

For disputes around the payment of annual fees or other monetary charges, Melbourne Water will not pursue the recovery of the amount of money, the subject of which is in dispute, or any interest until the dispute has been resolved.

Melbourne Water will inform a customer making a complaint of its complaints and disputes policy.

4.3.2 Resolution of Disputes

Melbourne Water will endeavour to resolve in good faith any dispute directly with its customers and others affected by its operations.

Melbourne Water will consider a dispute resolved if:

- 1) it has informed the complainant of its decision on the complaint or any internal review of the complaint; and
- 2) 10 business days have passed since the complainant was informed; and
- 3) the complainant has not:
 - a) sought a further review under this clause; or
 - b) lodged a claim with the Energy and Water Ombudsman Victoria

Melbourne Water will not consider a dispute resolved until any claim lodged with the Energy and Water Ombudsman Victoria has been finalised.

4.4 Billing

4.4.1 Billing Frequency

Melbourne Water bills diversion customers on an annual basis unless otherwise agreed. The bill is sent by postal mail.

The billing cycle is 1 July to 30 June each year. Melbourne Water will consult with the Diversions Management Advisory Committee and licence holders generally if it is proposed to change the billing frequency or cycle.

Licence renewal requests will be sent to customers prior to 30 June in the year in which the licence expires. Annual account invoices will generally be sent by 30 November each year.

4.4.2 Issue of Bills

The bill will be issued to:

- The customer at the physical or electronic address nominated. If there is more than one owner attached to the account, the bill will be sent only to the primary address nominated by the customer
- or**
- The customer's agent at the physical or electronic address nominated where the customer has made a written request to Melbourne Water
- or**
- Any person authorised to act on the customer's behalf at the physical or electronic address nominated.

Melbourne Water will send the bill to the customer's last known address unless notified otherwise by the customer.

4.4.3 Content of Bills

The bill will contain:

- The date of issue
- The date by which the customer has to pay
- The customer's billing address and licence number
- The address of the property at which the charges to the bill relate
- The amount the customer has to pay, separately itemising each charge
- The ways in which the customer can pay the bill
- Information about help that is available if the customer is experiencing difficulties in paying
- Details of Melbourne Water's enquiry facility
- Referral to interpreter services offered by Melbourne Water

- Information on concessions available and any concession to which the customer may be entitled
- If the bill relates to a licence, that failure to pay may result in the cancellation of the licence
- A clear statement of the rate of interest charged on outstanding amounts and the date from which interest would be applied.

A sample annual invoice is given below :



TAX INVOICE

| Invoice No | Date | Page |
|------------|------------|--------|
| RWP0099999 | 18/02/2012 | 1 of 1 |

COPY - NOT ORIGINAL

Bill To:

John Citizen
C: Strawbs Are Great Pty Ltd
99 Outback Track
Nowhere VIC 9999

Due Date: 18/05/2012

ABN: 81 945 386 953

Contact No: 131 722

Attention:

| | Units | Unit Amount | Exclusive GST | GST | Amount |
|---|---------------------------------------|-------------|---------------|-----|-------------------|
| <p>Drainage River Water Licences Entitlement No. BEE099999 Licence No. 465/999/0002 Period 1-7-11 to 30-6-12 Diversion of 190 ML of water from Donovan's Creek for Off-stream Dam Filling purposes at 99 Outback Track, Nowhere</p> | | | | | |
| ← | This section your licence particulars | | | | |
| Service Fee | | 220.00 | | | 220.00 |
| Volume Fee | | 1,960.80 | | | 1,960.80 |
| Dam Operating Licence Fee | | 70.80 | | | 70.80 |
| Total Amount (GST inclusive) | | | | | \$2,251.60 |

Remittance Advice

Please cut along the line and return with your payment if paying by cheque or credit card

| | | | | | | | | | |
|------------------------------------|--|------------|------------|---------------|--------|----------|------------|--------|------------|
| <p>Amount Being Paid</p> <p>\$</p> | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: x-small;">Invoice No</td> <td style="font-size: x-small;">RWP0099999</td> </tr> <tr> <td style="font-size: x-small;">Customer Code</td> <td style="font-size: x-small;">000346</td> </tr> <tr> <td style="font-size: x-small;">Due Date</td> <td style="font-size: x-small;">18/05/2012</td> </tr> <tr> <td style="font-size: x-small;">Amount</td> <td style="font-size: x-small;">\$2,251.60</td> </tr> </table> | Invoice No | RWP0099999 | Customer Code | 000346 | Due Date | 18/05/2012 | Amount | \$2,251.60 |
| Invoice No | RWP0099999 | | | | | | | | |
| Customer Code | 000346 | | | | | | | | |
| Due Date | 18/05/2012 | | | | | | | | |
| Amount | \$2,251.60 | | | | | | | | |

PAYMENT OPTIONS: *Please note that credit card and internet payments cannot be accepted for amounts exceeding \$10,000*

| | | | |
|-----------------------|---|--|--|
| Internet | www.melbournewater.com.au | Select "Online Payments" (within the "About Us" category) and quote Invoice No | RWP0007848 |
| Cheque or Credit Card | Please make cheque payable to Melbourne Water or fill in Credit Card details and forward remittance advice slip to: | Melbourne Water PO Box 4342 Melbourne, Vic 3001 | <input type="checkbox"/> Mastercard <input type="checkbox"/> Visa |
| Card No: | / / / | Expiry Date: | / / Signature: _____ |

Melbourne Water is pleased to help you if you have a concern regarding your water services. Please call us on 131722. If we are unable to resolve the matter, you can contact the Energy and Water Ombudsman (Victoria) on FREECALL 1800 500 509 or at www.ewov.com.au

Ways to pay your invoice.

Tear off slip to make your payment

This is your Invoice Number and should be quoted when making payments or enquiring about your account

This section shows the details of your charges and the amount owing on your account

Charges for a licence are based on total allocation and licence type. Charges are not based on actual usage, whether metered or not and a refund or reduction in fees is not available to licence holders who do not utilise their full entitlement.

4.4.4 Adjustment of Bills

In refunding an overcharged amount Melbourne Water will:

- Inform the customer within 10 business days of becoming aware of the error
- Refund or credit the amount overcharged in accordance with the customer's instructions.

Except in the case of illegal use, Melbourne Water may recover an amount undercharged if the amount to be recovered is limited to the amount undercharged in the 12 months prior to Melbourne Water notifying the customer that undercharging has occurred.

In recovering an undercharged amount Melbourne Water will:

- List as a separate item the amount to be recovered and provide an explanation of the amount on or with the customer's bill
- Allow customers to pay the amount to be recovered over a time period equal to the period in which undercharging occurred, up to a maximum of 12 months
- Allow customers to pay the amount to be recovered through an instalment plan in accordance with our *Accounts Receivable Policy* and as described in clause 4.3.

Melbourne Water will inform customers of its Accounts Receivable policy and will provide it to customers on request.

4.5 Payments

4.5.1 Payment Methods

Customers are required to pay their account by the due date shown on any bill. Bills issued will provide a minimum of 28 days for payment to be made. Melbourne Water will accept payment from customers:

- in person during office hours at Melbourne Water's head office, 990 Latrobe Street Docklands
- by mail
- by electronic means over the internet.
- water business, the customer and the customer's bank;

At present there are no direct debit or advance payment options.

If Melbourne Water incurs costs due to dishonoured payments, Melbourne Water may recover those costs from the customer(s) concerned.

4.5.2 Payment Difficulties

Any customer who is experiencing financial difficulties but who wishes to retain his or her licence, is encouraged to contact Melbourne Water.

Melbourne Water will assist customers who experience payment difficulties on a case by case basis and in accordance with our *Accounts Receivable Policy*.

Options for assistance include:

- Negotiating alternative payment arrangements in accordance with a customer's ability to pay which may include a range of payment options including flexible payment plans
- Redirection of the bill to another person for payment provided that person agrees in writing
- Offering to extend the due date for some or the entire amount owed
- Where appropriate, referring customers to:
 - (1) government funded assistance programs or
 - (2) a rural financial counsellor.

Melbourne Water will provide written confirmation of any alternative payment method or plan agreed to with a customer within 10 days of such agreement being reached.

Melbourne Water's *Accounts Receivable Policy* outlines the circumstances under which we will waive or suspend interest rates on outstanding amounts. Melbourne Water will inform customers of its *Accounts Receivable policy* and will provide it to customers upon request.

4.5.3 Flexible Payment Plans

With reference to any payment difficulties as described above, Melbourne Water will offer flexible payment plans in accordance with our *Accounts Receivable Policy*. Such plans will:

- State the period over which the customer will pay the agreed amount. This period must be within the financial year in which the account is due
- Specify an amount to be paid in each period
- Be able to be renegotiated at the request of the customer if there is a demonstrable change in their circumstances

- Be confirmed in writing to the customer prior to or as soon as practicable after the flexible payment plan commencing.

Melbourne Water will not offer a customer a flexible payment plan if the customer has, in the previous 12 months, had 2 flexible payment plans cancelled due to non-payment unless the customer provides a fair and reasonable assurance (based on the circumstances) to Melbourne Water that the customer will comply with the plan.

4.6 Collection

4.6.1 Reminder Notices

Bill collection will be carried out in accordance with Melbourne Water's *Accounts Receivable Policy*. Accounts that are greater than 3 days overdue will receive a reminder notice. Further reminder notices will be sent if an account is greater than 17 days overdue. Intervals of 14 days minimum will be provided between reminder notices.

4.6.2 Warning Notices

Melbourne Water will issue a final notice to customers with accounts greater than 31 days overdue and where reminder notices have been sent in accordance with clause 4.5.1 above. Final notices will be issued at least 5 business days before taking any action for the non-payment and will contain information that:

- Specifies any assistance that is available to the customer including contact information for the Energy and Water Ombudsman Victoria
- Advises the customer the bill is overdue and must be paid for the customer to avoid licence cancellation and possible legal action
- Cautions that, if legal or cancellation action is taken, the customer may incur additional costs in relation to those actions
- The date from which interest (if any) may be applied on outstanding amounts, and the percentage interest rate that may be applied.

4.6.3 Additional Contents Of Reminder and Warning Notices

All reminder and warning notices issued by Melbourne Water will contain, in addition to the requirements of clauses 4.5.1 and 4.5.2, all of the information listed in clause 4.3.3. Such information may be included by the supply of a copy of the original account to be sent with the reminder or warning notice.

4.6.4 Interest and Other Charges

Melbourne Water may charge interest on outstanding amounts. A statement of the rate of interest and from what future date it is to be applied will be provided to customers on their account.

4.6.5 Application of Funds

All amounts received by Melbourne Water from customers will be applied, where possible and / or reasonable in the circumstances, to the debt that has been outstanding the longest.

4.6.6 Dishonoured Payments

Melbourne Water may recover from a customer an amount charged by Melbourne Water's financial institution due to:

- A customer's cheque being dishonoured; or
- A customer having insufficient funds available when paying by direct debit or credit card.

4.7 Actions For Non-Payment

4.7.1 Cancellation

Melbourne Water may cancel a customer's licence for non-payment if:

- More than 14 days has elapsed since the issue of a final notice referred to in clause 4.5.2 (including provision of information on programs that are available to help customers with payment difficulties)
- Melbourne Water or its agent has attempted to make contact with the customer about the non-payment
- The amount becomes a bad debt in accordance with Melbourne Water's *Accounts Receivable Policy*.

In the event of cancellation occurring, a cancellation notice will be forwarded to the customer at the last known postal address.

The customer may reapply for a cancelled licence at the cost of a reissue fee and payment of all outstanding account fees. The licence will be re-issued at Melbourne Water's discretion.

Licenses with outstanding accounts and no agreed payment arrangement in place will not be renewed in subsequent years. Renewal notices will not be forwarded to customers with such accounts.

4.8 Legal Action

Melbourne Water may take legal action for non-payment if:

- Melbourne Water has complied with the steps in 4.5.1
- The customer has been notified of the proposed legal action and that such action may incur additional costs
- The customer has:
 - (1) been offered a flexible payment plan under clause 4.4.3 and the customer has refused or has failed to respond
 - (2) agreed to a flexible payment plan and has failed to comply with the arrangement.

4.8.1 Limits on Cancellation and Legal Action

Melbourne Water will not take legal action or take steps to cancel a licence for non-payment if:

- 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.
- The amount in dispute is subject to an unresolved complaint procedure in accordance with Melbourne Water's *Complaints Handling Procedure*.

4.9 Works and Maintenance

4.9.1 Melbourne Water Maintenance Obligations

Meters installed on customers pumping equipment and offtakes remain the property of Melbourne Water and Melbourne Water is responsible for maintenance and replacement as necessary of such meters. This obligation includes any ancillary equipment connected with the meter such as data loggers installed by Melbourne Water or its contractors.

Meter readings and inspection of meter condition will be undertaken on an annual basis as a minimum. Servicing and maintenance of meters will be undertaken in response to any detected faults following inspection or at intervals not exceeding every 5 years. Meter readings, servicing and maintenance may be carried out by Melbourne Water or its approved contractors.

Any works undertaken by Melbourne Water or its contractors will be notified to the landowner and will be undertaken in consideration of any requirements of the landowner in respect to:

- Access into and through the property.
- Protection and minimising disturbance to people, livestock, crops, assets and the land in general
- Restoration requirements

4.9.2 Customer Maintenance Obligations

Customers are responsible for their own pumping equipment, pipelines, dams and other works associated with their licences. Customers must maintain all equipment and works in safe working condition in accordance with licence conditions and to the satisfaction of Melbourne Water.

Customers are also responsible to maintain their properties so that safe access is provided to enable staff to reach licensed works and meters located on their property.

4.9.3 Worker Identification

Melbourne Water employees and person/s authorised by Melbourne Water may enter the customer/s' property for a number of purposes such as reading a meter, inspection of works associated with a licence and to investigate any real or alleged breaches of licence conditions.

Entry under normal circumstances will not be made before 7.30am or after 6pm unless a breach of licence conditions or offence is suspected to be occurring. Melbourne Water will endeavour to notify customers or their nominated representatives in advance of any inspection other than those undertaken for compliance or meter reading purposes.

A representative of Melbourne Water will not enter a customer's property without appropriate identification and must produce such identification upon request by the customer.

4.9.4 Keys Held By Melbourne Water

If Melbourne Water holds a key to a customer's premises or other asset, the keys will be held in safe custody and returned to the customer upon notification of the customer's vacation of the relevant property or if access is no longer required.

4.10 Information

4.10.1 Enquiries

Customers may contact Melbourne Water by phone, email, in writing or in person. Melbourne Water's contact details are listed at the end of this Charter.

The following information will be available to customers making enquiries:

- Account information
- Bill payment options
- Concession entitlements available
- Programs available to customers who are having payment difficulties
- Information about Melbourne Water's drought response plan and emergency management plan
- Information about Melbourne Water's complaint handling procedure
- Information about the Energy and Water Ombudsman Victoria scheme
- Water allocations
- Licence applications and renewals
- Applicable fees and charges.

Melbourne Water will provide to customers upon request copies of any policies and information relevant to this charter and diversions management in general.

4.10.2 Fees for Information or Advice

Unless stated otherwise, Melbourne Water will not charge a fee for the provision of information or advice required under this code to customers or others affected by its operations.

4.10.3 Schedule of Charges

Melbourne Water has published a schedule of diversion fees and charges on our website and will provide a copy of the schedule to customers upon request.

4.10.4 Diversions Management Policy

Melbourne Water's *Diversions Management Policy* including information on the allocation of water and issuing and transfer of licences has been published on our website and a copy will be provided to customers upon request.

4.10.5 Enforcement and Compliance Policy

Melbourne Water will investigate any real or suspected instances of customer non-compliance including overuse, breach of licence conditions and failure of the licensee to observe the requirements of any restrictions or bans imposed.

Where there has been non-compliance, Melbourne Water will follow the procedures outlined in the *Enforcement and Compliance Policy*, which will be available to customers upon request. Actions for non-compliance may include cancellation of the licence and / or prosecution in accordance with the Water Act 1989.

The customer may reapply for a cancelled licence at the cost of a reissue fee. The licence will be re-issued at Melbourne Water's discretion.

4.10.6 Efficient and Responsible Use of Water

Melbourne Water has published information on our website about the efficient and responsible use of Victoria's water resources and how customers may conserve water.

4.10.7 Billing History

Upon request by a customer Melbourne Water will provide the customer's account and billing history for the preceding three years within 10 business days, or other period by agreement. Information requests relating to any period prior to the preceding three years may incur a fee.

4.10.8 Regulatory Information

Melbourne Water will provide to customers upon request any relevant regulatory instruments relied upon in the management of diversion licences other than the Water Act.

4.10.9 Communication Assistance

Melbourne Water will contact and communicate with customers by phone, mail, email or other electronic means. In turn customers who have a query or concern or wish to obtain information may contact Melbourne Water by phone, email, in writing or in person. However, any requests to change personal details or other information contained on a licence must be made formally in writing. Melbourne Water's contact details are listed at the end of this Charter.

Melbourne Water recognises that the community is made of a diverse group of people with different backgrounds. Customers who have language difficulties in dealing with

Melbourne Water or need some assistance to read or understand the information being provided by Melbourne Water will be offered access to interpreter and translation services as appropriate. Melbourne Water will provide a copy of this charter in languages other than English to customers upon request.

4.10.10 Privacy

Melbourne Water respects the privacy of your personal information. Melbourne Water carries out a range of statutory and corporate functions and activities. Melbourne Water will only collect and handle personal information in order to carry out its functions and activities.

The Information Privacy Act 2000 provides a framework for the responsible collection and handling of personal information by the Victorian public sector. Melbourne Water will operate in accordance with the Information Privacy Act 2000 and Melbourne Water's Information Privacy Policy.

Melbourne Water's privacy policy is published on our website.

4.11 Service Standards

Rural water services being supplied across the State vary from authority to authority depending on the types of licences and areas being supplied. In Melbourne Water's case, only surface water diversions are licensed along with works construction and operation licences where required. All licences are issued in accordance with the requirements set out in the Water Act 1989. The vast majority of diversion licences are on unregulated waterways in the Yarra Catchment with a small number of regulated customers located on the lower Maribyrnong River.

The Yarra Catchment has been capped at current allocation levels and so new licence applications can only be considered in conjunction with a water trade from an existing licence holder. Water trading can occur on a temporary or permanent basis and all trades are subject to assessment of water availability and impacts on other users and the environment.

Applications for licenses and water trading are subject to Melbourne Water approval. The following table lists the relevant service standards and targets that we will aim to meet over the coming years in order to continue to provide appropriate services to customers.

| Services | Target % |
|--|----------|
| Applications for new surface diversion licences determined within 60 days. ¹ | 90 |
| Processing Permanent transfer of surface diversion licences within 30 days. ² | 90 |
| Processing Permanent trade of water entitlement volumes within 60 days. ³ | 90 |
| Processing Temporary trade of water entitlement volumes within 60 days. ³ | 90 |
| Processing Works Licence Applications within 60 days. ³ | 90 |
| | |

Notes:

1. Applications for surface diversion licence will relate only to new allocations such as stormwater where available. All other applications for entitlement will relate to permanent or temporary trades due to existing allocation caps.
2. Transfer of diversion licence relates to transfer of licence on property sale. Trade relates to movement of water between different properties.
3. The new application, trade / transfer and Works Licence processes include referral and advertising requirements and also allow for appeals of decisions made. The times provided above relate only to the time when all necessary information has been supplied to Melbourne Water so that assessment can continue. The clock will stop while Melbourne Water awaits the supply of information from external parties or the applicant themselves.

5 Contact Details

5.1 Melbourne Water's Contact Details

Melbourne Water can be contacted:

- By telephone during business hours on 131 722
- By writing to PO Box 4342, Melbourne, Vic, 3001
- By email to inquiry@melbwater.com.au
- In person by appointment at 990 Latrobe Street Docklands.

Melbourne Water website: www.melbournewater.com.au

5.2 Energy and Water Ombudsman Victoria

The Energy and Water Ombudsman Victoria provides an independent complaints and dispute resolution scheme to assist water and energy customers.

Energy and Water Ombudsman Victoria

Reply Paid 469

Melbourne, Vic, 3001

Freecall: 1800 500 509

Website : www.ewov.com.au

6 Glossary

Catchment

The area of land above a particular point from which rainfall will contribute to runoff to that point.

Drought

A period during which there is insufficient available water supply to meet expected demands for water.

Drought Response Plan (DRP)

A plan developed to manage access to water during drought periods and define the conditions under which restrictions or bans on use will be required and the processes by which they will be implemented.

Environmental flow

A regime of designated flows in a stream or river needed to satisfy specified ecological requirements.

Licensee

A person who holds a water licence.

Local Management Rule

Rules developed to guide the sharing of available water sustainably between all users and the environment within a particular catchment. These rules are developed on catchments where Streamflow Management Plans are not required.

Minimum flow

A minimum flow to be maintained in a stream or river to minimise environmental risk. This flow also protects remnant pool habitat in ephemeral terms.

Reliability of supply

A percentage chance of being able to fully use a water entitlement in any year.

Streamflow Management Plan

Plan developed to guide the sharing of available water sustainably between all users and the environment within a particular catchment. Streamflow Management Plans put in place agreed rules for management of the water resource in a more refined manner than the Drought Response Plan.

Take and Use Licence

A licence to take and use water issued in accordance with section 51 of the Water Act 1989. A take and use licence allows you to use up to a specific volume of surface water from a river, stream or dam. These licences are issued to land owners or occupiers to allow them to use water for a variety of purposes including commercial, irrigation and domestic and stock use on specified land.

These licences may be transferred upon sale of property. Trading of water entitlement between properties on either a permanent or temporary basis can also be considered, depending on location.

Works licences

A licence to construct or operate works issued in accordance with section 67 of the Water Act 1989. A works licence usually relates to the construction and/or operation of a pump, or dam on a waterway or any dam that is considered hazardous in size or location.

