

Our reference: [REDACTED]

Your reference: water@esc.vic.gov.au

Enquiries to: Barwon Water - Head of Performance and Strategy

20 December 2023

Marcus Crudden, Executive Director, Price Monitoring and Regulation
Essential Services Commission
Level 8, 570 Bourke Street
Melbourne VIC 3000

Dear Marcus,

Re: Submission to ESC Water Industry Standards Draft Decision

We want to thank the Essential Services Commission (the Commission) for the opportunity to provide feedback on the November 2023 Water Industry Standards Draft Decision.

We strongly support the continued focus on assisting and protecting customers experiencing or at risk of experiencing family violence. We also welcome and support the ongoing emphasis on delivering high standards for Victorian water and sewerage customers including transparent and timely reporting by the industry.

The sections below outline our feedback to the Water Industry Standards Draft Decision.

Proposed new clause for Part G – Reporting to the Essential Services Commission

We support the proposed inclusion of reporting non-compliance to the Commission in a timely and efficient manner as well as having adequate procedures, policies and practices in place to identify non-compliance.

We do however, request clarification on 'potential or actual non-compliance with these standards that may have a material adverse impact'.

Ambiguity of amendments: The inclusion of the amendment to report on 'potential non-compliance' and 'material adverse impact' and the brief section explaining each clause, is unclear. This leaves significant ambiguity about the expectations on water businesses and may result in inefficient 'gold plating' to avoid breaching the code.

It would assist if the Commission provided clear examples as part of the current brief explanation.

Clear guidance for the industry: Providing more guidance would assist water businesses in applying consistent procedures and result in more efficient and cost effective implementation and more consistent results for customers across Victoria.

In order to meet the 1 March 2024 timeframe, it would be helpful if the Commission were to identify priority areas where new controls should be implemented first, such as in the management of Family Violence cases.

Proposed amendment to clause 11. Family Violence

We strongly support the continued work by the Commission in the areas of family violence and the proposed amendment to clause 11. The amendment will further strengthen the consistent application of policies and procedures across the Victorian water sector.

Barwon Water is making significant progress in this area. Following correspondence from the Commission in June 2023, we completed a review of our Family Violence (Customer) and Family Violence (Employee) policies and an internal risk assessment of related processes and controls. Our review found we were compliant with the family violence requirements in the Water Industry Standard – Urban Customer Service (Clause 11). We also identified opportunities to further strengthen our risk controls and a need for a dedicated program, to drive the organisation forward to better practice.

Consequently, we are currently concluding an in-depth review – utilising external expertise - of existing measures to support customers experiencing family violence, as well as recommendations for better practice. The review has identified a range of opportunities to drive improvement at the strategic level and to better support and guide continuous improvement at the tactical level within our customer facing teams. Over the next few months, we will develop a framework to drive change more effectively throughout the organisation, using a safety-by-design lens. We will also focus on governance – creating structures that bring together key enablers in our business including technology, risk, customer, legal and learning and development, in a whole-of-organisation approach to privacy, data security and service delivery to customers affected by family violence.

Other feedback – challenging timeframes

Barwon Water sees the main challenge as having insufficient time to develop quality processes for each clause to meet the expanded new clause of 'potential or actual non-compliance with these standards that may have a material adverse impact' by 1 March 2024. The inclusion of this clause implies a requirement to implement predictive controls across the whole Standard which would take a considerable amount of time to deliver in a robust manner considering technology requirements, training of staff and privacy/data implications.

Assessment and planning would be expedited if the Commission provided draft guidelines to assist water businesses to assess the extent to which these unclear predictive controls ought to be implemented. It would assist development if the Commission worked with businesses on potential prioritisation or staggering of sections of the Standard to comply with this new clause as part of the consultation process.

We look forward to working with the Commission over the following few months as part of this process.

Yours sincerely,



Emma Connan, Head of Performance and Strategy
Barwon Water