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TRADE WASTE CUSTOMER SERVICE CODE

FINAL DECISION

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As the economic regulator of the Victorian water sector, the Essential Services Commission is responsible for regulating the standards and conditions of service and supply of certain specified services provided by each of the 19 Victorian water businesses. The Commission has scope under the Water Industry Act 1994 and *Water Industry Regulatory Order 2003* to establish a Code which, among other things:

- specifies minimum customer-related standards, procedures, policies and practices with which a regulated entity must comply
- requires a water business to issue a Customer Charter that specifies customer-related standards, procedures, policies and practices for specified services.

The Commission has previously released a Customer Service Code to apply to urban services in 2004, and the Rural Water Customer Service Code to apply to businesses that provide rural water services to customers was released in 2007.

Trade waste

Trade waste is any liquid waste, and any substance contained within it, discharged to the sewerage system, other than normal domestic sewage. In 2004, the Victorian Government established a review of Victoria's trade waste management framework to reduce environmental impacts, facilitate water and biosolids recycling and support water conservation. The review's terms of reference also required consideration of whether the measures for the water industry, its customers and government agencies to manage trade waste are the best available.

The Department of Sustainability and Environment commenced this review in 2005 with the release of an issues paper. Following an extensive consultation process, the final report *Future directions for trade waste management in Victoria: a review of Victoria's trade waste management framework* was approved by the Minister for Water in mid-2010.

One of the key recommendations for reform of the trade waste regulatory framework was the appointment of the Essential Services Commission as regulator of trade waste management. In July 2010 the Commission commenced the integration of the recommended trade waste regulatory framework into its overall regulatory processes for the water industry.

This work has commenced with the development of this Trade Waste Customer Service Code to apply to businesses that provide trade waste services to their customers. It addresses many trade waste matters that are not covered in sufficient detail in the existing urban water Customer Service Code.

The purpose of this code is to provide water businesses with a consistent, transparent and timely decision making approach to trade waste management

throughout Victoria. It has been designed to accommodate other regulatory requirements imposed on the water businesses, such as those by the Department of Sustainability and Environment and the Environment Protection Authority.

The Final Trade Waste Code is the product of a consultation program that commenced in October 2010 with the release of a consultation paper, included meetings with trade waste customers, and the formation of a working group of water businesses, customers and other stakeholders. A Draft Code and decision paper were released for stakeholder comment in May 2011, and this paper discusses the issues raised in response to those documents.

The Trade Waste Customer Service Code is to apply to businesses providing trade waste services from 1 January 2012. Some sections also apply to Melbourne Water as the bulk provider of sewage and trade waste treatment services for the Melbourne metropolitan area. The final version of the Code has been published separately and is available on the Commission's website.

This decision paper:

- summarises the consultation process undertaken in developing the Trade Waste Customer Service Code
- provides an overview of key aspects of the Trade Waste Customer Service Code
- highlights a number of key issues raised in relation to the Code
- identifies the next steps in implementing the Code.

The Commission's scoping paper, *Developing a trade waste customer service code*, was released in October 2010, outlining the key elements of a code and calling for submissions from stakeholders, including water businesses, trade waste customers, industry groups, and other government departments, including the Environment Protection Authority, Department of Sustainability and Environment, and the Department of Health. A consultation workshop was also held to discuss the content of the scoping paper with interested stakeholders.

Submissions were received from many stakeholders, and these informed the process to develop the code itself. We received twenty four submissions in total, from:

- 4 metropolitan water businesses
- 9 regional water businesses
- 9 trade waste customers, including Australian Industry Group (AiGroup), Plastics and Chemicals Industry Association (PACIA), and other industry representative groups
- Environment Protection Authority (EPA)
- Energy and Water Ombudsman (Victoria) (EWOV)

In general, water businesses and customers were supportive of the Essential Services Commission assuming the role of regulator for trade waste services. There was agreement that regulation of trade waste management processes would improve services and help to address current deficiencies. There were no major controversial issues arising from the proposed elements of the code, with a few additional suggestions made for inclusion. Opinions varied on the level of detail to be specified by the code, some calling for the Commission to take a very hands-on technical role, with others preferring a higher level framework affording considerable flexibility within each water business.

A working group was established to assist with the preparation of the code. One of the major challenges in writing this code is to ensure that it can apply to both metropolitan and regional water businesses, which operate under different Acts and have quite differing operational practices. A further complexity for the metropolitan area is the role played by Melbourne Water as the bulk supplier of sewage treatment services via its Eastern and Western Treatment Plants.

The constitution of the working group was wide and varied and ensured that all perspectives were represented as each element was explored. The group comprised representatives from:

- the 3 metropolitan retail water businesses, plus Melbourne Water
- 7 regional water businesses

- 3 large metropolitan industrial trade waste customers
- 1 small trade waste customer representative association
- Australian Industry Group (AiGroup)
- Environment Protection Authority (EPA)
- Department of Sustainability and Environment (DSE)
- Energy and Water Ombudsman (Victoria) (EWOV)

Three working group sessions were convened in February and March 2011 to work through the key elements of the code as listed in the scoping paper, taking into consideration the issues raised in the submissions. Drafting of the code followed, and a fourth session was held in April 2011 to review the first draft of the code. This last session helped to refine the final version of the draft code that was released for stakeholder consultation.

The Draft Trade Waste Customer Service Code and an accompanying Draft Decision paper were released on 16 May 2011, with public submissions on the documents due by 24 June 2011. Nineteen parties responded to the Draft Code. Their observations and the Commission's responses are noted in Appendix A.

Having considered the input of the working group and the issues raised in submissions, the Commission has finalised the Trade Waste Customer Service Code. The Code will apply from 1 January 2012.

The Commission wishes to thank the customers, businesses, and other parties who contributed to the development of the Trade Waste Customer Service Code.

All submissions received are available for viewing on the Commission's website at:

<http://www.esc.vic.gov.au/public/Water/Consultations/>

3 OVERVIEW OF TRADE WASTE CUSTOMER SERVICE CODE

The Trade Waste Customer Service Code follows a similar structure to the urban water Customer Service Code, which the water businesses are already required to adhere to. Details of all changes made between the draft and final version of the code can be found in Appendix B.

The code is divided into four sections:

Part A – Introduction: outlines the purpose of the Code, the powers for establishing the Code, to whom the Code applies, the commencement date, the process for amending the Code, and the status of existing trade waste agreements made before the commencement of the Code.

Part B – Provision of Trade Waste Services: sets out the requirements on water businesses for providing trade waste management services to their customers. These are discussed in further detail in section 3.1.

Part C – Capacity Planning: outlines the expected business planning processes for water businesses to manage trade waste volume and pollutant treatment capacity. These are discussed in further detail in section 3.2.

Part D – Customer Charters: outlines the process that water businesses are required to follow in developing and seeking approval of their Trade Waste Customer Charters. These are discussed in further detail in section 3.3 of this paper.

Part E – Definitions: contains definitions for the interpretation of certain terms used in the Code.

3.1 Part B – Provision of Trade waste services

Clause 1 – Application to discharge Trade Waste: requires water businesses to consider an application to discharge trade waste, specifies period to respond to the applicant, and requirement for a statement of reasons if application is rejected.

Clause 2 – Classification of Trade Waste Customers: requires water businesses to have policies, practices and procedures for classifying trade waste customers, and outlines the purpose of this classification process. Also requires water businesses to explain to a customer how they were classified if requested.

Clause 3 – Risk Identification and Mitigation: requires a water business to advise customers of any identified risks and mitigation requirements for accepting their trade waste, including those from the customer's own risk assessments.

Clause 4 – Trade Waste Agreements: outlines the form of a trade waste agreement and lists the minimum requirements to be specified in an agreement, requires water businesses to endeavour to identify trade waste customers and ensure they have an appropriate agreement, and specifies the requirements for amending existing agreements. This clause also provides for a simpler approach for those customers determined by water businesses to have discharges similar in nature to domestic sewage.

Clause 5 – Fees and Charges: specifies that fees and charges for trade waste related services may only be charged in accordance with the water business's price determination, as approved by the Commission.

Clause 6 – Acceptance Criteria: outlines the requirements of a water business for maintaining and changing their trade waste discharge acceptance criteria, including the need for policies, practices and procedures for amending customer-specific and approved acceptance criteria, the need to publish a current statement of approved acceptance criteria for each sewerage catchment system, and the processes for applying for approval by the Commission to amend this statement. This clause also specifies the requirement for a water business to maintain a register of all applications for customer-specific acceptance criteria, and the periodic reporting of changes to this register to the Commission.

Clause 7 – Dispute Resolution: requires businesses to have certain policies, processes and practices in place for handling disputes relating to trade waste, and specifies requirements in addition to those in the existing urban water customer service code, including the circumstances where the Commission may consider the matter. This clause also addresses matters involving more than one water business.

3.2 Part C – Capacity planning

Clause 8 – Capacity Planning: outlines the specific areas that water businesses should include in their business planning processes to address potential changes that may impact on the provision of trade waste services.

3.3 Part D – Customer charters

Clause 9 – Trade Waste Customer Charter: requires each water business to develop and issue a Trade Waste Customer Charter, in addition to the existing urban water Customer Service Charter, to inform customers about the services performed by the water business and the respective rights and responsibilities of the water business and of customers in connection with trade waste. Water businesses are required to consult with customers before adopting or varying their charter, and to submit their charter to the Commission for approval. This clause also outlines the content required in the charter, including information about each of the standards and conditions outlined in Part B of the Code, and all the material rights and responsibilities of the water business and its customers in relation to trade waste.

Clause 10 – Provision of Information: requires each water business to publish its Trade Waste Customer Charter on its website and make a copy available to a

customer upon request. To ensure that trade waste customers are made aware of their rights under the new trade waste regulatory framework, each business is required to provide a copy of its Trade Waste Customer Charter to all existing trade waste customers within six months of the commencement of this code. They must do the same for all new trade waste customers within one month of the customer entering into a trade waste agreement. They must also notify trade waste customers of any material change to the charter.

The Commission received submissions from 19 parties. Appendix A contains a list of all the issues raised in submissions, and the Commission's response to each item. Key issues for discussion in this Final Decision have been selected where multiple parties raised related points, or material alterations to the Draft Code have been made in response to comments provided, and the Commission also asked for comment on three specific issues in the draft decision paper. Appendix B lists all changes made between the Draft and Final Code.

4.1 Trade Waste Customer Classification

The Commission noted during the code development that the existing trade waste customer classification processes varied considerably across water businesses. The number of classifications, the particulars applying to each classification, and even the classification numbering system varies – some businesses call their highest risk customers category 1, while others use category 1 for their lowest risk customers.

The Commission has considered prescribing a universal classification process to be adopted by all water businesses, to help ensure consistency across the state. The Draft Decision paper asked for further comments on this.

While a number of stakeholders did agree that there was merit in a universal approach, most felt that it would be difficult to achieve agreement on a common structure. A defined set of classifications might be overly restrictive for some businesses, particularly the smaller regional businesses with few trade waste customers. Also, the benefits attained by moving to a common approach might not justify the administrative complexity to change existing systems.

For now, the Commission has decided to leave the trade waste customer classification requirements as they were proposed in the Draft Code, requiring each water business to have a classification process, but allowing flexibility for each business to develop an approach that best suits their business and customer needs.

However, the Commission suggests that category 1 should refer to the highest risk trade waste customers for each water business, and encourages businesses to adopt this approach when designing their classification processes as required by clause 2 of the code.

The Commission notes that clause 9.2(g)(ii) requires that each water business's trade waste customer charter explain their classification of trade waste customers, and this is therefore subject to Commission review during the charter approval process.

4.2 Addressing the Simplest Trade Waste Customers

Victorian water law states that it is an offence to discharge trade waste into the sewerage system of a water business other than in accordance with a trade waste agreement. One of the challenges for developing this code was to ensure this requirement is met for all trade waste customers without creating an undue administrative burden on water business.

Many non-residential dischargers to the sewerage system would come under the definition of “trade waste” but are considered too trivial by water businesses to require a trade waste agreement, and do not warrant the additional level of administration and monitoring that comes with this.

Water businesses currently deal with the simplest of trade waste customers by declaring generic groupings of customer business activity types to be “minor” trade waste customers not requiring an individual agreement, or else they are considered to be a non-residential sewerage customer by default.

In order to address the legislative requirement for an agreement for all trade waste customers, the Commission has proposed to create a trade waste customer classification for customers that do not require an individual agreement, instead being covered by a generic discharge agreement arrangement.

Clause 4.4 of the Code makes provision for dischargers of trade waste of a nature similar to domestic sewage, at the water business’s discretion, to have their agreement arise automatically through customer conduct. Water businesses are to publish this generic form of trade waste agreement, and to notify customers accordingly that they will enter into the agreement if they continue to discharge.

It is expected that the trade waste customer charter can be structured in such a way that it can act as the default agreement for such customers, as discussed in more detail in section 5.1 of this paper.

Clause 4.4 in the Final Code has changed significantly from the Draft Code. In the Draft Code, the concept of a “deemed trade waste customer” was used to allow water businesses to deem them to have an agreement. A legal review of the code has highlighted that this code has no power to deem a contract to exist, and an alternative approach has been adopted that provides a suitable form of agreement under contract law principles. The conduct of a customer in continuing to discharge trade waste after receiving notification will be taken to constitute an agreement on the terms specified by the water business.

The new drafting does not change the policy or procedures inherent in the code in terms of the requirements of the water businesses or customers.

The new drafting is also consistent with the wider operation of the Water Industry Act 1994, which allows for “consents” by water businesses, as well as agreements.

Several water businesses commented in their submissions that the requirement to contact or notify each deemed trade waste customer that they have entered into a default agreement, and to provide a copy of the trade waste customer charter, would be very onerous, effectively defeating the purpose of having a simplified approach for such customers.

Clause 4.4(b) of the code requires water businesses to “notify” customers that they will enter into an agreement if they continue to discharge. The Commission holds that this notification may take various forms, such as a generic statement on all non-residential customers’ bills, or the inclusion of a simple information pamphlet with the bill. New non-residential customers can easily be picked up in the application assessment stage, where it is expected the water businesses would already be checking whether the customer will require a trade waste agreement.

Clause 4.4(c) has been amended in the Final Code to require water business to “make available” a copy of the trade waste customer charter to these customers, rather than to “provide” a copy. This can be readily achieved via website links to the charter, but water businesses are expected to advise the customer where to find the link. This can be achieved via a generic statement on the non-residential customer’s bill which includes the relevant web address.

Clause 10.2 requires water businesses to provide a copy of the trade waste charter to their existing trade waste customers within six months of the commencement of the code, and to all new trade waste customers within one month of them entering into an agreement. This clause has been amended in the Final Code to specifically exclude the trade waste customers with agreements arising by customer conduct from this requirement.

4.3 Inclusion of Melbourne Water

Melbourne Water does not have any direct trade waste customers, but does play a key role in the management of trade waste for the metropolitan Melbourne area. As such, there are requirements of the trade waste customer service code that will apply to Melbourne Water, and some requirements that do not.

In the Draft Code, we included Melbourne Water as a Metropolitan Water Business, and thereby as a “water business” for the purposes of the code. We asked if this was a suitable approach for addressing Melbourne Water’s role in trade waste management. Responses from Melbourne Water, City West Water and South East Water suggested that it did not adequately address Melbourne Water’s role. As most of the code’s clauses do not apply to Melbourne Water, it was suggested that the code could be modified to specifically describe Melbourne Water’s role.

The Final Code has been amended to specifically mention Melbourne Water in those clauses that apply to its trade waste function, namely clauses 6.2(c), 6.5(c), 6.5(d), 7.2, and 8.

Clauses 6.5(c) and (d) pertain to responding to applications for customer-specific acceptance criteria. Melbourne Water is considered to have received an application when it receives the referral from the customer’s water business, and its response is to be directed back to that water business.

4.4 Acceptance Criteria Change Approval

The Commission considers that the trade waste acceptance criteria applied by a water business to determine whether trade waste should be accepted into their

sewer is effectively a service standard. Any change to the statement of approved acceptance criteria for a sewerage catchment is a change to a service standard, and will require an appropriate consultation and review process. Clause 6 of this trade waste code requires that a water business must have and comply with such a process.

The Commission considers that each water business is best placed to determine the capabilities and manage their own sewerage catchment and treatment systems. As such each water business should be responsible for maintaining its own sets of acceptance criteria and for the change management process.

Regional water businesses currently manage their own acceptance criteria lists, either through by-laws or through trade waste policies supported by by-laws. The metropolitan retailers, however, are currently obliged to accept trade waste that complies with a comprehensive set of criteria listed in their Statement of Obligations issued by the Minister for Water. The Department of Sustainability and Environment will arrange for the Statements of Obligations for the metropolitan retailers to be amended to remove this reference to acceptance criteria, thereby allowing all water businesses to maintain and manage their own acceptance criteria.

In order to ensure that trade waste customers' interests are protected, the Commission will assess each proposed change to a water business's acceptance criteria, where that criterion change will apply to the whole sewer catchment or to a number of customers. Water businesses may only amend their statement of approved acceptance criteria once their proposal has been approved by the Commission.

The Commission's assessment will consider the drivers for the change and the process undertaken by the water business to arrive at the new proposed acceptance criterion value, including their stakeholder involvement and consultation program, and their assessment of potential impact on customers. The Commission will also assess the technical aspects considered by the water business in determining the limiting factors for the proposed criterion value, but will not judge whether the proposed value is technically correct. Responsibility for ensuring the protection of personnel, the sewerage facilities and treatment processes, and the environment remains fully with the water business.

In essence, an approval by the Commission to amend the statement of approved acceptance criteria is a confirmation that customer impact has been duly assessed. It does not verify the accuracy of the actual criterion value being approved.

Where a water business chooses to provide a customer with their own customer-specific acceptance criteria, the Commission considers this to be a negotiated arrangement between the water business and the customer, and does not need to approve the consultation process. However, the recommendations in the Department of Sustainability and Environment's trade waste review specifically required that the Commission oversee approvals outside of the published acceptance criteria, to ensure transparency and consistency, and to see that they remain in the public interest. The code requires water businesses to maintain a register of all requests for customer-specific acceptance criteria, including those that are not granted, and to report to the Commission periodically.

5.1 Developing Trade Waste Customer Charters

Clause 10.2 of the Code requires that water businesses will need to develop a Trade Waste Customer Charter in consultation with their customers, have it approved by the Commission, and provide a copy to trade waste customers, by 30 June 2012, six months from the commencement of this Code.

It is envisaged that the charter will also serve to act as a default agreement for those trade waste customers with agreements arising by customer conduct (clause 4.4 of the Code) by specifying the standard terms and conditions and providing reference to the required particulars specified in clause 9.2 of the Code. The Commission also expects that the charter can become the reference document to meet many of the requirements of clause 4.3 of the Code, matters to be dealt with by a trade waste agreement, for the simpler forms of agreement offered by a water business.

A working group has been established with assistance from VicWater to develop a generic Trade Waste Customer Charter that meets the requirements of this Code. Water businesses may adopt this generic charter as a basis for preparing their own charter. This will reduce the administrative burden on water businesses, and help to ensure a consistent interpretation and approach to trade waste management across Victoria.

Alternatively, water businesses may prefer to develop their own charter.

Table 5.1 outlines the Commission's proposed timeline for the Charter development and approval process. The Commission anticipates that the process of reviewing and approving each of the Customer Charters for the 16 relevant businesses would be likely to take at least two months. The Commission therefore requires each business to submit its charter for approval no later than 30 March 2012 to ensure it can be approved by 31 May 2012 and will be ready for circulation to customers by 30 June 2012.

Table 5.1 **Timetable for developing, approving and circulating Customer Charters for trade waste customers**

<i>Period</i>	<i>Activity</i>
Sept – Dec 2012	Working group develops generic trade waste customer charter, in consultation with the Commission. Businesses may prefer to work on their own customer charters
Jan – March 2012	Businesses complete their individual charters in consultation with customers, and submit charters to the Commission for approval
April – May 2012	ESC assesses charters against Trade Waste Customer Service Code, approves charters and advises water businesses by 31 May 2012
30 June 2012	Water businesses provide copies of their Trade Waste Customer Charter to all trade waste customers.

The Commission will endeavour to turn around approval of charters as quickly as possible after they are received. The timing of the approval process is highly dependent on the state of the charters submitted. The Commission is confident that businesses will have a clear understanding of their requirements and that the development and approval process will meet the proposed timelines. Businesses are encouraged to submit their charters earlier if they are ready ahead of the above schedule.

5.2 Acceptance Criteria

The provisions in clause 6 of the Code will become effective from 1 January 2012, establishing the Commission as the approver of changes to the trade waste discharge acceptance criteria, in essence approving a change to a customer service standard. The Department of Sustainability and Environment will amend the Statement of Obligations to the metropolitan retail water businesses to remove the reference to the Trade Waste Acceptance Standards and the standards themselves, set out in Schedule B of the Statement of Obligations.

5.2.1 Approved Acceptance Criteria

Water businesses will be required to prepare their own statement of approved acceptance criteria for each sewerage catchment system, in accordance with clause 6.1 of the Code, prior to the commencement of the Code.

These statements are to also be provided to the Commission to form a master set of acceptance criteria.

Any subsequent changes to these statements of approved acceptance criteria will be subject to the Commission's approval, in accordance with clauses 6.3 and 6.4 of the Code.

5.2.2 Customer-specific Acceptance Criteria

Water businesses will be required to establish their register of active customer-specific acceptance criteria, and to record all applications for customer-specific acceptance criteria or for amendments to customer-specific acceptance criteria, in accordance with clause 6.5 of the Code.

The first statement reporting any applications or changes to the register, as required by clause 6.5(h), will be for the quarter ending on 31 March 2012. Prior to the commencement of the Code, the Commission will provide water businesses with a template for recording and reporting these customer-specific acceptance criteria changes.

5.3 Monitoring businesses' compliance with the Code

Under section 4F(6) of the *Water Industry Act 1994*, each water business is required to comply with any provision of a Code which applies to that business. It is the responsibility of each business to ensure that it complies with the provisions of the Trade Waste Customer Service Code. In the event that a business believes it is unlikely to be able to comply with specific provisions of the Code from 1 January 2012, it should discuss the matter with Commission staff and indicate what steps will be taken to achieve compliance as soon as possible. The Commission expects to monitor compliance with Code requirements as part of its risk-based auditing framework.

The Commission liaises on a regular basis with the Energy and Water Ombudsman (Victoria) in relation to the nature of enquiries and complaints being made to its office, and will consider whether there are matters of non-compliance with the Code emerging.

5.4 Amendment and updating of the Code

As outlined in Part A of the Code, the Commission may amend the Code in response to proposals by water businesses or other stakeholders. Before making any amendments, the Commission will consult with stakeholders in accordance with the Commission's *Charter of Consultation and Regulatory Practice* and give reasonable notice to water businesses of any amendments.

APPENDIX A | SUMMARY OF SUBMISSIONS AND COMMISSION RESPONSES

<i>Submission</i>	<i>Final Code Clause</i>	<i>Draft Code Clause</i>	<i>Issue</i>	<i>Action</i>
Barwon Water	1.1	1.1	Clause 1.1 states "subject to the receipt of any application fee..." Barwon Water does not charge a fee until after the assessment. Requests wording be changed to remove this reference.	The code requires water businesses to consider any application for trade waste discharge. The reference to a fee was included to ensure water businesses were not burdened with spurious applications. The Final Code has been amended to "receipt of an application fee (if there is one)". If there is no up-front fee payable, then the intent of this clause is met.
	6.1(c)	6.1(c)	Requests that the date at which existing acceptance criteria becomes the approved acceptance criteria (1 July 2011 in the draft code) align with the commencement of the code (1 January 2012).	The Code provides time ahead of the commencement date to prepare the statements of approved acceptance criteria, and have them in place on commencement. If a water business wishes to change their criteria in the interceding months, they should discuss this with the Commission. The date for establishing the approved acceptance criteria has been amended to 1 October 2011 to better align with the release of the Final Code.
	10	10	Questions whether this clause requires a hard copy to be provided to all customers. Asks if posting on their website would suffice.	The Final Code has been amended to exclude customers with agreements arising by customer conduct from this requirement. A soft copy would be appropriate here, but the customer must be advised that it is available on the website.

<i>Submission</i>	<i>Final Code Clause</i>	<i>Draft Code Clause</i>	<i>Issue</i>	<i>Action</i>
Central Highlands Water	4.4(a)	4.4(a)	Suggests that use of the word “small” trade waste quantities is open to interpretation. Proposes to remove the word “small”.	Granting consent by this approach is at the discretion of the water business, so the whole concept is open to interpretation. The Commission sees no need to amend the Code.
	4.4(b)	4.4(b)	Concerned that this clause requires the water business to provide each deemed trade waste customer with a consent, which would be a significant impost on the business. Also the requirement to “notify” such customers that they have entered into an agreement.	This is not the Commission’s intent. The “agreement” required by the legislation can be provided via the Trade Waste Customer Charter, and the notification can be achieved via simple means. This issue is discussed in detail in chapter 4.2 of this Final Decision.
	4.4(c)	4.4(c)	Propose a change from “provide a copy” of the charter to “make available”.	The Final Code has been amended from “provide a copy” to “make available”.
	4.5(a)&(b)	4.5	Points out that this clause was added after the working group process and the requirement to obtain the customer’s signature for a change to an agreement may be difficult in some situations.	This clause was added to ensure agreements are not changed without the customer’s awareness. The Final Code has been amended to require a notification in writing for changes instigated by the water business, and signed when the change has been negotiated by both parties.
	5	5	Concerned that this clause restricting prices to those specified in the water business’s price determination may prevent recovery of costs associated with negligent or non-compliant discharges.	The price determination sets fees and charges for defined services. Recovery of costs for damages does not constitute a fee for a service, and hence falls outside the intent of this clause.
	6.5(h)	6.5(g)	Suggests that the requirement to report within 20 business days after the end of each quarter be changed to align with existing quarterly KPI reporting	This reporting is separate to the KPI reporting, so it does not need to be aligned. However, the 20 days has been extended to 25 business days in the Final Code.

<i>Submission</i>	<i>Final Code Clause</i>	<i>Draft Code Clause</i>	<i>Issue</i>	<i>Action</i>
	Definitions	Definitions	Believe that a definition for “deemed” trade waste customers should be included in Part E of the Code.	With the rewrite of clause 4.4, the term “deemed trade waste customer” is no longer used in the Final Code.
City West Water	4.4	4.4	Suggests that communications with the deemed trade waste customers be through more generic approaches.	This issue is discussed in detail in chapter 4.2 of this Final Decision.
	4.5	4.5	Raises the concern that obtaining signatures for changes to agreements for many smaller customers would be very onerous.	See response to Central Highlands Water above – the Final Code has been amended to address this concern.
	10.3	10.3	Suggests that notification of changes to the charter should not necessarily be tied to the issuing of the next trade waste bill, as the trade waste contact is not always the receiver of the bill.	Final Code has been amended to require notification of changes to the charter “within the next billing cycle”.
Coliban Water			No concerns with the Draft Code.	
East Gippsland Water	3	3	States they EGW will engage an external consultant to conduct a risk assessment when assessing an application. Requests ability to pass on this cost to the customer.	This is a pricing matter and should be addressed in the fee for application for the various trade waste classifications in EGW’s price determination. The Code does not prevent passing this cost on to the customer.
	6	6	Raises a general concern about the level of control of change to acceptance criteria, and suggests a far easier process be included in the Code.	Changing acceptance criteria is effectively a change in a service standard, and the process proposed in the Code simply requires a robust and consultative process for doing so, with an approval step by the Commission to ensure a due process has been applied. The Commission does not believe the proposed process is overly onerous, and sees no need to change it.

<i>Submission</i>	<i>Final Code Clause</i>	<i>Draft Code Clause</i>	<i>Issue</i>	<i>Action</i>
	6.5(h)	6.5(g)	Notes that with few trade waste customers, changes to customer-specific criteria will be infrequent. Suggests reporting only when a change has occurred.	The Final Code has been amended to require periodic reporting of only any changes to the register. If no changes, businesses will only need to report "no change".
Gippsland Water			No concerns with the Draft Code. Prefers unique customer classification processes.	See discussion in section 4.1 of this Final Decision.
Goulburn Valley Water	6.1	6.1	Suggests that the Code should allow for a common statement listing the applicable sewerage systems where the acceptance criteria are common.	The Commission is supportive of this approach, and does not feel that the Code needs to be changed to specifically provide for this.
	6.5(h)	6.5(g)	Suggests annual reporting of customer-specific acceptance criteria changes would be more appropriate for some businesses.	The Final Code has been amended to require periodic reporting of only any changes to the register. If no changes, businesses will only need to report "no change". Quarterly reporting will not be onerous, and will allow the Commission to gain a quick understanding of this new area of regulation.
	8	8	Suggests that the capacity planning section duplicates functions pursuant to S173(a)&(b) of the Water Act 1989, and is an unnecessary duplication in the Code.	The requirements in clause 8 of the Code expand on the requirements of the Act as they specifically apply to the management of trade waste services.
Lower Murray Water	4.1(a)	4.1(a)	Asks whether the different forms of agreement includes the simplified "Consent to Discharge" commonly used for minor customers.	The Code does not specify the different forms of consent, but does specify what they must include or provide reference to. Simplified forms of agreement that meet these requirements are certainly supported.
	4.3	4.3	Suggests reference to the receiving treatment plant is unnecessary on the simpler forms of agreement.	Specifying the receiving treatment plant provides a link to the applicable statement of approved acceptance criteria for that sewerage system, which will be available for the customer to peruse.

<i>Submission</i>	<i>Final Code Clause</i>	<i>Draft Code Clause</i>	<i>Issue</i>	<i>Action</i>
	4.4(b)	4.4(b)	Similar concern to that raised by Central Highlands Water, above.	This issue is discussed in detail in chapter 4.2 of this Final Decision.
	6.1(a)	6.1(a)	LWM asks a number of questions seeking clarification on the purpose of maintaining a statement of approved acceptance criteria, and how it would apply to their situation.	LMW did not participate in the working group process, where these matters were discussed in detail. The Commission will discuss this with LMW directly to explore their concerns.
	6.3(b)	6.3(b)	Asks if the application for approval for acceptance criteria changes applies only when multiple customers will be affected.	The approval process covered in clause 6.3 applies to changes to the statements of approved acceptance criteria. Changes to customer-specific acceptance criteria are at the water business's discretion, and are captured on the register, as described in clause 6.5 of the Code.
	6.5(h)	6.5(g)	LMW does not agree with the requirement to provide quarterly statements if there have been no changes to customer-specific acceptance criteria.	The changes made to the Final Code simplify this reporting requirement. A simple "no change" report is all that is required if there have been no changes.
	9	9	LMW recommends the development of a generic customer charter suitable for all Victorian water businesses, which can then be tailored to suit each business's needs.	This suggestion arose in the working group sessions, and VicWater has helped arrange a separate working group to address this. See section 5.1 for more details.
	10.2(a)	10.2(a)	LMW believes that charters need not be provided to deemed customers.	The Final Code has been amended to exclude customers with agreements arising by customer conduct from this requirement.
Melbourne Water			Suggests the preparation of a supporting document to accompany the release of the Final Code.	This Final Decision paper supports the Code, providing clarification on intent and addressing stakeholder concerns and queries.

<i>Submission</i>	<i>Final Code Clause</i>	<i>Draft Code Clause</i>	<i>Issue</i>	<i>Action</i>
			In the Draft Decision paper the Commission asked if Melbourne Water's unique role in trade waste management has been adequately addressed by the Code. MW suggests that the code should be modified to specifically describe their role and the applicability of the code to MW. The MW submission provides further detail to assist with this.	<p>The Final Code has been amended to remove Melbourne Water from the definition of a Metropolitan Water Business, and therefore the general reference in the Code to "a water business" no longer applies to MW. The Code has been modified throughout to specifically mention when and how a clause applies to Melbourne Water</p> <p>This issue is discussed in detail in chapter 4.3 of this Final Decision.</p>
	3.2(b)	3.2	Does not specifically require the customer to provide a copy of their own risk assessment to the water business(es) impacted by the risk.	The Commission cannot directly impose requirements on customers, only on the water businesses as the regulated entities. We have added a new clause 3.2(b) enabling a water business to require the customer to discuss the findings of the customer's risk assessment with the water business.
	6.2(b)	6.2(b)	MW advises that the National Wastewater Source Management Guideline published by the Water Services Association of Australia is currently being reviewed, and will be renamed to the Australian Wastewater Quality Management Guideline later in 2011.	The Commission has confirmed this with WSAA, and the Final Code has been amended accordingly to include both the new name and the current name of the guideline.
	6	6	MW asks about the changes to the approval processes for acceptance criteria changes, the storage of official master lists, etc.	This issue is discussed in detail in chapter 4.4 of this Final Decision.
	6.5(e)-(h)	6.5(e)-(g)	Some questions around the customer-specific acceptance criteria register. Does this mean maintaining a register of all applications, including those rejected.	Yes. The Final Code has been amended to clarify the requirements around the customer-specific acceptance criteria register and reporting.

<i>Submission</i>	<i>Final Code Clause</i>	<i>Draft Code Clause</i>	<i>Issue</i>	<i>Action</i>
	7.1(b)	7.1(b)	Clause 7.1(b) refers to clause 3.1(d) which does not exist, and reference to clause 3 here seems unrelated to dispute resolution.	Clause 7.1 refers to clause 3 of the <i>urban water customer service code</i> , which already specifies requirements for complaint and dispute resolution processes. Clause 7 in the Trade Waste Customer Service Code expands on these existing requirements to specifically address trade waste matters.
	7.2	7.2	Does not appear to address the issue regarding dispute between two water businesses.	The Water Industry Regulatory Order (WIRO) already specifically provides for this role for the Commission in clause 20, "disputes between regulated entities". This Code is designed to deal with matters between a water business and its trade waste customers.
	8	8	Capacity planning should encompass more than just trade waste treatment. Also, MW will need to consult with the metropolitan retail water businesses and vice versa to assist with each other's business planning processes.	<p>The scope of the Code limits clause 8 to trade waste matters only, although the Commission certainly supports a more holistic approach to business and capacity planning.</p> <p>The Final Code has been amended to include a statement that water businesses must consult where trade waste services are reliant on another business.</p>
	8(c)	8(c)	Capacity planning should consider alternatives to just accommodating increases in capacity.	<p>The Final Code has been amended to refer to "changes in demand" rather than "growth".</p> <p>The Code is not prescriptive in how water businesses are to address changes in demand, only that they should identify existing limits and likely changes.</p>
South East Water	2.3	2.3	SEW asked whether a water business must explain the process for classification to all customers, or only those who ask.	The Final Code has been amended to include "if requested".

<i>Submission</i>	<i>Final Code Clause</i>	<i>Draft Code Clause</i>	<i>Issue</i>	<i>Action</i>
	4.3	4.3	Suggests that the list of requirements for inclusion in an agreement is too extensive for simpler customers.	The Commission believes the listed requirements are necessary for all agreements, however many of these requirements can be met through reference to another document, for example the trade waste customer charter. This will still allow a simpler form of agreement to be used for many customers.
	4.4(b)	4.4(b)	Identifying all deemed customers to advise them that they have entered an agreement is very onerous. Suggests a more generic way be found. A similar issue was raised by City West Water and by Central Highlands Water.	This issue is discussed in detail in chapter 4.2 of this Final Decision.
	4.5(a)&(b)	4.5	SEW seeks clarity on this clause and notes that it does not make amendments to an agreement within the term of the agreement.	This clause has been amended in the Final Code and the intent should be clearer now. See also the response to Central Highlands Water above.
	6.1(c)	6.1(c)	Similar comment to Barwon Water regarding the date aligning with the commencement date of the Code.	See response to Barwon Water above.
	6.4(b)	6.4(b)	Notes that the Commission has 80 days to respond to an application to change acceptance criteria, while water businesses have 20 days for customer-specific acceptance criteria applications. Suggests that reduce Commission to 20 days to respond to the water business.	<p>The 80 days specified in the Code refers to the time for the Commission to make a decision on the application.</p> <p>The Commission will acknowledge receipt of an application at the time of receiving it, and liaise with the applicant throughout the assessment process as required. Furthermore, a provision in clause 6.3(b)(i) requires a water business to notify the Commission when they are commencing the process, so the Commission will be involved before the application is submitted.</p>

<i>Submission</i>	<i>Final Code Clause</i>	<i>Draft Code Clause</i>	<i>Issue</i>	<i>Action</i>
	6.5(d)	6.5(d)	SEW suggests that where the Code requires a "statement of reasons" to be provided, it should formally recognise evidence based decision making.	The Commission expects that a statement of reasons will contain a sufficient level of detail to satisfy the customer concerned, lest the customer initiate a complaint or dispute process in order to receive sufficient detail.
	10.3	10.3	Similar comment to City West Water regarding timing and method of notification to customers of changes to the trade waste customer charter.	The Final Code has been amended to require notification of changes to the charter "within the next billing cycle".
South Gippsland Water	10.2	10.2	SGW requests that the time to provide a copy of the charter to customers be extended by a year to July 2013.	The Commission believes the proposed timeframe to develop a charter is reasonable and achievable, particularly with the development of the generic charter to assist water businesses.
Wannon Water	6.5(h)	6.5(g)	Suggests that the reporting timeframe for changes to customer-specific acceptance criteria be extended to annual reporting if there are no changes.	The changes made to the Final Code simplify this reporting requirement. A simple "no change" report is all that is required if there have been no changes.
			Suggests that the Commission provide a template register for the recording of both acceptance criteria and customer-specific acceptance criteria.	The Commission does intend to provide a template for the customer-specific acceptance criteria (see section 5.2.2). Consideration was given as to whether this could extend to the statement of approved acceptance criteria as well, but the structure of these is quite specific for each business. Existing documents can be easily modified to meet this requirement.
Western Water			No concerns with the Draft Code.	
Yarra Valley Water	6.4(b)	6.4(b)	Similar issue to that raised by South East Water regarding the 80 day period to respond to an application for change to acceptance criteria.	See response to South East Water above.

<i>Submission</i>	<i>Final Code Clause</i>	<i>Draft Code Clause</i>	<i>Issue</i>	<i>Action</i>
Energy and Water Ombudsman (EWOV)			Satisfied that the Code does not propose any change to EWOV's current role, and welcomes additional dispute resolution mechanisms in clause 7 of the Code.	
			Recommends businesses take a uniform approach to their charters for consistency across the industry.	A generic charter is being developed, as described in section 5.1 of this paper.
Australian Industry Group (AiGroup)			Very supportive of the Draft Code, pointing out key improvements that will benefit members and help to address current deficiencies in trade waste management.	
Plastics and Chemicals Industry Association (PACIA)	Part A	Part A	Suggest including in the "purpose" section a reference to enabling integrated water management and greater sustainability of Victorian industry and community, by adding "for efficient and sustainable water treatment and supply".	Whilst the Commission certainly supports this sentiment, it is not actually a purpose or function of the customer service code, and so will not be included. The Code has been designed to support such policies and programs by being completely transparent to them.
	2.1(c)	2.1(c)	Suggests renewal fees should reflect the amount of work to complete the renewal, not the complexity of the original agreement. Customers with complex agreements should not be penalised with higher renewal fees when the discharge is consistent from one agreement to the next.	The Commission notes the logic behind PACIA's position, but sees this as a matter for the Price Review process where water businesses propose their fee structures, not for this Code. PACIA has agreed for this comment to be included as a submission to the Commission's Tariff Issues Paper.
	3.2(b) & (c)	3.2	The existing clauses do not require water businesses or customers to consider or discuss the findings of a risk assessment conducted by the customer. Suggest an additional clause 3.2(c) to do so.	New clause 3.2(b) inserted to enable a water business to require a customer to discuss the findings of the risk assessment. This also provides a linkage between the assessment and the identification of any new risk mitigation requirements.

<i>Submission</i>	<i>Final Code Clause</i>	<i>Draft Code Clause</i>	<i>Issue</i>	<i>Action</i>
	6.4(b)	6.4(b)	Similar issue to that raised by South East Water regarding the 80 day period to respond to an application for change to acceptance criteria.	See response to South East Water above.
	8(b)&(c)	8(b)&(c)	PACIA points out that the capacity planning section anticipates all changes in sewage and trade waste will be via growth. Suggest "changes" instead of increase or growth, to allow for other factors, such as reduced volumes leading to greater concentrations, etc.	The Final Code has been amended to "changes" as suggested by PACIA.
			Generally very supportive of the Draft Code.	
Qenos			Takes no exception to any part of the Draft Code, pointing out key features that will be beneficial to ongoing trade waste management.	
Child Care Centres Association of Victoria (CCCAV)			CCCAV believes that the Code should remind stakeholders of the approaches and principles to be used in setting trade waste pricing.	The Commission believes it is not appropriate that the principles themselves be duplicated in a customer service code. Clause 5 of the Code makes reference to the prices and pricing principles set out in a water business's price determination. The Price Review process is a public consultation process for water businesses to establish their tariff structures and prices, and customers have an opportunity to participate in this process if they wish.
			CCCAV suggests that as part of their dispute resolution role, EWOV will not be able to consider approaches and principles for price setting if they are not readily transparent.	EWOV's role in dispute resolution does not extend to matters related to pricing. Such matters are referred to the Commission.

APPENDIX B | SUMMARY OF FINAL DECISION

Final Code Clause

Draft Code Clause *The Final Decision*

Part A - Introduction

Removed reference to the code being made under section 47 of the Essential Services Commission Act 2001, as section 4F of the Water Industry Act 1994 provides sufficient powers for this code.

Expanded fourth paragraph to better link the Trade Waste Customer Service Code to the existing Customer Service Code for Metropolitan Retail and Regional Water Businesses.

Application

Application

Added provision that amendments or extensions to existing agreements made after the commencement of the code must be consistent with the code.

Part B – Provision of Trade Waste Services

Amended Part B title to “**Provision of Trade Waste Services**”.

1 Application to Discharge Trade Waste

1

1.1 Consider application

1.1

Added the words “(if there is one)” to ensure it is clear that it is not necessary for an applicant to pay an up front application fee if one does not apply.

1.3

1.3

Clause 1.3 heading changed from “Declining an application” to “Rejecting an application”.

<i>Final Code Clause</i>	<i>Draft Code Clause</i>	<i>The Final Decision</i>
2 Classification of Trade Waste Customers	2	
2.1	2.1	Clause 2.1 heading changed to "Classification requirement and purpose"
2.1(g)	2.1(g)	Changed wording to reflect the rewrite of clause 4.4, "deemed to have an agreement" replaced by "with an agreement by conduct"
2.3	2.3	Clause 2.3 heading changed to "Explanation of basis for classification". Added "if requested" so that water businesses do not need to explain to every trade waste customer how its classification was determined. Also changed the reference to the customers' classification from "their" to "its".
3 Risk Identification and Mitigation	3	
3.1	3.1	"...the customer's trade waste..." changed to "...a customer's trade waste..."
3.2(b) & (c)	3.2(b)	Added new clause 3.2(b) for a water business to require a customer to discuss the findings of a risk assessment conducted by the trade waste customer. This also provides a link between the customer's own risk assessment and identifying any additional requirements arising from it. Draft Code clause 3.2(b) has become 3.2(c) in the Final Code, with "of its trade waste discharge" added to clarify cause of impact.
4 Trade Waste Agreements	4	
4.2	4.2	Sentence wording rearranged for clarity.
4.3(a)(vi)	4.3(a)(vi)	Added "permitted" to describe the activities conducted on the premises.
4.4	4.4	Clause 4.4 heading changed to "Agreements arising by customer conduct" and the clauses have been amended to provide a better contract under contract law. Reference to "deemed customers" has been removed. This change is discussed in more detail in chapter 4.2 of this Final Decision.

<i>Final Code Clause</i>	<i>Draft Code Clause</i>	<i>The Final Decision</i>
4.4(a)	4.4(a)	This clause has been redrafted to link the arising of an automatic agreement or consent to customer conduct, which is consistent with contract law principles. Also deleted the words “and with or without charge”.
4.4(b)	4.4(b)	This clause has been redrafted consistent with the redrafting of clause 4.4(a). Also removed the square brackets from the second part of the paragraph.
4.4(c)	4.4(c)	Clause amended to allow water businesses to make the trade waste customer charter available to customers rather than specifically provide a copy. Removed words “still provide...with” and replaced with “make...available on its website and provide a hard copy upon request”. Also replaced “deemed trade waste customer” with “customer with an agreement arising under clause 4.4(a)”.
4.5(a) & (b)	4.5	This clause regarding amendments made to an existing trade waste agreement has been redrafted to require that agreements provide for notice to the customer in writing where the water business makes the amendment, or the amendment must be in writing and signed by both parties.
5 Fees and Charges	5	
5	5	“Prices...” replaced with “Fees and charges...”. Also, “prices and pricing principles” changed to “prices or pricing principles”.
6 Acceptance Criteria	6	
6.1(c)	6.1(c)	Added “Subject to clause 6.4...” to beginning of this clause. The date at which existing acceptance criteria will be taken to be the statement of approved acceptance criteria on commencement of the code has been amended from 1 July 2011 to 1 October 2011.
6.2(b)	6.2(b)	Clause amended to recognise that the National Wastewater Source Management Guideline, published by the Water Services Association of Australia Ltd., will be renamed to the Australian Wastewater Quality Management Guideline later in 2011. Changed “should” to “must” have regard to the guideline. Also changed water business reference from plural to singular.

<i>Final Code Clause</i>	<i>Draft Code Clause</i>	<i>The Final Decision</i>
6.2(c)	6.2(c)	Clause amended to specifically include Melbourne Water as a potential other water business involved in the transport or treatment of trade waste that must be consulted or involved in the process to change or establish acceptance criteria applicable to that trade waste.
6.3(a)	6.3(a)	Changed "the statement" to "a statement". Added "prior written" requirement for Commission's approval.
6.3(b)(i)	6.3(b)(i)	Added requirement to notify all stakeholders and removed the word "interested" regarding stakeholders. Replaced "the relevant government department" with "the Commission" as a stakeholder that must be notified, to reflect this new role for the Commission now that it has been confirmed. Removed the word "potential" to require consultation on the actual proposed change rather than just the issue.
6.3(b)(iii)	6.3(b)(iii)	Changed "any submissions received" to "all submissions received (if any)".
6.3(b)(vi)	6.3(b)(vi)	Removed square brackets around "from the last date a stakeholder is notified".
6.4(b)(i)	6.4(b)(i)	Sentence wording rearranged for clarity.
6.5(c)	6.5(c)	Clause amended to specifically include Melbourne Water as a water business that must respond to an application for customer-specific acceptance criteria within 10 business days. The "application" for Melbourne Water would be the receipt of the referral from the customer's retail water business, and the response is to that water business.
6.5(d)	6.5(d)	Clause amended to specifically include Melbourne Water as a water business that must provide a clear statement of reasons if it rejects or accepts with amendments an application for customer-specific acceptance criteria. Changed "customer" to "applicant" and specified that Melbourne Water would respond to the referring retail water business, rather than directly to the trade waste customer. Also changed "rejection" to "decision".
6.5(e)	6.5(g)(i)	New clause 6.5(e) drafted to specify the requirements around maintaining a register of all customer-specific acceptance criteria that have been established. This clause effectively replaces and expands on the former clause 6.5(g)(i).

<i>Final Code Clause</i>	<i>Draft Code Clause</i>	<i>The Final Decision</i>
6.5(f)	6.5(e)	Added word “all” to specify that “the register must include all applications for customer-specific acceptance criteria...”, whether accepted or rejected. Also added the requirement to include the water business’s decision and the basis for that decision.
6.5(h)	6.5(g)(ii)	Redrafted the clause to only require periodic reporting of all changes to the register during that period. Added that the form of the statement will be provided by the Commission. Also extends the timeframe for reporting from 20 business days after the end of each quarter out to 25 business days.
7 Dispute Resolution	7	
7.1(b)(ii)	7.1(b)(ii)	“The opportunity to request that the Commission consider the matter” has been amended to “...consider whether the water business has complied with this code, the customer service code or a price determination.” This better reflects the powers of the Commission with regards to the regulation of trade waste matters.
7.2	7.2	Clause amended to specifically include Melbourne Water as a water business other than the customer’s water business that might be related to the customer’s complaint.
<hr/> <i>Part C – Capacity Planning</i> <hr/>		
8 Capacity Planning	8	
8(b) & (c)	8(b) & (c)	Amended clauses to reflect that future impacts on trade waste treatment capability may not all come from increases or growth. Amended words “increases” becomes “changes” and “demand growth” becomes “changes in demand”.
8	8	Added a statement that where a water business relies on another water business or Melbourne Water for sewerage and trade waste services, the business concerned must consult with that other water business or Melbourne Water (as the case may be) when planning.

Part D – Customer Charters

9 Trade Waste Customer Charter**9**

9.1(a)	9.1(a)	Added provision for a water business to develop a trade waste section in its existing customer charter as an alternative to developing a standalone trade waste customer charter.
9.2(c)	9.2(c)	Replaced “the trade waste regulations” with “the water law applicable to the water business’s trade waste functions”.
9.2(d)	9.2(d)	Added that it is an offence “under water law”, added the sewerage system “of a water business” and replaced “in the absence of” with “other than in accordance with” a trade waste agreement.
9.2(g)	9.2(g)	Added “procedures” to the list requiring explanation in the charter.

10 Provision of Information**10**

10.2(a) & (b)	10.2(a) & (b)	Added “(other than trade waste customers with an agreement arising under clause 4.4(a))” with regards to the requirement to provide a copy of the trade waste charter.
10.3	10.3	Amended clause to require customers to be informed of material changes to the charter “within the next billing cycle” rather than “on or with the next bill sent to the customer”.

Part E – Interpretation and Definitions

Definitions

Acceptance criteria

Replaced “used” with “applied by a water business”.

Final Code Clause

Draft Code Clause The Final Decision

EWOV

Deleted from definitions, as EWOV is not actually mentioned in this Final Code. EWOV's role in dispute resolution is defined in section 3 of the urban water customer service code, which is referenced in clause 7 of this code, and has not been altered at all by the introduction of this code.

Melbourne Water

Added definition for Melbourne Water.

Metropolitan water business

Removed Melbourne Water Corporation from this definition.

Regional water business

The Draft Code referred to a regional urban water corporation constituted under the Water Act 1989, however this does not specify that a water corporation is "regional urban". The Final Code now refers to a Regional Urban Water Authority as defined in section 4A of the Water Industry Act 1994.

Sewer

Replaced "...in the relevant water law" with "...in section 3 of the Water Act 1989"

Sewage

Replaced "...in the relevant water law" with "...in section 3 of the Water Act 1989"

Trade waste customer

Removed square brackets, added "or intends to discharge" to include applicants for the purposes of this code.

Interpretations

(c)

New

Added clause regarding Commission's interpretation of the code in determining whether a water business has complied with the code.

(d)

New

Added clause "A reference to legislation includes subordinate legislation and other instruments under them, and amendments or replacements of any of them."

(e)

New

Added clause "A reference to codes, determinations, guidelines or statements of obligations includes a reference to amendments or replacements of any of them."