

Community Wastewater Management System and Recycled Water Customer Hardship Policy



Record number	D19/25737
Responsible Manager	Manager Finance and Rating Operations
Other key internal stakeholders	Director Organisational Services and Excellence Director Assets and Environment Manager Civil and Water Operations
Last reviewed	19 June 2019
Adoption reference	Policy & Strategic Development Committee
Resolution number	17
Previous review dates	18/10/17, 9/09/14
Legal requirement	Under section 37(3) of the <i>Water Industry Act 2012</i> , a water industry entity must adopt a customer hardship policy published by the Minister under this section; or with the approval of the Commission, adopt such a policy with modifications.
Due date next review	2022

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PURPOSE

This policy sets out:

- Processes to identify residential customers experiencing payment difficulties due to:
 - Hardship
 - Identification by Council
 - Self-identification by a residential customer
 - Identification by an accredited financial counsellor
 - Welfare agency
- An outline of a range of processes or programs that Council will use, or apply, to assist Council's customers who have been identified as experiencing payment difficulties.

POLICY

Identifying residential customers experiencing financial hardship

A residential customer experiencing financial hardship is someone who is identified by themselves, by Council, by an accredited financial counsellor, or by a welfare agency as having the intention, but not the financial capacity, to make required payments in accordance with Council's payment terms.

There are two types of financial hardship: ongoing and temporary. Depending on the type of hardship being experienced, hardship customers will have different needs and will require different solutions.

Residential customers that are identified as experiencing ongoing hardship are generally those on low or fixed incomes. These customers may require ongoing assistance.

Residential customers that may be identified as experiencing temporary hardship are those that have experienced a short-term change in circumstances, such as:

- Serious illness
- Disability or death in the family
- Loss or change in income
- Separation
- Divorce or other family crisis
- A loss arising from an accident
- Or some other temporary financial difficulty
- These customers generally require flexibility and temporary assistance, such as an extension of time to pay or an alternative payment arrangement.

The extent of hardship will be determined by either Council's assessment process or by an external body, such as an accredited financial counsellor.

Where Council assesses a residential customer's eligibility for hardship assistance, Council will consider indicators including (but not limited to) whether:

- The customer is on a Centrelink income and holds a Pensioner Concession Card or holds a Centrelink Low Income Health Care Card
- The customer is eligible for a South Australian Government concession
- The customer has been referred by an Accredited Financial Counsellor or welfare agency

- The customer has previously applied for emergency relief (irrespective of whether or not their application was successful)
- The customer's payment history indicates that they have had difficulty meeting their retail services bills in the past
- The customer, through self-assessment, has identified their position regarding their ability to pay.

Assisting residential customers who are experiencing financial hardship

Council will inform a residential customer of this Policy where:

- It appears to Council that non-payment of a bill for retail services is due to the customer experiencing payment difficulties due to hardship, or
- Council is proposing to install a flow restriction device.

Where a residential customer has been identified as experiencing financial hardship, we will offer the customer, as soon as is reasonably practicable, flexible and frequent payment options that have regard to the hardship customer's usage, capacity to pay and current financial situation. This is to be considered as a Payment Plan for Hardship. These options will include:

- An interest and fee free payment plan
- Centrelink's Centrepay Service
- Other arrangement, under which the customer is given more time to pay a bill or to pay in arrears (including any disconnection or restriction of charges)

Where a residential customer has been identified as experiencing financial hardship, Council will offer the customer, as soon as is reasonably practicable, flexible and frequent payment options that have regard to the hardship customer's usage, capacity to pay and current financial situation. Options may include:

- BPAY
- Direct Debit
- Councils online service
- Centrelink's Centrepay service, or
- Other arrangement, under which the customer is given more time to pay a bill or to pay in arrears (including any disconnection or restriction charges).

Recognising that some residential customers have a short-term financial hardship issue which may be resolved in the near to medium-term, where others may require a different type of assistance for ongoing financial issues.

Council will not charge a residential customer a reconnection charge where that customer is experiencing financial hardship and should have been identified as eligible for this Policy, so long as the customer agrees to participate in Council's hardship program, upon reconnection.

Council will engage in discussion with the hardship customer to determine a realistic payment option in line with the customer's capacity to pay.

Council will work with a hardship customer's financial counsellor to determine the Payment Arrangement for Hardship and instalment amount that best suits the customer and their individual circumstances.

Where a hardship customer's circumstances change, Council will work with the customer, and their financial counsellor, to re-negotiate their payment arrangement.

Council will not require a hardship customer to provide a security deposit.

Council will not restrict a hardship customer's retail services if:

- The customer has agreed to a payment arrangement and continues to adhere to the terms of that arrangement, or
- Council has failed to comply with the requirements of this Policy.

Council will also offer the hardship customer:

- Where appropriate, information about the right to have a bill redirected to a third person, as long as that third person consents in writing to that redirection
- Information about, and referral to, Commonwealth and South Australian Government concessions, rebates, grants and assistance programs
- Information about, and referral to, accredited financial and other relevant counselling and support services, particularly where a customer that is identified as experiencing ongoing financial hardship.

Where hardship customer requests information or a redirection of their bills, Council will provide that information or redirection free of charge.

Council will provide information to the hardship customer on how to reduce usage and improve water efficiency, which may include referral to relevant government water efficiency programs. This will be provided at no charge to the customer.

Council will explain to the hardship customer how and when the customer will be returned to regular billing cycles (and collection), after they have successfully completed the hardship program.

Council will also explain to the hardship customer that they will be removed from Council's hardship program, and be returned to Council's standard collection cycles, including debt recovery, should they cease to make payments according to the agreed payment arrangement or fail to contact Council for a period of greater than 90 days. In the event that a customer is able to demonstrate hardship interest and fines will be waived.

Council will not take any action to remove a customer from Council's hardship program until Council has sent the customer a written notice, allowing them 10 working days from the date of the notice to contact Council to re-negotiate their re-entry into the program.

Payment plans

Council's Payment Plan for Hardship customer will be established having regard to:

- The customer's capacity to pay and current financial situation
- Any arrears owing by the customer, and
- The customer's expected usage needs over the following 12 month period.
- Subject to a customer meeting their obligations interest and fines will be waived when on a payment plan

The payment plan will also include an offer for the hardship customer to pay for their retail services in advance or in arrears by instalment payments at a frequency agreed with the customer (e.g. weekly, fortnightly, monthly or as otherwise agreed with the customer).

Where a payment plan is offered to a hardship customer, Council will inform the customer of an agreement being reached, of:

- The duration of the plan
- The amount of each instalment payable under the plan, the frequency of instalments and the date by which each instalment must be paid
- If the customer is in arrears, the number of instalments to pay the arrears, and
- If the customer is to pay in advance, the basis on which instalments are calculated.

Where a hardship customer is seeking assistance in accordance with this Policy, but has failed to fulfil their obligations under an existing hardship arrangement, Council will require them to sign up for Centrepay or direct debit deductions.

Debt recovery

Council will suspend debt recovery processes while negotiating a suitable payment arrangement with a hardship customer.

Council will not engage in legal action or commence proceedings for the recovery of a debt relating to a retail service for a hardship customer if:

- The customer has agreed to a payment arrangement and continues to adhere to the terms of that arrangement, or
- Council has failed to comply with the requirements of this Policy.

Rights of residential customers experiencing financial hardship

Every residential customer experiencing financial hardship has the right to:

- Be treated respectfully on a case-by-case basis, and have their circumstances kept confidential
- Receive information about alternative payment arrangements, this Policy, and government concessions, rebates, grants and assistance programs
- Negotiate an amount they can afford to pay on a payment plan or other payment arrangement
- Consider various payment methods and receive written confirmation of the agreed payment arrangement within 10 business days
- Renegotiate their payment arrangement if there is a change in their circumstances
- Receive information about free and independent, accredited financial counselling services
- Receive a language interpreter service at no cost to the customer
- Be shielded from legal action and additional debt recovery costs, whilst they continue to make payments according to an agreed payment arrangement
- Not have retail services restricted or disconnected as long as they have agreed to a payment arrangement and continue to make payments according to an agreed plan.

General provisions

Council will ensure residential customers have equitable access to this Policy, and that this Policy is applied consistently. A copy of the documentation will be available at no charge to customers.

Council will ensure appropriate training of employees dealing with residential customers in hardship to enable them to treat customers with respect and without making value judgements. Training will also assist employees in the early identification of hardship customers, with establishing payment plans based on a hardship customer's capacity to pay, and include processes for referral to an Accredited Financial Counsellor or welfare agency for assistance.

Council will also make a copy of this policy available to a customer upon request as soon as practicable following a request to do so.

Confidentiality

Any information disclosed by a customer is confidential and will not be used for any purpose other than the assessment of an application for assistance.

Complaints handling

Council's General Complaints Policy detailing Council's customer complaints and dispute resolution process is available at Council's website www.cttg.sa.gov.au. Council will also make a copy of this policy available to a residential customer, upon request.

A residential customer experiencing hardship has a right to have any complaint heard and addressed by Council, and in the event that their complaint cannot be resolved, the right to escalate their complaint to the Ombudsman SA as outlined in Council's Internal Review of Council Decisions Policy.

LEGISLATIVE FRAMEWORK

The following legislation applies to this Policy:

[Water Industry Act 2012](#)

Under section 37(3) of this Act, a water industry entity must adopt a customer hardship policy published by the Minister under this section; or with the approval of the Commission, adopt such a policy with modifications.

Other references

Council's document including:

- Fees and Charges Register
- Customer Service Charter for Recycled Water & Sewage (CWMS) Services
- Late Payment and Sale of Land for Non-payment of Council Rates Policy
- General Complaints Policy
- Internal Review of Council Decisions Policy

External document including:

- South Australia Water Industry Regulations 2012
- Water Retail Code Draft Decision – Minor and Intermediate Retailers
- Essential Services Commission Act 2002

This Policy is based on the Customer Hardship Policy, made by the Minister for Communities and Social Inclusion, pursuant to Section 37 of the Water Industry Act 2012, under a delegation by the Minister for Water and the River Murray.

STRATEGIC PLAN/POLICY

Strategic Plan

Theme	Objective	Comments
HEALTHY AND SAFE	<i>A community where people are safe during emergencies, natural disasters and during extreme climatic events, such as storms or heatwaves.</i>	Our community is healthy and safe. This policy ensures that people who are experiencing financial hardship can be assured that there is some flexibility to remain connected.

Organisation Plan

Our Strategic Plan is supported by an Organisation Plan which focuses on five key themes of organisational excellence. The theme most relevant to this report is: Customers and community relations.

DEFINITIONS

For the purposes of this policy the following definitions apply:

Accredited Financial Counsellor

In South Australia, means a person who holds a Diploma of Community Services (Financial Counselling), and who has worked at least 12 months as a financial counsellor under the supervision of the South Australian Financial Counsellors Association.

Consumer

As defined in the Water Industry Act 2012, means a person supplied with retail services as a consumer or user of those services.

Customer

As defined in the Water Industry Act 2012 means a person who owns land in relation to which a retail service is provided and includes:

Where the context requires, a person seeking the provision of a retail service, and

- In prescribed circumstances, a person supplied with retail services as a consumer or user of those services (without limiting the application of this definition to owners of land) and
- A person of a class declared by the regulations to be customers.

CWMS

Community Wastewater Management System.

Financial Counsellor

Accredited financial counsellor.

Financial Hardship

A circumstance of experiencing a lack of financial means, which may be either ongoing or temporary, but does not include circumstances where a person chooses not to meet a liability for an unpaid debt.

Hardship Customer

A residential customer who has been identified under, accepted into, or is eligible for assistance under Council's hardship program.

Payment Arrangement For Hardship

Anyone who meets the definition of Hardship Customer and has entered into an arrangement to pay their rates beyond the due date.

Regulations

Regulations under the Water Industry Act 2012.

Residential Customer

As defined in the Water Industry Act 2012 means a customer or consumer who is supplied with retail services for use at residential premises.

Retail Service –

As defined in the Water Industry Act 2012 means a service constituted by:

- The sale and supply of recycled water to a person for use (and not for resale other than in prescribed circumstances (if any)) where the recycled water is to be conveyed by a reticulated system, or
- The sale and supply of sewage (CWMS) services for the removal of sewage.

(even if the service is not actually used) but does not include any service, or any service of a class, excluded from the ambit of this definition.

Sewage

As defined in the Water Industry Act 2012 includes any form of waste that may be appropriately removed or dealt with through the use of a sewerage service.

Sewerage Service

As defined in the Water Industry Act 2012 means:

- A service constituted by the collection, storage, treatment or conveyance of sewage through the use of a reticulated system, or
- Any other service, or any service of a class, brought within the ambit of this definition by the regulations.

Water

As defined in the Water Industry Act 2012, includes rainwater, stormwater, desalinated water, recycled water and water that may include any material or impurities, but does not include sewage.

Water Service –

As defined in the Water Industry Act 2012 means:

- A service constituted by the collection, storage, production, treatment, conveyance, reticulation or supply of water, or
- Any other service, or any service of a class, brought within the ambit of this definition by the regulations.

POLICY IMPLEMENTATION

This Policy will be implemented by the Chief Executive Officer or relevant portfolio director and managed in accordance with Council's scheme of delegations.

ACCESSIBILITY

This Policy and Council's Fees and Charges Register are available to be downloaded free of charge from Council's website: www.cttg.sa.gov.au

Hard copies, for a fee, can be provided in accordance with Council's Fees and Charges Register at Council's Civic Centre at 571 Montague Road, Modbury SA 5092.