



Hardship Policy For Residential Customers of Minor and Intermediate Retailers

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Applicable Legislation & External Documents:	Water Industry Act 2012 South Australia Water Industry Regulations 2012
Relevant Policies:	Community Wastewater Management System Policy Fees & Charges Policy Recovery of Outstanding Debt Policy
Related Procedures:	N/A
Delegations:	

KINGSTON DISTRICT COUNCIL

HARDSHIP POLICY

FOR RESIDENTIAL CUSTOMERS OF MINOR & INTERMEDIATE RETAILERS

Water Industry Act 2012

1. Policy Statement

Council is a licensed intermediate retailer under the Water Industry Act 2012 for the provision of the Community Wastewater Management System (CWMS). Under Section 37(3) of the Water Industry Act 2012, a water 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.

2. Purpose

- 2.1 Kingston District Council is committed to assisting residential customers of the Community Wastewater Management System (CWMS), who are experiencing financial hardship, to manage their payments in a manner that best suits the customer, and ensuring they remain connected to the service.
- 2.2 The purpose of this policy is to identify residential customers who are experiencing payment difficulties due to hardship, and assist those customers to better manage their payments on an ongoing basis.
- 2.3 This policy sets out:
 - processes to identify residential customers experiencing payment difficulties due to hardship, including identification by us, self-identification by a residential customer, identification by an accredited financial counsellor, or welfare agency, and
 - an outline of a range of processes or programs that we will use, or apply, to assist our customers who have been identified as experiencing payment difficulties.

3. Background

- 3.1 This policy is based on the customer hardship policy for minor and intermediate retailers, 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, with modification. The modifications contained in this policy have been approved by the Essential Services Commission of South Australia.

4. Definitions and Interpretation

Accredited Financial Counsellor	A 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.
Connection	An agreed point of supply at which a customer receives a retail

	service from a supplier.
Consumer	A person supplied with retail services as a consumer or user of those services (as defined in the Water Industry Act 2012) (Note: you may be a consumer by virtue of being a council ratepayer).
Customer	A person who owns land in relation to which a retail service is provided and includes: <ul style="list-style-type: none"> • 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 (as defined in the Water Industry Act 2012) (Note: you may be a customer by virtue of being a council ratepayer).
CWMS	Community Wastewater Management System.
Customer Hardship Policy	This policy for minor and intermediate retailers, which has been adopted by Kingston District Council, in accordance with section 37 of the Water Industry Act 2012.
Financial Counsellor	An 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 our hardship program.
Intermediate Retailer	A retailer that provides retail services to more than 500 but less than 50000 connections.
Payment Arrangement	Anyone who meets the definition of Hardship Customer and has entered into an arrangement to pay their CWMS charges beyond the due date.
Regulations	Regulations under the Water Industry Act 2012.
Residential Customer	A customer or consumer who is supplied with retail services for use at residential premises (as defined in the Water Industry Act 2012) (Note: you may be a residential customer by virtue of being a council ratepayer).
Retail Service	A service constituted by: <ul style="list-style-type: none"> • the sale and supply of water to a person for use (and not for resale other than in prescribed circumstances (if any)) where the water is to be conveyed by a reticulated system, or • the sale and supply of sewerage services for the removal of sewage (including but is not limited to community wastewater management systems) <p>(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</p>

	definition by the regulations (as defined in the Water Industry Act 2012).
Retailer	The holder of a licence issued by the Essential Services Commission of South Australia under the Water Industry Act 2012.
Security Deposit	A sum of money or guarantee of capacity to pay at the beginning of any hardship policy.
Sewage	Includes any form of waste that may be appropriately removed or dealt with through the use of a sewerage service (as defined in the Water Industry Act 2012).
Sewerage Service	<ul style="list-style-type: none"> • 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 (as defined in the Water Industry Act 2012) (Note: sewerage service includes but is not limited to community wastewater management systems).
Water	Includes rainwater, stormwater, desalinated water, recycled water and water that may include any material or impurities, but does not include sewage (as defined in the Water Industry Act 2012).
Water Service	<ul style="list-style-type: none"> • 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. (as defined in the Water Industry Act 2012).

5. Identifying Residential Customers Experiencing Financial Hardship

- 5.1 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.
- 5.2 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.
- 5.3 Residential customers that are identified as experiencing ongoing hardship are generally those on low or fixed incomes. These customers may require ongoing assistance.
- 5.4 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.

- 5.5 The extent of hardship will be determined by Council or by an external body, such as an accredited financial counsellor.
- 5.6 Where Council assess 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 advises they have 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.

6. Assisting Residential Customers who are Experiencing Financial Hardship

- 6.1 Council will inform a residential customer of this customer hardship policy where it appears that non-payment of a bill for retail services is due to the customer experiencing payment difficulties due to hardship.
- 6.2 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. These options may include the following:
- an interest and fee free payment plan,
 - other arrangement, under which the customer is given more time to pay a bill or to pay in arrears
 - BPAY
 - Direct Debit
 - Electronic Funds Transfer (EFT).
- 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.
- 6.3 Council will engage in discussion with the hardship customer to determine a realistic payment option in line with the customer's capacity to pay.
- 6.4 Council will work with a hardship customer's financial counsellor (if applicable) to determine the payment arrangement and instalment amount that best suits the customer and their individual circumstances.
- 6.5 Where a hardship customer's circumstances change, Council will work with the customer, and their financial counsellor, to re-negotiate their payment arrangement.
- 6.6 Council will not require a hardship customer to provide a security deposit.
- 6.7 Council will not restrict access to the retail service of the community wastewater management system.
- 6.8 Council will offer the hardship customer:
- information about Commonwealth and South Australian Government concessions, rebates, grants and assistance programs
 - information about financial and other relevant counselling and support services, particularly where a customer that is identified as experiencing ongoing financial hardship.
- 6.9 Where a hardship customer requests information of their bills, we will provide that information free of charge.

- 6.10 Council will explain to the hardship customer that they will be removed from the hardship program, and be returned to our standard payment terms, including debt recovery, should they cease to make payments according to the agreed payment arrangement.
- 6.11 Council will not take any action to remove a customer from our hardship program until we have sent the customer a written notice, allowing them 10 working days from the date of the notice to contact us to re-negotiate their arrangement.

7. Payment Plans

- 7.1 The payment plan for a 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.
- 7.2 The payment plan will also include an offer for the hardship customer to pay by instalment payments at a frequency agreed with the customer (e.g. weekly, fortnightly, monthly or as otherwise agreed with the customer).
- 7.3 Where a payment plan is offered to a hardship customer, Council will inform the customer in writing, within 10 business days of an agreement being reached, of:
 - the duration of the plan
 - the amount and date of each instalment payable under the plan
 - the frequency of instalments.
- 7.4 Council will waive any fines and interest for late payment of a bill for a hardship customer, provided the terms of the payment agreement are being met.
- 7.5 Where a hardship customer is seeking assistance in accordance with this policy, but has failed to fulfil their obligations under an existing hardship arrangement, we will require them to sign up for fortnightly direct debit deductions.

8. Debt Recovery

- 8.1 Council will suspend debt recovery processes while negotiating a suitable payment arrangement with a hardship customer.
- 8.2 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 have failed to comply with the requirements of this customer hardship policy.

9. Rights of Residential Customers Experiencing Financial Hardship

- 9.1 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 customer hardship policy, 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 where to access financial counselling services.
- Receive information on how to access 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 to be disadvantaged in the provision of the CWMS service as long as they have agreed to a payment arrangement and continue to make payments according to an agreed plan.

10. General Provisions

- 10.1 The retail service percentage element of the council rates (being the CWMS service charge) will be subject to the terms of this hardship policy in accordance with the Water Industry Act 2012.
- 10.2 Where it has been identified that a customer is experiencing hardship under this policy, Council will acknowledge that the hardship is most likely applicable to other rates and/or charges due to Council and will be considered on each individual basis to provide a desirable outcome for the customer.
- 10.3 This hardship policy will be applied in conjunction with Council's existing hardship practices.
- 10.4 Council will ensure residential customers have equitable access to this customer hardship policy, and that this policy is applied consistently.
- 10.5 We will ensure appropriate training of staff dealing with residential customers in hardship to enable them to treat customers with respect and without making value judgements. Training will also assist staff 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 a financial counsellor or welfare agency for assistance.
- 10.6 This customer hardship policy is available on our website: www.kingstondc.sa.gov.au
- 10.7 We will also make a copy of this policy available to a customer, upon request, and at no charge to the customer, as soon as practicable following a request to do so.
- 10.8 This customer hardship policy does not limit or prevent Council from waiving any fee, charge or amount of arrears for the provision of retail services to customers who are experiencing financial hardship.

11. Confidentiality

- 11.1 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.

12. Complaints Handling

- 12.1 Details of our customer complaints and dispute resolution process are available at our website: www.kingstondc.sa.gov.au. We will also make a copy of this process available to a residential customer, upon request, and at no charge to the customer.
- 12.2 A residential customer experiencing hardship has a right to have any complaint heard and addressed by us, and in the event that their complaint cannot be resolved, the right to escalate their complaint to the external dispute resolution body approved by the Essential Services Commission of South Australia.

13. Review

- 13.1 The effectiveness of this Policy shall be reviewed at least once every four years, being the term of the Council. The Chief Executive Officer of the Council will report to Council on the outcome of the evaluation and make recommendations for amendment, alternation or a substitution of a new policy.

14. Availability of Policy

- 14.1 This Policy is available for inspection at the Council offices and on Council's website: www.kingstondc.sa.gov.au and persons can obtain a copy of this Policy from the Council.

15. Adoption of Policy

This Policy was adopted by the Council at its meeting held on the 21 August 2015, being resolution number 9346.