



Hardship Policy for Residential Customers of Minor and Intermediate Retailers

Classification:	Council Policy
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Last Reviewed:	June 2021
Review Due:	June 2025
Responsible Officer:	Chief Executive Officer Senior Finance Officer
Applicable Legislation:	<ul style="list-style-type: none"> • Water Industry Act 2012 • South Australia Water Industry Regulations 2012
Related Policies/Procedures:	<ul style="list-style-type: none"> • Debt Management Policy • Schedule of Fees and Charges

1. PURPOSE:

- 1.1 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.
- 1.2 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.
- 1.3 This policy sets out:
 - processes to identify residential customers experiencing payment difficulties due to hardship, including identification by Council, 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 Council will use, or apply, to assist our customers who have been identified as experiencing payment difficulties.

2. LEGISLATIVE CONTEXT:

- 2.1 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.
- 2.2 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.

3. SCOPE:

- 3.1 This policy applies to residential customers of the Community Wastewater Management System (CWMS), within the Kingston District Council area, who are experiencing financial hardship.

4. DEFINITIONS:

<i>Accredited Financial Counsellor</i>	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.
<i>Connection</i>	An agreed point of supply at which a customer receives a retail service from a supplier.
<i>Consumer</i>	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).
<i>Customer</i>	<p>A person who owns land in relation to which a retail service is provided and includes:</p> <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 <p>(as defined in the Water Industry Act 2012) (Note: you may be a customer by virtue of being a council ratepayer).</p>

<i>CWMS</i>	Community Wastewater Management System.
<i>Customer Hardship Policy</i>	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.
<i>Financial Counsellor</i>	An accredited financial counsellor.
<i>Financial Hardship</i>	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.
<i>Hardship Customer</i>	A residential customer who has been identified under, accepted into, or is eligible for assistance under our hardship program.
<i>Intermediate Retailer</i>	A retailer that provides retail services to more than 500 but less than 50000 connections.
<i>Payment Arrangement</i>	Anyone who meets the definition of Hardship Customer and has entered into an arrangement to pay their CWMS charges beyond the due date.
<i>Regulations</i>	Regulations under the Water Industry Act 2012.
<i>Residential Customer</i>	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).
<i>Retail Service</i>	<p>A service constituted by:</p> <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 definition by the regulations (as defined in the Water Industry Act 2012).</p>
<i>Retailer</i>	The holder of a licence issued by the Essential Services Commission of South Australia under the Water Industry Act 2012.
<i>Security Deposit</i>	A sum of money or guarantee of capacity to pay at the beginning of any hardship policy.
<i>Sewage</i>	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).

<i>Sewerage Service</i>	<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 <p>(as defined in the Water Industry Act 2012) (Note: sewerage service includes but is not limited to community wastewater management systems).</p>
<i>Water</i>	<p>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).</p>
<i>Water Service</i>	<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. <p>(as defined in the Water Industry Act 2012).</p>

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 regarding their bills, Council will provide that information free of charge.
- 6.10 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.
- 6.11 Council will explain to the hardship customer that they will be removed from the hardship program, and be returned to standard payment terms, 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.
- 6.12 Council will not take any action to remove a customer from the hardship program until the customer has been sent a written notice, allowing them 10 working days from the date of the notice to contact Council to re-negotiate their arrangement.

7. RETAIL SERVICES PROVIDED BY COUNCILS

- 7.1 Council rates are made up of retail services (as defined in this policy) and non-retail services.
- 7.2 If you are a residential customer in receipt of a retail service provided by Council and you are experiencing financial hardship, then only the retail service element of Council rates will be subject to the terms of this hardship policy. All or any other sums that are due to Council for non-retail services may be dealt with under Council's Rates Hardship Policy. Council may exercise its discretion to apply this hardship policy to other sums due.

8. PAYMENT PLANS:

- 8.1 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.
- 8.2 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).

- 8.3 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
 - if the customer is in arrears – the number of instalments to pay the arrears
 - if the customer is to pay in advance – the basis on which instalments are calculated.
- 8.4 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.
- 8.5 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.

9. DEBT RECOVERY:

- 9.1 Council will suspend debt recovery processes while negotiating a suitable payment arrangement with a hardship customer.
- 9.2 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.

10. RIGHTS OF RESIDENTIAL CUSTOMERS EXPERIENCING FINANCIAL HARDSHIP

- 10.1 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.

11. GENERAL PROVISIONS:

- 11.1 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.
- 11.2 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.
- 11.3 This hardship policy will be applied in conjunction with Council's existing hardship practices.
- 11.4 Council will ensure residential customers have equitable access to this customer hardship policy, and that this policy is applied consistently.
- 11.5 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.
- 11.6 This customer hardship policy is available on our website: www.kingstondc.sa.gov.au
- 11.7 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.
- 11.8 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.

12. CONFIDENTIALITY:

- 12.1 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.

13. COMPLAINTS HANDLING:

13.1 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.

13.2 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.

14. AVAILABILITY OF THE POLICY:

This policy will be available for inspection at the Council's principal office, 29 Holland Street Kingston SE, during ordinary business hours and on Council's website: www.kingstondc.sa.gov.au. Copies will also be provided to interested members of the community upon request, and upon such payment of the fee set by Council.



Customer Charter Sewerage Services (CWMS)

CUSTOMER CHARTER – COMMON WASTEWATER MANAGEMENT SYSTEM (CWMS)

Kingston District Council is an Intermediate Retailer under the Water Industry Act 2012 and holds a water licence for the provision of the Community Wastewater Management System (CWMS) within the Kingston township.

The aim of our Charter is to provide our CWMS customers with a clear understanding of the standards of service they can expect from us and their rights and responsibilities.

The *Water Retail Code-Minor & Intermediate Retailers*, developed by Essential Services Commission of SA (ESCOSA), contains a detailed description of your rights and our responsibilities in providing you with sewerage services and can be found at (www.escosa.sa.gov.au).

SEWERAGE REMOVAL (QUALITY)

We will:

- remove sewage and wastewater from your property in accordance with all relevant health and environmental regulatory requirements.
- use our best endeavours to minimise the frequency and duration of interruptions or limitations to your sewerage service
- provide you with information on any planned interruptions to your sewerage service at least four (4) business days prior to us undertaking any works or maintenance
- provide an emergency telephone number on our website for you to call in the event of an emergency or interruption to the supply of your sewerage service

You:

- will report any spills, leaks or incursions to us as soon as possible by calling the emergency telephone number displayed on our website
- will not discharge restricted wastewater into our sewerage infrastructure
- may be liable to pay us for a proportion of the costs reasonably attributable to you for a blockage, burst or leak. We will advise you of the reasons for cost recovery in these circumstances and any amounts payable will be subject to the payment assistance and financial hardship provisions

PRICE LIST

We will:

- publish our fees and charges associated with the CWMS service, each year by 30 July on our website at www.kingstond.sa.gov.au . We will also make this available at our office at 29 Holland Street, Kingston SE SA 5275.
- in the case that any relevant fees and charges change, publish these on our website 7 days prior to these fees and charges taking effect, and make these available at our office.

SERVICE AVAILABILITY CHARGE

The Local Government Act 1999 allows us to recover a “service availability charge” from you where our sewerage infrastructure runs adjacent to your property. We will require you to pay our “service availability charge” where the CWMS infrastructure is made available to the property (even if not yet connected). This service charge will be referred to as a ‘vacant’ service charge and is detailed in Council’s Community Wastewater Management System (CWMS) Policy.

SEWERAGE CONCESSIONS

Sewerage concessions are administered by the Department for Communities and Social Inclusion. To check your eligibility for current sewerage concessions, assistance or advice visit www.dcsi.sa.gov.au/concessions, phone the Concessions Hotline on 1800 307 758 or email concessions@dcsl.sa.gov.au.

CONNECTIONS – WHERE YOUR PROPERTY IS NOT CURRENTLY CONNECTED TO OUR INFRASTRUCTURE

We will:

- inform you within 21 days whether or not you can be connected to our infrastructure

You will:

- complete any required documentation for approval (if applicable). Please contact Council if you are making any changes to your sewerage infrastructure to discuss requirements.
- need to arrange for a plumber to connect you to our sewerage service once we have confirmed you can be connected.
- provide us with the address of the property that you will be connecting to our sewerage infrastructure.
- pay the relevant connection/augmentation fee (if applicable) establishment fees as set out in Council’s Schedule of Fees & Charges.

Further details on connecting new properties to our infrastructure is available on our website at www.kingstondc.sa.gov.au or by visiting our office at 29 Holland Street, Kingston SE SA 5275.

BILLING AND PAYMENTS

We will:

- include your sewerage charges on your rates notice, (separately identified), issued quarterly where an amount remains payable
- provide you with a detailed rates notice and give you at least 30 business days to make your quarterly payment
- offer you the ability to make your payment by various payment methods including - in person at the Council office, by mail, by direct debit or by BPAY.
- provide or forward a copy of the rates notice to a third party upon written authorisation from the owner.

You will:

- pay by the payment due date unless we have agreed on a flexible payment arrangement
- pay any fee that may be incurred if any of your payment methods are dishonoured, or if the payment is not received by the due date

PAYMENT ASSISTANCE AND FINANCIAL HARDSHIP

We will:

- provide you with the ability to pay by instalments or enter into a flexible payment arrangement
- offer you the ability to make payments and grant a payment extension where assessed it is appropriate to do so
- inform you about, and assess your eligibility for, our Hardship Program if requested

You will:

- inform us if you are having difficulty making your payment prior to the due date
- advise us within 14 days if your billing address changes

Further details on our Hardship Policy are available on our website at www.kingstondc.sa.gov.au or by visiting our office at 29 Holland Street, Kingston SE SA 5275. We will provide you with a copy of our Hardship Policy upon request.

REVIEWING YOUR CHARGE/PAYMENT DISPUTES

We will:

- not commence our debt collection processes where a CWMS Service Charge is in dispute
- review your service charge and inform you of the outcome of our review within 14 business days of your request
- inform you about your options where you remain dissatisfied following our review

You will:

- pay any portion of your bill that is not in dispute while your bill is being reviewed or any future bills that become due

Overcharging

We will:

- inform you within 10 business days of becoming aware of you being overcharged as a result of an act or omission by us and credit the overcharged amount to the assessment (or the ratepayer who has made payment of the overcharged amount) as determined by Council.

Undercharging

- If an 'undercharged' amount were to occur, Council's procedure is that the amount will not be recovered for that financial year but is updated for the following financial year. If a property was charged a 'vacant' service charge when it should have been an 'occupied' charge, Council would not seek to recover the difference but would ensure the correct amount was applied for the following financial year.

DEBT RECOVERY

We will:

- only commence debt collection/recovery action in accordance with our Debt Management Policy where you have failed to pay your bill(s) by the due date and you have not contacted us to discuss a payment extension or other flexible payment arrangements (including eligibility for our Hardship Program).

You will:

- contact us if you are having difficulty making payment prior to the due date

ENTRY TO YOUR PROPERTY

We will:

- provide you with at least 24 hours if we need to enter your supply address for the purposes of connecting, disconnecting, restricting, inspecting, repairing or testing your sewerage service unless it is an emergency situation

You will:

- ensure safe access to our CWMS infrastructure located at your supply address

DISCONNECTIONS

We will consider a customer request for disconnection in accordance with the applicable regulatory instruments and only disconnect your CWMS service if:

- you request the disconnection and there are no public health, environmental or safety risks
- there is no public health, environment or safety risk to our services from your connection point (e.g. backflow risk or unauthorised industrial waste discharge)
- you are found to be using the services illegally or have refused entry to person authorised to undertake maintenance or repairs in accordance with relevant regulatory instruments

Where you request a disconnection (and it is not prohibited), you will still be required to pay the applied service charge for that financial year. We will inform you if you are still required to pay our “service availability charge” in any subsequent years when you request the disconnection.

COMPLAINTS AND DISPUTE RESOLUTION

We will:

- respond or acknowledge your complaint or enquiry within 5 business days
- refer you to our Chief Executive Officer if you are not satisfied with our initial response or resolution or, if required, escalate you to be considered by a meeting of Council
- advise you of your option to seek a formal internal review of the decision in accordance with Council’s Request for Service and Complaint Handling Policy

Further details on our Request for Service and Complaint Handling Policy and Procedure are available on our website at www.kingstondc.sa.gov.au or by visiting our office at 29 Holland Street, Kingston SE SA 5275. We will provide you with a copy of our policies and procedures upon request.

CONTACTING US

If you need to know more about us or the content of this Charter, please contact us on the details below

General Enquiries (BH): 08 8767 2033

Faults & Emergencies (AH): 0427 799 371

Website: www.kingstondc.sa.gov.au

Email: info@kingstondc.sa.gov.au

Office: 29 Holland Street, Kingston SE SA 5275

PO Box 321, Kingston SE SA 5275

Business Hours: Open Monday – Friday 8.30am to 5.00pm