



TATIARA DISTRICT COUNCIL

HARDSHIP POLICY FOR RESIDENTIAL WATER SUPPLY CUSTOMERS

PURPOSE

1. Tatiara District Council is committed to assisting residential customers of water and effluent services, who are experiencing financial hardship, to manage their payments in a manner that best suits the customer, and ensuring they remain connected to a retail service.
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 bills on an ongoing basis.
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.

BACKGROUND

4. 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

DEFINITIONS AND INTERPRETATION

5. In this policy:

accredited financial counsellor means in SA 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 means a person supplied with retail services as a consumer or user of those services (as defined in the *Water Industry Act 2012*)

customer 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

(as defined in the *Water Industry Act 2012*)

customer hardship policy means this policy, which has been adopted by Tatiara District Council, in accordance with section 37 of the *Water Industry Act 2012*

financial counsellor means accredited financial counsellor

financial hardship means 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 means financial hardship

hardship customer means a residential customer who has been identified under, accepted into, or is eligible for assistance under our hardship program

our, us, we means Tatiara District Council

policy means this customer hardship policy

regulations means regulations under the *Water Industry Act 2012*

residential customer means a customer or consumer who is supplied with retail services for use at residential premises (as defined in the *Water Industry Act 2012*)

retail service means a service constituted by:

- 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 effluent disposal 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 by the regulations (as defined in the *Water Industry Act 2012*)

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 or effluent service 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

(as defined in the *Water Industry Act 2012*)

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 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.

(as defined in the *Water Industry Act 2012*)

IDENTIFYING RESIDENTIAL CUSTOMERS EXPERIENCING FINANCIAL HARDSHIP

6. A residential customer experiencing financial hardship is someone who is identified by themselves, by us, 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 our payment terms.
7. 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.
8. Residential customers that are identified as experiencing ongoing hardship are generally those on low or fixed incomes. These customers may require ongoing assistance.
9. 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.
10. The extent of hardship will be determined by either our assessment process or by an external body, such as an accredited financial counsellor.
11. Where we assess a residential customer's eligibility for hardship assistance, we 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

12. We will inform a residential customer of this customer hardship policy where:
 - it appears to us that non-payment of a bill for retail services is due to the customer experiencing payment difficulties due to hardship, or
 - we are proposing to install a flow restriction device.
13. 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. These options will include all of the following:

- an interest and fee free payment plan which complies with clauses 26 to 30,
- 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.

14. We 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 customer hardship policy, so long as the customer agrees to participate in our hardship program, upon reconnection.
15. We will engage in discussion with the hardship customer to determine a realistic payment option in line with the customer's capacity to pay.
16. We will work with a hardship customer's financial counsellor to determine the payment arrangement and instalment amount that best suits the customer and their individual circumstances.
17. Where a hardship customer's circumstances change, we will work with the customer, and their financial counsellor, to re-negotiate their payment arrangement.
18. We will not require a hardship customer to provide a security deposit.
19. We 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
 - we have failed to comply with the requirements of this customer hardship policy, or
 - the customer's retail service is a community wastewater management system or other sewerage service
20. We 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.
21. Where a hardship customer requests information or a redirection of their bills, we will provide that information or redirection free of charge.
22. We 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.

23. We 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.
24. We will also explain to the hardship customer that they will be removed from our hardship program, and be returned to our standard collection cycles, including debt recovery, should they cease to make payments according to the agreed payment arrangement or fail to contact us for a period of greater than 90 days.
25. We 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 re-entry into the program.

PAYMENT PLANS

26. Our 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.
27. 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).
28. Where a payment plan is offered to a hardship customer, we will inform the customer in writing, within 10 business days 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.
29. We will waive any fees for late payment of a bill for a hardship customer.
30. 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 Centrepay or direct debit deductions.

DEBT RECOVERY

31. We will suspend debt recovery processes while negotiating a suitable payment arrangement with a hardship customer.
32. We 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

- we have failed to comply with the requirements of this customer hardship policy.

RIGHTS OF RESIDENTIAL CUSTOMERS EXPERIENCING FINANCIAL HARDSHIP

33. 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, 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

34. We will ensure residential customers have equitable access to this customer hardship policy, and that this policy applied consistently.
35. 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 an accredited financial counsellor or welfare agency for assistance.
36. This customer hardship policy is available on our website: www.tatiara.sa.gov.au
37. 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.
38. This customer hardship policy does not limit or prevent us from waiving any fee, charge or amount of arrears for the provision of retail services to customers who are experiencing financial hardship.

CONFIDENTIALITY

39. 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

40. Details of our customer complaints and dispute resolution process are available at our website: www.tatiara.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.
41. A residential customer experiencing hardship has a right to have any complaint heard and addressed by us, and the right to escalate their complaint to the State Ombudsman of SA, in the event that their complaint cannot be resolved.

APPLICATION FOR HARDSHIP ASSISTANCE

Appendix 1 – As per Appendix 1 in the Rates Hardship Policy Rev 01 13 October 2020.

Appendix 1

APPLICATION FOR HARDSHIP ASSISTANCE

Tatiara District Council is committed to assisting customers who are experiencing financial hardship to manage their bills on an ongoing basis and make payments in a manner that is mutually acceptable. Council aims to help residents to clear their outstanding and ongoing rates debt in a planned and efficient manner.

The information provided is required to assist Council to assess your application.

1. Applicant		
Title:	Given name:	Family name:
Postal address:		
		Post code:
Date of Birth:		Phone:
Email:		

2. Details of Land		
Please note: The Applicant completing this form for financial hardship needs to be the principal ratepayer of the property for which rate relief is being sought, and the property must be the Applicant's main place of residence. Please refer to your Rates Notice for information necessary to complete the following section.		
Property address:		
		Post code:
Owner/s of land (if not you)		
Title:	Given name:	Family name:
Title:	Given name:	Family name:
Land Valuation on Rates Notice: \$		
Balance of Mortgage: \$		

3. Essential Details	
The following documents will need to be submitted with this application:	
<input type="checkbox"/> Income and expenditure statement <input type="checkbox"/> Completed application and signed declaration	

4. Application Details

Is the property for which you are applying for rate relief your principal place of residence?

☐ Yes ☐ No

4. Application Details, continued

Are you the owner, or spouse of the owner of the property?

☐ Yes ☐ No

What is your Employment Status?

☐ Full Time ☐ Permanent Part Time ☐ Self Employed
☐ Casual ☐ Unemployed ☐ Retired

If you are not working, what type of Centrelink benefit are you receiving?

☐ Aged Pension ☐ Disability Pension ☐ Carer's Pension
☐ Parenting Payment ☐ Newstart ☐ Other - please specify:

Do you hold or have you applied for a State Government concession?

☐ Yes ☐ No

How long have you owned the property?

.....Years

Do you have dependant children?

☐ Yes ☐ No If yes, please advise how many:

Please complete the following to verify your financial position.

Income (fortnightly)	\$
Salary or Wages	
Pensions or Annuity Payments	
Other Government Payments	
Rental Income	
All Other Income	
Total Fortnightly Income	
Expenses (fortnightly)	
Mortgage Payments	
Food Shopping	

Petrol / Car	
Gas / Electricity	
Water	
4. Application Details, continued	
Council Rates	
Entertainment	
Other Loan repayments	
Credit Card repayments	
Other Expenditure	
Total Fortnightly Expenses	
Net Fortnightly Income / Expenses	

Please outline the reasons for your hardship assistance application.

5. Assistance Requested

Please outline the assistance you are seeking from this hardship assistance application.

- ☐ Postponement of rates ☐ Remittance of rates ☐ Long term payment plan

6. References

Section 182 advises of Council's power to grant relief of rates due to hardship or extenuating circumstances by way of remission or postponement (seniors only) of rates.

Please note that the penalty for providing false or misleading information on this form is an offence under the *Local Government Act 1999*. The maximum penalty for this offence is \$5000.

7. Declaration

Please complete the following declaration for hardship assistance.

- ☐ I understand the above application applies to hardship assistance.
- ☐ If the grounds for this application cease to exist, I must advise Council.
- ☐ I understand that any outstanding debt is payable in full at time of disposal or sale of the property.
- ☐ I declare that the information I have provided in this application is true and correct to the best of my knowledge.

Applicants Name:

Applicants Signature:

Date of Application:

Accredited Financial
Counsellor Name:

Accredited Financial
Counsellors Signature:

Accredited Financial
Counselling Agency Name:

Agency Phone:

Agency Email:

8. Lodging your Application

Please fill in the essential details, attach requested documentation, and make sure forms are signed before returning the application form to Council.

Applications can be sent by mail, marked *Attention Finance Manager* to:

Tatiara District Council
PO Box 346
43 Woolshed Street
Bordertown 5268

For enquiries regarding hardship assistance contact Council's Finance Manager or Director Corporate & Community Services by email to office@tatiara.sa.gov.au or by phone to 08 8752 1044 .

Appendix 2 – As per Appendix 1 in the Rates Hardship Policy Rev 01 13 October 2020.

Appendix 2

FINANCIAL COUNSELLORS

Agency	Address	Phone	Web/Email
SA Financial Counselling Association	<i>can assist with details of nearest financial counsellor</i>		https://www.safca.org.au/find-a-financial-counsellor.html
The Salvation Army		1800 007 007	https://www.salvationarmy.org.au/need-help/financial-assistance/financial-counselling/
National Debt Helpline		1800 007 007	https://ndh.org.au/
Rural Financial Counselling Service	South East and Coorong Lachlan Hood, Naracoorte	1800 836 211 0439 286 550	https://www.agriculture.gov.au/ag-farm-food/drought/assistance/rural-financial-counselling-service l.hood@ruralbusinesssupport.org.au
	Murray-Mallee and Upper South East, Murray Bridge Lynton Keen	1800 836 211 0448 092 294	https://www.agriculture.gov.au/ag-farm-food/drought/assistance/rural-financial-counselling-service l.keen@ruralbusinesssupport.org.au
ac.care	ac.care Mount Gambier Community Centre 22 Ferrers St Mount Gambier	(08) 7725 3000	http://www.accare.org.au
	ac.care Millicent 57 George Street Millicent	(08) 8735 5700	http://www.accare.org.au

What is financial counselling?

Financial counsellors are skilled professionals who will guide you through your options and help you plan your way out of debt.

They may be able to assist you by:

- doing a full assessment of your financial situation – including regular income and expenditure, assets and liabilities – to help you fully understand your position
- providing advice on how to negotiate with your creditors, government agencies or other business providers
- negotiating directly with your creditors in certain circumstances
- providing advice about what options, rights and responsibilities you may have
- referring you to other services you may need, such as legal services, crisis food and accommodation services, and health services

They can provide information and advice about:

- credit and debt-related matters
- the rights of debtors

- the pros and cons of bankruptcy
- working out a realistic payment plan for debts
- how to access other specialist support services, including gambling, family support, personal counselling, legal aid and emergency relief

Then it's up to you to make the decisions about how to manage your situation with the advice you've been given.

Financial counsellors don't:

- charge set up fees and/or ongoing fees for service
- complete tax returns
- provide investment advice (that's the role of financial planners)

RECORD OF AMENDMENTS

DATE	REVISION NO.	REASON FOR AMENDMENT
4 August 2014	Rev: 00	Draft Copy
12 August 2014	Rev: 01	Adopted by Council
9 June 2015	Rev: 02	Amended in line with ESCOSA requirements
9 February 2021	Rev: 03	Adopted by Council