

Policy Name	Hardship - Residential Retail Service Customers
Policy Number	CS33
Responsible Section	Finance
Responsible Department	Corporate Services
Date Last Adopted	13 June 2017
Date of Next Review	June 2018
Applicable Legislation	Water Industry Act 2012
Related Governance Documents	Water Retail Code – Minor Retailers (External), determined by the Minister for Communities and Social Inclusion, pursuant to section 37 of the Water Industry Act 2012.
City Plan Theme	A City that supports community wellbeing

Purpose/Objective

1. City of Port Adelaide Enfield is committed to assisting customers of a retail service who are experiencing financial hardship by helping them manage their payments in a manner that best suits the customer.
2. The purpose of this policy is to identify customers who are experiencing payment difficulties due to hardship, and assist those customers to better manage their retail service bills on an ongoing basis.
3. This policy sets out:
 - processes to identify customers experiencing payment difficulties due to hardship, including identification by us, self-identification by a 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.

Scope

This policy for customers is based on the customer hardship policy for minor and intermediate water 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.

Policy

A customer experiencing financial hardship is someone who is identified 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.

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.

Customers who are identified as experiencing ongoing hardship are generally those on low or fixed incomes. These customers may require ongoing assistance and management.

Customers who may be identified as experiencing temporary hardship are those who 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 our assessment process or by an external body, such as an accredited financial counsellor.

Where we assess a 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 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 rates 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

We will inform a customer of this hardship policy where:

- it appears to us that non-payment of a bill for a retail service is due to the customer experiencing payment difficulties due to hardship, or

Where a 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. For community waste management scheme retail service charges, an interest free payment plan that complies with "**Payment plans**" as detailed below.

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

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.

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

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

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 hardship policy, or
- the customer's retail service is a community wastewater management system or other sewerage service.

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, when the debt is relation to a sewerage service
- 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 is experiencing ongoing financial hardship.

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

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.

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.

We will not take any action to remove a customer from our hardship program unless they have missed more than 2 payments.

Retail services provided by Councils

Council rates are made up of retail services (as defined in this policy) and non-retail services, for example refuse collection.

If you are a residential customer in receipt of a retail service provided by a council and you are experiencing financial hardship, then only the retail service element of the council rates will be subject to the terms of this hardship policy. All or any other sums that are due to the council for non-retail services may be dealt with under the council's existing hardship

policies. The council may exercise its discretion to apply this hardship policy to other sums due.

Payment plans

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.

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, 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

We will waive any fees for late payment of a bill for a retail service for a hardship customer.

Debt recovery

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

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 hardship policy.

Rights of customers experiencing financial hardship

Every 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 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

We will ensure customers have equitable access to this hardship policy, and that this policy is applied consistently.

We will ensure appropriate training of staff dealing with 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.

This hardship policy is available on our website: <http://www.portenf.sa.gov.au/page.aspx>

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.

This 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

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

Details of our complaints and dispute resolution process are available at our website: <http://www.portenf.sa.gov.au/page.aspx>. We will also make a copy of this process available to a customer, upon request, and at no charge to the customer.

A 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 if the matter is in relation to sewerage and the person is a residential customer receiving a residential retail service.

Definitions

In this policy:

1. in South Australia, **accredited financial counsellor** 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
2. **consumer** means 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 customer)

3. **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) (Note: you may be a customer by virtue of being a council customer)
4. **financial counsellor** means accredited counsellor
5. **financial hardship** means a circumstance of experiencing a lack of financial means, that may be either ongoing or temporary, but does not include circumstances where a person chooses not to meet a liability for an unpaid debt
6. **hardship** means financial hardship
7. **hardship customer** means a customer who has been identified under, accepted into, or is eligible for assistance under our hardship policy
8. **hardship policy** means this policy that has been adopted by the City of Port Adelaide Enfield Council, in accordance with section 37 of the Water Industry Act 2012 for minor and intermediate retailers.
9. **our, us, we** means City of Port Adelaide Enfield
10. **policy** means this customer hardship policy
11. **rates** means Council rates
12. **retail service** means a service charge on a rates notice for a Community Wastewater Management System
13. **sewerage 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) (Note: sewerage service includes but not limited to community wastewater management systems)