





## **CWMS Hardship Policy and Customer Service Charter**

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The Flinders Ranges Council (ABN 43 952 255 151)

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## The Flinders Ranges Council

### Retail Services Hardship Policy

#### Purpose

1. The Flinders Ranges Council (“the Council”) is the holder of a Class – Minor (2) retail licence under the *Water Industry Act 2012* (“the Act”) for the provision of sewerage services to residential and non-residential customers.
2. The Council is committed to assisting **residential customers of sewerage services**, who are experiencing **financial hardship**, to manage their payments in a manner that best suits the **customer** and ensuring they remain connected to the **retail service**.
3. 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.
4. 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 identification by a welfare agency, and
  - an outline of a range of processes or programs that the Council will use, or apply, to assist **customers** who have been identified as experiencing payment difficulties.

#### Background

5. 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* (“the Act”) under delegation by the Minister for Environment and Water.
6. The modifications contained in this policy have been approved by the Essential Services Commission of South Australia (“the Commission”).


#### Definitions and interpretation

7. In this **policy**:

**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;

**connection** means an agreed point of supply at which a **customer** receives a **retail service** from a supplier;

**consumer** means a person supplied with **retail services** as a **consumer** or user of those services (as defined in the Act);

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(Note: you may be a consumer by virtue of being a council ratepayer)

**customer** (as defined in the Act) 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**;

(Note: you may be a **customer** by virtue of being a Council ratepayer)

**customer Hardship Policy** means this **policy** adopted by the Council in accordance with section 37 of the Act;

**financial counsellor** means **accredited financial counsellor**;

**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;

**hardship customer** means a **residential customer** who has been identified under, accepted into, or is eligible for assistance under the Council's **hardship program**;

**hardship program** means an agreement between the Council and a **hardship customer** for payment of outstanding sums due for **retail services**;

**minor retailer** means a **retailer** that provides **retail services** to less than 500 **connections**;

**policy** means this **customer Hardship Policy and customer Service Charter**;

**regulations** mean regulations made under the *Water Industry Act 2012*;

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


(Note: you may be a **residential customer** by virtue of being a council ratepayer)

**retail service** means a service constituted by the sale and supply of **sewerage services** for the removal of **sewage** (including but not limited to community wastewater management systems) 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**;

**retailer** means the holder of a licence issued by the Commission under the Act;

**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 Act);

**sewerage service** (as defined by the Act) means:

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- 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**;

(Note: sewerage service includes but not limited to community wastewater management systems)

**water** (as defined in the Act) includes rainwater, stormwater, desalinated water, recycled water and water that may include any material or impurities, but does not include **sewage**.

### Identifying residential customers experiencing financial hardship

8. A **residential customer** experiencing **financial hardship** is someone who is identified by themselves, by the 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 the Council's payment terms.
9. 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.
10. **Residential customers** who are identified as experiencing ongoing **hardship** are generally those on low or fixed incomes. These **customers** may require ongoing assistance.
11. **Residential customers** who may be identified as experiencing temporary **hardship** are those who may 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.
12. The extent of **hardship** will be determined by either the Council's assessment process or by an external body, such as an **accredited financial counsellor**.
13. Where the Council assesses a **residential customer's** eligibility for **hardship** assistance, the 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; and

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- whether the **customer**, through self-assessment, has identified their position regarding their ability to pay.

### **Assisting residential customers who are experiencing financial hardship**

14. The Council will inform a **residential customer** of this **policy** where it appears to the Council that non-payment of a bill for **retail services** is due to the **customer** experiencing payment difficulties due to **hardship**.
15. Where a **residential customer** has been identified as experiencing **financial hardship**, the Council will offer the **customer**, as soon as is reasonably practicable, flexible and frequent payment options that have regard to the **hardship customer's** capacity to pay and current financial situation. These options will include the following:
  - an interest and fee free payment plan that complies with clauses 28 to 32;
  - Centrelink's Centrepay service (where available), or
  - other arrangements 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 that may be resolved in the near to medium-term, where others may require a different type of assistance for ongoing financial issues.

16. The 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 the Council's **hardship program** upon reconnection.
17. The Council will engage in discussion with the **hardship customer** to determine a realistic payment option in line with the **customer's** capacity to pay.
18. The Council 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.
19. Where a **hardship customer's** circumstances change, the Council will work with the **customer** and their **financial counsellor** to re-negotiate their payment arrangement.
20. The Council will not require a **hardship customer** to provide a security deposit.
21. The 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;

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- information about, and referral to, **accredited financial** and other relevant counselling and support services, particularly where a **customer** is experiencing ongoing **financial hardship**.
22. Where a **hardship customer** requests information or a redirection of their bills, the Council will provide that information or redirection free of charge.
  23. The 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**.
  24. The Council will also explain to the **hardship customer** that they will be removed from the **hardship program**, and be returned to a standard collection cycle, including debt recovery, should they cease to make payments according to the agreed payment arrangement or fail to contact the Council for a period of greater than 90 days.
  25. The Council will not take any action to remove a **customer** from the **hardship program** until it has sent the **customer** a written notice, allowing them ten (10) working days from the date of the notice to contact the Council to re-negotiate their re-entry into the program.

#### **Retail services provided by councils**

26. Council rates are made up of **retail services** (as defined in this **policy**) and non-retail services, for example refuse collection.
27. 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 **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 policies. The Council may exercise its discretion to apply this **policy** to other sums due.

#### **Payment plans**

28. The Council's 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 twelve (12) month period.
29. 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**).
30. Where a payment plan is offered to a **hardship customer**, the Council will inform the **customer** in writing, within ten (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;

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- 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.

31. The Council will waive any fees for late payment of a bill for a **hardship customer**.

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

### Debt recovery

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

34. The 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
- the Council has failed to comply with the requirements of this **policy**.


### Rights of residential customers experiencing financial hardship

35. 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 ten (10) business days;
- renegotiate their payment arrangement if there is a change in 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; and
- 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



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36. The Council will ensure **residential customers** have equitable access to this **policy**, and that this **policy** is applied consistently.
37. The Council 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.
38. This **policy** is available on the Council's website: <http://www.frc.sa.gov.au/policy>
39. The Council 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.
40. This **policy** does not limit or prevent the Council from waiving any fee, charge or amount of arrears for the provision of **retail services** to **customers** who are experiencing **financial hardship**.

### **Confidentiality**

41. 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**

42. Details of the Council's customer complaints and dispute resolution process are available on its website: <http://www.frc.sa.gov.au/policy> The Council will also make a copy of this process available to a **residential customer**, upon request, and at no charge to the **customer**.
43. A **residential customer** experiencing **hardship** has a right to have any complaint heard and addressed by the Council 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 Commission.

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## The Flinders Ranges Council


### Customer Service Charter – Sewerage Services

#### The Licence

1. The Council is the holder of a Class – Minor (2) retail licence under the Act for the provision of sewerage services to residential and non-residential customers.
2. The aim of the Customer Service Charter (“the Charter”) is to provide the Council’s sewerage customers with a clear understanding of the standards of service they can expect from the Council and their rights and responsibilities.
3. The *Water Retail Code-Minor & Intermediate Retailers*, developed by the Commission, contains a detailed description of customers rights and the Council’s responsibilities in the provisions of sewerage services and can be found at ([www.escosa.sa.gov.au](http://www.escosa.sa.gov.au)).

#### Sewerage services provided

4. The Council provides sewerage services to customers within the Council area. In particular, the Council operates a Community Wastewater Management Systems, and associated infrastructure, at Hawker and Quorn South Townships.
5. In providing these services the Council will:
  - remove sewage and wastewater from a customer’s property in accordance with all relevant health and environmental regulatory requirements;
  - use its best endeavours to minimise the frequency and duration of interruptions or limitations to a customer’s sewerage service;
  - provide customers with information on any planned interruptions to sewerage services at least four (4) business days prior to undertaking any works or maintenance;
  - provide an emergency telephone number on its website for customers to call in the event of an emergency or interruption to the supply of a sewerage service.
6. In order to provide these services, it is expected that customers:
  - will report any spills, leaks or incursions to us as soon as possible by calling the emergency telephone number displayed on the Council’s website;
  - will not discharge restricted wastewater into the Council’s sewerage infrastructure;
  - may be liable to pay the Council for a proportion of the costs reasonably attributable to the customer for a blockage, burst or leak. The Council will we advise the customer of the reasons for cost recovery in these circumstances and any amounts payable will be subject to the payment assistance and financial hardship provisions of the customer’s contract with the Council;
  - contact the Council to discuss requirements for disposal of industrial or non-domestic waste into the sewerage infrastructure.

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## Price list

7. The Council guarantees that it will:
- publish its Price List, which sets out all of the fees and charges associated with the sale and supply of a sewerage service, each year by 31 July on the Council's website at <http://www.frc.sa.gov.au/cwms>. This will also be made this available at the Council office at 1 Seventh Street, Quorn, SA 5433;
  - publish its Pricing Policy Statement, which outlines how fees and charges are compliant with the Commission's pricing principles set out in its Price Determination, each year by 31 July on the Council's website at <http://www.frc.sa.gov.au/strategic20documents>. This will also be made this available at the Council office at 1 Seventh Street, Quorn, SA 5433;
  - in the case that any fees and charges set out in the Price List change, these will be published on the Council's website 21 days prior to these fees and charges taking effect, and make these available at the Council office.

## Service availability charge

8. The *Local Government Act 1999* allows the Council to recover a "service availability charge" from customers where sewerage infrastructure runs adjacent to a customer's property. The Council will require customers to pay a "service availability charge" where a connection point to the sewage service is available.


## Sewerage concessions

9. Sewerage concessions are administered by the Department for Communities and Social Inclusion. To check eligibility for current sewerage concessions, or for assistance or advice visit [www.dcsi.sa.gov.au/concessions](http://www.dcsi.sa.gov.au/concessions), phone the Concessions Hotline on 1800 307 758 or email [concessions@sa.gov.au](mailto:concessions@sa.gov.au).

## Existing Connections

10. Customers will have an existing connection where their property is currently connected to the Council's infrastructure.
11. The Council guarantees that it will:
- approve connection for customers to its sewerage service within **21** days of the customer providing the Council with information required and paying the relevant connection and account establishment fees as set out in the Price List
12. It is expected that customers will:
- provide the Council with the information set out on the Council Development and CWMS application forms
  - pay the relevant connection and account establishment fees as set out in the Price List.

## Non-existing connections

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13. Customers will have a non-existing connection when their property is not currently connected to the Council's infrastructure.
14. The Council guarantees that it will:
  - inform customers within 21 days whether or not the customer can be connected to the Council's infrastructure;
  - approve the connection of the customer to the Council's sewerage service within 21 days of the customer providing the Council with the information required and paying the relevant connection and account establishment fees as set out in the Price List.
15. It is expected that customers will:
  - provide the Council with the information set out on the Council Development and CWMS application forms
  - pay the relevant connection and account establishment fees as set out in the Price List.
16. Further details on connecting new properties to the Council's infrastructure is available on the Council's website at <http://www.frc.sa.gov.au> or by visiting the Council office at 1 Seventh Street, Quorn, SA 5433. The Council will provide customers with a copy of its Connection Policy upon request.

### **Billing and Payments**

17. The Council guarantees that it will:
  - issue customers with a rates notice at least quarterly, unless otherwise agreed;
  - include sewerage charges on rates notices, (separately identified), issued quarterly, unless otherwise agreed;
  - provide customers with a detailed bill and give provide at least 12 business days to pay the bill;
  - offer customers the ability to pay bills in person, by mail, by direct debit or by Bpay.
18. It is expected that customers will:
  - pay the Council's bill by the payment due date unless a flexible payment arrangement has been agreed;
  - pay any fee the Council may incur if any of the payment methods are dishonoured.

### **Payment assistance and financial hardship**

19. The Council guarantees that it will:
  - provide customers with the ability to pay bills by instalments or enter into a flexible payment arrangement;

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- offer the ability to make payments towards future bills, grant payment extensions and agree to have a customer's bill redirected to another person (where that person agrees);
- inform customers about, and assess eligibility for, the hardship program if requested.

20. It is expected that customers will inform the Council if they are having difficulty paying bills prior to the due date.

### **Reviewing a customers' bill/billing disputes**

21. The Council guarantees that it will:

- not commence debt collection processes where a bill (or part of a bill) is in dispute;
- review the customer's bill and inform them of the outcome of the review within 30 business days of the request;
- inform customers about the independent external dispute resolution body where the customer remains dissatisfied following any review.

22. It is expected that customers will pay any portion of their bill that is not in dispute, or any future bills that become due, while the bill is being reviewed.

### **Overcharging**

23. In the event that an account is overcharged, the Council guarantees that it will:

- inform the customer within 10 business days of becoming aware of you being overcharged as a result of an act or omission by the Council and credit the overcharged amount to the customers next bill; or
- pay the overcharged amount directly to the customer within 10 business days if the customer has ceased to purchase a sewerage service from the Council.


### **Undercharging**

24. In the event that an account is undercharged, the Council guarantees that it will:

- in relation to unmetered services, limit the amount recovered from the customer to the amount undercharged in the 12 months prior to the error being advised in writing;
- list the undercharged amount as a separate item in a special bill or in the customers next bill with an explanation of that amount and, if requested, offer an extended time to pay the amount;
- not charge the customer interest on the undercharged amount.

### **Debt recovery**

25. The Council guarantees that it will only commence debt collection/recovery action where the customer has failed to pay bill(s) by the due date and the customer has not contacted the

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Council to discuss a payment extension or other flexible payment arrangements (including eligibility for the hardship program).

26. It is expected that customers will contact the Council if they are having difficulty paying their bills prior to the due date.

### **Entry to property**


27. In the event that the Council requires access to a customer's property, the Council guarantees that it will provide customers with at least 24 hours notice if it needs to enter the customers supply address for the purposes of connecting, disconnecting, restricting, inspecting, repairing or testing the sewerage service
28. It is expected that customers will ensure safe access to the Council's infrastructure located at the supply address.

### **Disconnections**

29. Subject to any applicable regulatory requirements that prohibit disconnection, the Council will only disconnect a sewerage service if:
- the customer requests the disconnection;
  - there is a public health, environment or safety risk to the Council's services from the connection point (e.g. backflow risk or unauthorised industrial waste discharge);
  - the customer is found to be using the services illegally, or has refused entry to a person authorised to undertake maintenance or repairs in accordance with relevant regulatory instruments.
30. Where a customer requests a disconnection (and it is not prohibited), the Council will use its best endeavours to issue the customer with a final account in accordance with the customer's request. The Council will inform the customer if they are still required to pay the "service availability charge" when the disconnection is requested.

### **Termination of contract for sewerage services**

31. The Council guarantees that it will:
- confer on the customer the right to terminate the contract with the Council for the supply of sewerage services;
  - inform the customer of any relevant fees or charges payable as a result of the termination.
32. It is expected that the customer will:
- provide at least three (3) business days' notice of the intention to terminate the contract for the supply of sewerage services; and
  - pay any relevant fees or charges.

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## Complaints and dispute resolution

33. The Council guarantees that it will:

- respond or acknowledge a customer's complaint or enquiry within 10 business days;
- refer the customer to the Council's Director of Works if the customer is not satisfied with the initial response or resolution or, if required, escalate the customer to Chief Executive Officer;
- advise the customer of the option to escalate the complaint to the Ombudsman South Australia and provide the customer with the details of that organisation;
- advise the customer of their option to escalate the complaint to the Council's nominated independent dispute resolution body and provide the customer with the details of that organisation;

34. Further details on the Council's Enquiry, Complaint & Dispute Resolution Procedures are available on the Council's website at <http://www.frc.sa.gov.au/policy> or by visiting the Council office at 1 Seventh Street, Quorn, SA 5433. The Council will provide customers with a copy of its procedures upon request.

## Contacting Council

35. If customers need to know more about the Council, or the content of this Charter, please contact the Council on the details below:

**General Enquiries:** 08 8620 0500

**Faults & Emergencies:** 0428 486 031

**Website:** [www.frc.sa.gov.au](http://www.frc.sa.gov.au)

**Email:** [council@frc.sa.gov.au](mailto:council@frc.sa.gov.au)


**Office:** 1 Seventh Street, Quorn, SA 5433

**Business hours:** 9:00am to 5:00pm Monday to Friday

## 1. RESPONSIBILITIES

The Director of Works will be responsible for this policy

## 2. REVIEW

	<p style="text-align: center;"><b>GOVERNANCE POLICY</b></p> <p style="text-align: center;"><b>CWMS Hardship and Customer Service Charter</b></p>	Policy Number Version Number Issued Last Review Next Review GDS	G1.39 2 July 2016 March 2022 March 2027 9.63.1.1
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To be reviewed within 12 months after a General Election, in line with legislation and any legislative changes or by resolution of Council.

### 3. LEGISLATION

*Local Government Act 1999*  
*Water Industry Act 2012*

### 4. AVAILABILITY OF POLICY

This Policy will be available for inspection at the Council Offices during ordinary business hours at no charge and a copy may be purchased for a fee as set annually by the Council.

Copies of this policy will also be available from the Council's website [www.frc.sa.gov.au](http://www.frc.sa.gov.au)

Adopted by Council      19 July 2016  
Resolution 172/2016

Review Date	Version Number	Change	Resolution
19 July 2016	1	Nil	172/2016
19 April 2022	2	Amendments to SA Government Departments and web linkages and minor spelling and/or grammar and formatting	65/2022