

	<h1>District Council of Cleve</h1>	Version No:	2.0
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Policy Name: **9.27 - Enforcement**

1. **PURPOSE**

- 1.1. The District Council of Cleve is committed to assisting our ratepayers, who are experiencing financial hardship, to manage their payments in a manner that best suits the ratepayer and the District Council of Cleve.
- 1.2. The purpose of this policy is to identify ratepayers who are experiencing payment difficulties due to hardship, and assist those ratepayers to better manage their bills on an ongoing basis.

This policy sets out:

- processes to identify ratepayers experiencing payment difficulties due to hardship, including identification by us, self-identification by a ratepayer, 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 ratepayers who have been identified as experiencing payment difficulties.

2. **DEFINITIONS AND INTERPERTATION**

In this **policy**:

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

Ratepayer means a person who owns land in the district of Cleve

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 means financial hardship

Hardship customer means a ratepayer who has been identified under, accepted into, or is eligible for assistance under our hardship policy

Our, us, we means the District Council of Cleve

Policy means this hardship policy

Customer means a ratepayer

Service means a service charged on a rates notice for:

- community wastewater management system
- kerbside bin collection
- common antenna television service

3. **IDENTIFYING RATEPAYERS EXPERIENCING FINANCIAL HARDSHIP**

A ratepayer 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.

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.

Ratepayers who are identified as experiencing ongoing hardship are generally those on low or fixed incomes. These ratepayers may require ongoing assistance.

Ratepayers 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 ratepayers 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 ratepayer's eligibility for hardship assistance, we will consider indicators including (but not limited to) whether:

- the ratepayer is on a Centrelink income and holds a Pensioner Concession Card or holds a Centrelink Low Income Health Care Card
- the ratepayer is eligible for a South Australian Government concession
- the ratepayer has been referred by an accredited financial counsellor or welfare agency
- the ratepayer advises they have previously applied for emergency relief (irrespective of whether or not their application was successful)
- the ratepayer's payment history indicates that they have had difficulty meeting their rates and charges bill in the past
- the ratepayer, through self-assessment, has identified their position regarding their ability to pay.

4. **ASSISTING RATEPAYERS WHO ARE EXPERIENCING FINANCIAL HARDSHIP**

We will inform a ratepayer of this hardship policy where:

- it appears to us that non-payment of a bill for rates and charges is due to the ratepayer experiencing payment difficulties due to hardship, or
- where a ratepayer has been identified as experiencing financial hardship, we will offer the ratepayer, 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 service charges an interest and fee free payment plan that complies with clauses 22 to 25 will apply.

We will engage in discussion with the hardship customer to determine a realistic payment option in line with the ratepayer'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 ratepayer and their individual circumstances.

Where a hardship customer's circumstances change, we will work with the ratepayer, 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 services if:

- the ratepayer 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 ratepayer's retail service is a community wastewater management scheme 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
- 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 ratepayer 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 ratepayer 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 or fail to contact us for a period of greater than 90 days.

We will not take any action to remove a ratepayer from our hardship program until we have sent the ratepayer 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

5. **PAYMENT PLANS**

Our payment plan for a hardship customer will be established having regard to:

- the ratepayer's capacity to pay and current financial situation
- any arrears owing by the ratepayer, and
- the ratepayer's expected usage needs over the following 12-month period.

The payment plan will also include an offer for the hardship customer to pay for their rates and charges in advance or in arrears by instalment payments at a frequency agreed with the ratepayer (e.g. weekly, fortnightly, monthly or as otherwise agreed with the ratepayer).

Where a payment plan is offered to a hardship customer, we will inform the ratepayer 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 ratepayer is in arrears – the number of instalments to pay the arrears, and
- if the ratepayer is to pay in advance – the basis on which instalments are calculated.

We will waive any fees for late payment of the community waste management scheme service charges for a hardship customer.

6. **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 rates and service charges for a hardship customer if:

- the ratepayer 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.

7. **RIGHTS OF RATEPAYERS EXPERIENCING FINANCIAL HARDSHIP**

Every ratepayer 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;
- 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 any services restricted or disconnected as long as they have agreed to a payment arrangement and continue to make payments according to an agreed plan.

8. **GENERAL PROVISIONS**

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

We will ensure appropriate training of staff dealing with ratepayers in hardship to enable them to treat ratepayers with respect and without making value judgements. Training will also assist staff in the early identification of hardship customer's, 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: www.cleve.sa.gov.au.

We will also make a copy of this policy available to a ratepayer, upon request, and at no charge to the ratepayer, as soon as practicable following a request to do so.

The Council may review this policy from time to time, however it is anticipated that a review of the policy will be under taken in February of every third year. Council has the right to review this policy at any time, if considered desirable.

9. **CONFIDENTIALITY**

Any information disclosed by a ratepayer is confidential and will not be used for any purpose other than the assessment of an application for assistance.

10. **COMPLAINTS HANDLING**

Details of our complaints policy and procedure are available at our website: www.cleve.gov.sa.au. We will also make a copy of this process available to a ratepayer, upon request, and at no charge to the ratepayer.

A ratepayer experiencing hardship has a right to have any complaint heard and addressed by us, and in the event that their community wastewater management scheme 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.

11. **COUNCIL ENDORSEMENT**

This Policy was adopted by resolution of the Council on 3 April 2023.

12. **REVIEW AND EVALUATION**

This Policy is scheduled for review by Council in December 2026.

13. **AVAILABILITY OF POLICY**

This policy will be available for inspection at Council's principal office during ordinary business hours and on the Council's website www.cleve.sa.gov.au. Hard copies of the policy can be obtained upon request and payment of the relevant fee as per Council's schedule of fees and charges.