



CODE OF PRACTICE

DEBT RECOVERY

Purpose

This code of practice provides a guideline for debt recovery by representatives, management and employees of:

- **Wilton Recycled Water (WRW)** in relation to its recycled water, wastewater and trade waste services

This code of practice shall be made available to customers and to the general the public on the WRW website.

Background

WRW owns and operates the recycled water treatment plant and recycled water and wastewater reticulation network at Bingara Gorge. As part of the operations, WRW has supply contracts with its customers.

WRW and its specialist Utility Operators each commit to provide these services in accordance with this code of practice. WRW and its Utility Operators will share responsibility for customer communication, complaints handling and debt recovery. The split of responsibility is as follows:

- **WRW** - all financial-related customer interface matters including tariff setting and debt recovery; and
- **Utility Operator** - all operational-related customer interface matters.

This policy applies to debt recovery practices by WRW or its Utility Operators in relation to its customers.

Licence Holder Obligation

Pursuant to the Water Industry Competition (General) Regulation 2008¹, WRW shall:

- establish and comply with this code of practice for debt recovery, and
- provide copies of this code of practice to the Minister, IPART and to the ombudsman (Energy and Water Ombudsman, or EWON), and
- keep its customers informed as to the provisions of this code of practice.

Scope

This code of practice applies to small retail customers being a person with one or more water supply contracts (relating to all premises that the person may own, lease or occupy) for

- water services, where the person receives less than 15 megalitres a year in aggregate; or
- sewerage services, where the person receives less than 10.5 megalitres a year in aggregate.

Guiding Principles

This code of practice conforms to and takes from ACCC and ASIC Debt Collection Guideline: for collectors and creditors as published by the ACCC and ASIC in October 2005 and reprinted in April 2010.

Practical Guidance

Contact for a reasonable purpose only

¹ Schedule 2, clause 5(1)

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Communications with the debtor must always be for a reasonable purpose and should only occur to the extent necessary. It is considered necessary and reasonable for WRW to contact a debtor to:

- give information to the debtor about the debtor's account(s);
- convey to the debtor a demand for payment;
- accurately explain any legal remedies available to WRW and any service restrictions available to WRW as a consequence of non-payment;
- make arrangements with the debtor for repayment of a debt;
- put a settlement proposal or alternative payment arrangement to the debtor,
- review existing arrangements with the debtor after an agreed period;
- ascertain why earlier attempts to contact the debtor have not been responded to within a reasonable period, if relevant; or
- ascertain why an agreed repayment arrangement has not been complied with, if relevant.

Privacy obligations to the debtor

There are legal obligations under the Privacy Act 1988 designed to protect the privacy of personal information. WRW has an obligation to protect the privacy of debtors.

Making contact with the debtor

We must always ensure the person we are dealing with is the debtor. This must be done every time we make contact before we divulge any information about the debt, the process for its recovery or other confidential information.

We must not disclose private information to any third party, including the debtor's spouse, partner and/or family.

Having established the debtor's identity, we should then identify who we are and for whom we work and explain the purpose of the contact. We identify ourselves by our first name and the fact that we are calling on behalf of WRW and give at least basic information about the debt and details of the account and the amount claimed.

Hours of contact

We will only contact the debtor at reasonable hours, taking into account their circumstances and reasonable wishes. The following are considered reasonable hours:

Contact Method	Periods	Times
By phone, emails and fax	Monday to Friday	9.00am – 5.00pm
	Weekends	Nil
	Public Holidays	Nil
Face-to-Face (not by WRW; by third party collector only engaged by WRW	Monday to Friday	9.00am – 5.00pm
	Weekends	Nil
	Public Holidays	Nil

There may be reasons why contact during the above times is unreasonable, or contact outside of these times is reasonable. For instance, a debtor may ask that contact be made at other or more restricted times.

Frequency of contact

Debtors are entitled to be free from excessive communications from collectors.

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Location of contact

In most cases, the debtor will be contacted at the address provided and using the contact details supplied in the supply contract.

When a debtor is represented

A debtor has a right to have an authorised representative (such as a financial counsellor, financial advisor, community worker, solicitor, guardian or carer) represent them or advocate on their behalf about a debt. Except in certain circumstances outlined below, WRW shall not contact a debtor directly after we know, or reasonably should know, that the debtor is represented.

Record keeping

Accurate record keeping by all parties is vital to promptly resolve disputes and allow collectors and debtors to limit or avoid costly collection activity. WRW shall ensure:

- we maintain accurate, complete and up-to-date records of all communications with debtors, including the time, date and nature of calls about the debt, records of any visits in person, and records of all correspondence sent;
- all payments made are accurately recorded (including details of date, amount and payment method);
- settlements are fully documented in relevant files and computer systems; and
- once a debt is settled, any credit reporting agency report on the debtor is updated appropriately.

Providing information and documents

WRW shall provide such information as reasonably requested by the debtor to demonstrate proof of debt.

If liability is disputed

If a person WRW contacts about a debt claims that they are not the alleged debtor or the debt has been paid or otherwise settled and we have not already confirmed their identity and liability, we shall suspend further collection activity (including credit report listing) until the debtor's identity and ongoing liability have been confirmed.

Customers Suffering Financial Hardship

WRW commitment

This code of practice provides for the deferment, in whole or in part, of payments owed by retail customers suffering financial hardship. In such cases of financial hardship, WRW shall not enforce disconnection of services in part or in whole.

Debtors

Debtors experiencing financial hardship should promptly contact WRW to negotiate a variation in payments or other arrangement. In seeking a variation, debtors should be honest about their financial position, including their other debts. WRW also recommends that debtors in financial difficulty consider seeking the assistance of a community-based financial counsellor, solicitor or other qualified adviser who may be able to help them with a debt negotiation.

Hardship

Proof of financial hardship may be reasonably requested by WRW and shall be provided by the relevant customer.

Assistance

Assistance may include one or more of the following:

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- deferment of payment for an agreed period of time,
- incremental instalments to recover the debt over time, or
- regular smaller payments spread over time to assist budgeting by customers exposed to hardship.

Waiver

Notwithstanding the above commitment, WRW having taken all steps reasonably practicable in accordance with this code of practice and the supply contract to recover debt and that debt still not paid by the customer may take such further actions as allowable to it in law to recover such debt but not disconnection of services to residential and other small retail customers, nor reduce the flow of potable water below necessary for basic hygiene or restrict the flow of sewage into the main.

Debtor Disputes and Complaints Handling

In the event a customer has a complaint regarding the handling of their debt by WRW, we shall direct the customer to our complaints handling service. Customer complaint handling is to be done in accordance with the Code of Practice for Complaint Handling.