

 <p>Mackay REGIONAL COUNCIL</p>	COUNCIL POLICY	
	Concession for Exceptional Circumstances (Water Consumption)	
	POLICY NO	049
	DEPARTMENT	ENGINEERING & COMMERCIAL INFRASTRUCTURE
	PROGRAM	WATER NETWORK
ENDORSED BY COUNCIL 23 JUNE 2021 (ORD-2021-193)		

1.0 Scope

This policy applies to property owners connected to Mackay Regional Council's (MRC) water reticulation scheme where high water consumption charges have been incurred due to exceptional circumstances.

2.0 Purpose

The purpose of this policy is to:

- provide a framework to identify the circumstances which would qualify property owners for relief under this policy,
- identify the manner in which property owners can claim eligibility, and
- establish the extent of relief to be provided for such property owners.

3.0 Reference

- Mackay Regional Council – Internal Operating Guideline – Continuity of Water Supply – Medical Requirements

4.0 Definitions

To assist in interpretation the following definitions shall apply:

Council shall mean the Mayor and Councillors of Mackay Regional Council.

Exceptional Circumstance shall mean as defined in Section 6.0 Policy Statement below.

MRC shall mean Mackay Regional Council.

Policy shall mean this water charges relief due to exceptional circumstances policy.

Property Owner shall mean the owner or owners of the property.

Occupier shall mean, for the purpose of this policy is a person who resides at a property as the property owner, a family member of a property owner, a person in the registered care of a property owner, or a tenant of the property.

Tenant shall mean a person who is registered as a tenant by way of a tenancy agreement through a registered property manager or by way of a written agreement with the property owner.

Water Notice shall mean the charges levied based on the volume of water consumed as measured by the water meter installed at a given property.

Human Rights Complaint shall mean a complaint about an alleged contravention of section 58-1 by a public entity in relation to an act or decision of the public entity.

5.0 Background

MRC recognises that certain property owners will be faced with exceptional circumstances beyond their control, which would result in such property owners having to bear an unusually high level of charges on their water notice levied by MRC. MRC also recognises that it has an obligation to provide a level of relief to such property owners.

Human Rights have been considered when preparing this Policy.

6.0 Policy Statement

The following principles will be applied in identifying the circumstances under which property owners would be eligible for relief.

It is NOT the intention of this policy to:

- provide relief to individual property owners based on individual needs and circumstances.
- provide relief based purely on economic circumstances (e.g. unemployment).

The identified exceptional circumstance should:

- have the capacity to be applicable to a specifically identified group of property owners;
- be non-economic;
- be beyond the control of the property owners; and
- result in the group of property owners being subject to a higher than normal water consumption charge in their water notice.

The extent of relief provided should not exceed the additional charges that the property owners are subject to, due the identified circumstances. However, there is no obligation on the part of MRC to provide relief to the full extent of the additional charges.

The circumstances which would make a group of property owners eligible for relief and the extent of relief to be extended to such property owners are identified in Annexure A to this policy.

6.1 Complaints

Any complaints in relation to this service will be assessed and managed in accordance with MRC's Administrative Action Complaints Policy, a copy of which can be found on MRC's website.

Complaints may be made as following:

In writing to

Chief Executive Officer
Mackay Regional Council
PO Box 41
MACKAY QLD 4740

Via Email - complaints@mackay.qld.gov.au

6.2 Human Right Complaints

When an individual feels that they are the subject of MRC's failure to act compatibly with human rights, they can make a complaint directly to MRC. These complaints will be assessed against the Human Rights Act 2019.

7.0 **Review of Policy**

This policy will be reviewed when any of the following occur:

1. The related documents are amended or replaced.
2. Other circumstances as determined from time to time by a resolution of Council.

Notwithstanding the above, this policy is to be reviewed at intervals of no more than three (3) years.

Version Control:

Version	Reason / Trigger	Change	Endorsed	Date	Folio
1	New policy		By Council	15.06.11	15992
1.1		Administrative	By Director	29.03.12	
2.0	Scheduled		By Council	29.03.15	38401
3.0	Scheduled		By Council	22.06.16	38078
4.0	Scheduled		By Council	28.06.17	44789
5.0	Scheduled		By Council	18.07.18	57806
6.0	Scheduled		By Council	26.06.19	63061
7.0	Scheduled		By Council	24.06.20	ORD-2020-142
8.0	Scheduled		By Council	23.06.21	ORD-2021-193

Annexure “A”

	Identified Circumstance	Eligibility	Extent of Relief	Start	End
A1	Unusually high water consumption disputed by property owner (excludes concealed leaks which is covered under a separate policy)	<ul style="list-style-type: none"> • Unusually high water consumption • No clear explanation as to the cause of high consumption • Reasonable grounds to establish high consumption not due to usage by residents • Reasonable grounds to believe that high meter read is not due to water flowing through the meter. • Written request from property owner using the Application for Exceptional Circumstances Form (attached). 	<p>The calculation of charges to be based on the average consumption of similar periods over the immediately past period of up to three years.</p> <p>Where above is deemed not appropriate by Director, Engineering and Commercial Infrastructure, alternate method to be used on a case-by-case basis as determined by the Director.</p>	April 2011	Ongoing
A2	The need for property owners or occupiers to use a home dialysis machine for medical reasons.	<ul style="list-style-type: none"> • Written request from property owner. • Form to be accompanied by medical certificate confirming the need for him/herself, or an occupier, to use a home dialysis machine. Doctor’s certificate to clearly identify name of user, and address of residency. 	Total water consumption will be charged at tier one rates. No tier two rates will be applicable.	April 2011	Ongoing
A3	Other	<ul style="list-style-type: none"> • Specifically identified group of property owners; • Be non-economic; • Beyond the control of the property owners, and • Result in the group of property owners being subject to a higher level of charges. 	<p>The calculation of charges to be based on the average consumption of similar periods over the immediately past period of up to three years.</p> <p>Where above is deemed not appropriate by Director, Engineering and Commercial Infrastructure, alternate method to be used on a case-by-case basis as determined by the Director.</p>	April 2016	Ongoing

APPLICATION FOR EXCEPTIONAL CIRCUMSTANCES

Privacy Notification (Information Privacy Act 2009) - The personal information that Council is collecting from you on this application form is personal information for the purposes of the Information Privacy Act 2009 ('the Act'). The intended recipients of the personal information are officers within the Council and any person wishing to inspect the application in accordance with the Local Government Act 2009 or the Government Information (Public Access) Act 2009). The Mackay Regional Council is collecting your personal information in order to process your application. This information will only be disclosed to any other third party with your written authorisation or as we are required to by law.

SECTION 1 - PROPERTY OWNER DETAILS

Applicant	I,	(Full name)	
	of	(Address)	
		(Mobile)	(Telephone)
	(Email)		
	Apply for concession on water account due to exceptional circumstances.		

SECTION 2 – PROPERTY DETAILS FOR RELIEF REQUEST

Assessment	Council Rates Assessment Number	
Description	Property address	

SECTION 3 – GROUNDS FOR REQUEST (attach additional page if necessary)

SECTION 4 - CUSTOMER SIGNATURE

Signature		Date: / /
-----------	-------------------------------------------------------------------------------------	-----------