



Rates Hardship Policy

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1. Scope

1.1 Council recognises that certain ratepayers in the community may have difficulty in meeting their commitments regarding the payment of residential Rates & Charges.

1.2 This policy will apply to Ratepayers who claim genuine hardship in meeting their obligation to pay the Rates & Charges, and prescribes the procedures to be followed in providing financial assistance to these ratepayers.

2. Purpose

2.1 To provide financial relief to customers of Council experiencing genuine hardship in meeting their commitments in paying their Rates & Charges.

2.2 To provide a decision making framework for the appropriate assessment of hardship applications.

2.3 To fulfil the statutory requirements of the Local Government Act 1993 and other relevant legislation in the recovery of rates and charges.

3. Policy

3.1 Council recognises there are cases of genuine financial hardship requiring respect and compassion in special circumstances.

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3.2 Assessment of financial hardship is to be made by the Service Manager - Rates following the completion of Council's "Financial Hardship Relief Application Form" – refer Attachment 2 and the determination is delegated to the CEO.

4. Relationship to Legislation and Associated Documents

4.1 Local Government Act 1993

Particular reference to:

Section 582

Council can provide assistance to Pensioners under this section. Council may waive or reduce payment of all or part of the rates and charges payable after rebates have been deducted.

Section 564

Council can enter into payment arrangements with ratepayers, who cannot meet their normal instalment payments and may write-off interest charges.

Section 567

Council can write off accrued interest on rates and charges if the ratepayer was unable to pay for reasons beyond their control.

Section 601

Council has the discretion to waive, reduce or defer payment of the whole or part of a rate increase following a revaluation of land.

4.2 Associated documents

Policy 215: Voluntary Pensioner Rebate Policy
Procedure Manual: Debt Recovery for Overdue Rates & Charges

REFERENCES	
POLICIES	
ATTACHMENTS	

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ATTACHMENTS

- 1) Process for assessing hardship relief applications
- 2) Hardship Rate Relief Application Form

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ATTACHMENT 1

Process for assessing Hardship Relief applications

Hardship applications will be assessed applying the principles of fairness, integrity, confidentiality and compliance with statutory requirements.

Assistance by Periodical Payment Arrangements

Section 564 of the LGA provides that Council may enter into a formal agreement with a ratepayer eligible for alternative periodical payments on their rates and charges. A periodical payment agreement will be offered in accordance with Council's Debt Recovery procedures.

Assistance by writing off accrued interest and costs

Accrued interest on rates and charges payable by a person may be written off under Section 567 of the LGA 1993, if

1. The person was unable to pay the rates or charges when they become due for reasons beyond the person's control.
2. The property for which the hardship application applies must be the principle place of residency of the applicant/s.
3. The property for which the hardship application applies must be categorised as "Residential" for rating purposes.
4. The application for hardship must be accompanied with supporting documentation which may include but is not limited to:
 - Reasons why the person was unable to pay the rates and charges when they became due and payable
 - Copy or recent bank statements for all accounts
 - Details of income and expenditure
 - Letter from a recognised financial counsellor or financial planner confirming financial hardship.
5. The CEO has the delegated authority to assess all applications from any ratepayer after receiving a written request.

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6. With respect to Section 601 of the LGA 1993, Council will not consider hardship applications under this provision, as valuations are independently determined by the NSW Valuer General. Council will encourage aggrieved ratepayers to make an appropriate application under the appeal provision of the NSW Valuation of Land Act 1916.

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ATTACHMENT 2

Hardship Rate Relief Application Form

HARDSHIP RATE RELIEF APPLICATION FORM

Approved by the Director General of the Department of Local Government, in accordance with clause 135 of the Local Government (General) Regulation 2005 under the *Local Government Act 1993*.

APPLICATION FOR HARDSHIP RATE RELIEF FOR THE WHOLE OR PART OF THE YEAR COMMENCING 1 JULY 200_

**please answer all questions relevant to you using block letters and ticking appropriate boxes.*

Assessment No. _____

I, _____
(Full name in block letters)

of _____
(Address)

telephone number _____ apply for a concession on the
basis of financial hardship.

Property Description (Lot/Plan) _____
(office use only)

(1) Do you receive any pensions or benefits? Yes No

If Yes, please provide type of pension and amount received per fortnight.

Pension: _____ Amount: _____

(2) Do you have a current Pensioner Concession Card issued by the
Commonwealth Government? Yes No

PCC No. _____ Date of Grant _____

(3) Have you claimed a pensioner concession on any other property this year?
 Yes No

If Yes, state the address of the other property _____

(4) Is this property your sole or principal place of living? Yes No

The property for which I am claiming has been my sole/principal place of living
since _____

(5) I am liable for the payment of rates and charges on this property, together
with others as listed below. (If no others, write "SOLE OWNER") _____

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Please provide details of all "other" persons indicated in Question 5. (**ALL OWNERS other than the applicant should be listed, including your spouse**):

Name	PCC Holder Y/N	Pension No	Date of Grant	Relationship to me (eg: spouse, father, co-owner etc)	Resident of Property Y/N	% of ownership

Evidence of joint ownership is attached/has been provided to council previously (circle whichever is applicable).

(6) Is the property owned as shares in a company title? Yes No
If you do not own or rent the property, please explain why you are liable to pay the rates _____

(7) Are there people living at the property other than those listed at Question 5? Yes No

(8) Please indicate who these people are?
 Self
 Spouse
 Children (State ages _____)
 Boarders
 Relatives
 Other (please specify)

(9) Do you own (either fully or partially) any other land or buildings?
 Yes No

If yes, list addresses.

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(10) How many children do you support? _____ State ages _____

(11) What is the cause of financial hardship? _____

(12) How long have you been experiencing hardship? _____

(13) Please state gross weekly amount received in dollars and cents from the following sources of income:

a) Pensions and benefits \$ _____

b) Compensation, superannuation insurance or retirement benefits \$ _____

c) Spouse's income \$ _____

d) Income of other residents of the property \$ _____

e) Casual/part-time employment \$ _____

f) Family allowance \$ _____

g) Interest from banks/credit unions/building societies \$ _____

(14) Please provide name and current balance of all bank, credit union or building society accounts held by you.

(15) Please state details of fortnightly outgoings.

Outgoing	Owed to	Amount
Rent/Home Loan		
Other mortgages		
Personal loans/Hire purchase		
Health Costs		
Council rates and charges		

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Please attach a separate page with any other relevant information you feel may assist your application.

I hereby declare that the information provided is true and correct. **If you make a false statement in an application you may be guilty of an offence and fined up to \$2,200.**

Signature: _____ Date: _____

IMPORTANT NOTICE

CUSTOMER CONSENT

For the sole purpose of authorising the council to confirm with Centrelink whether or not the detail I have provided to the council matches Centrelink or other Commonwealth portfolio department or agency records in relation to the current status of my Commonwealth Benefit:

I _____ (full name) authorise the council to confirm with Centrelink the following details:

- Pension No.
- Name
- Address
- Postcode, and
- That I am a valid concessional card holder

I agree that, unless I revoke my consent, this Customer Consent record is a permanent consent, and may be relied on by the council until such time as I revoke it.

I may revoke this Customer Consent record at any time by giving the council **written** notice that my consent is revoked. I understand if I revoke this consent, I may not be eligible for the concession given by the council.

I acknowledge I have read and understood this Customer Consent record.

Signature: _____ Date: _____

PRIVACY AND PERSONAL INFORMATION PROTECTION ACT 1998 Compliance with Section 10

The information contained in this application form and any information requested for the purpose of assessing eligibility for a pensioner concession is required under the Local Government Act 1993 and the Local Government (General) Regulation 2005.

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