

POLICY:-	
Policy Title:	Rates and Charges Hardship Assistance Policy
File Reference:	F10/618-04
Date Policy was adopted by Council initially:	22 September 2005
Resolution Number:	277/05
Other Review Dates:	20 August 2009, 15 September 2011, 18 September 2014 , 19 October 2017 and 18 March 2021
Resolution Number:	331/09, 360/11, 287/14, 345/17 and 31/21
Current Policy adopted by Council:	15 August 2024
Resolution Number:	138/24
Next Policy Review Date:	2027

PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed:	
Procedure/guideline reference number:	

RESPONSIBILITY:-	
Draft Policy developed by:	Director of Finance and Administration
Committee/s (if any) consulted in the development of this Policy:	N/A
Responsibility for implementation:	Director of Finance and Administration
Responsibility for review of Policy:	Director of Finance and Administration

OBJECTIVES

1. To provide assistance to ratepayers and other debtors, experiencing genuine financial hardship, with the payment of their rates and annual charges;
2. Be sympathetic and empathetic to the welfare of ratepayers and residents of the Shire experiencing genuine financial hardship;
3. To assist in the protection of a ratepayer's place of residency;
4. To provide an administrative process to determine hardship applications; and
5. Fulfil the statutory requirements of the *Local Government Act 1993* with respect to hardship applications.

POLICY

Any ratepayer who cannot pay their rates or charges for reason of genuine financial hardship can apply to Council for assistance at any time. Each individual case will be considered on its merits.

The criteria used to determine eligibility is the following:-

- In the context of financial hardship, consideration will be given to personal and family circumstances including age, physical or mental disability, injury and illness of the resident ratepayer or family members living with him/her;
- The ratepayer is to provide reasons and reasonable proof of financial hardship;
- The ratepayer must own the property and also occupy the property as their principal place of residence;
- The ratepayer will suffer financial hardship if required to pay rates and charges when they fall due;
- The amount of rates levied compared to the average rate of the rate category;
- The amount of any rate increase when compared to the average rate increase for the rate category;
- The ratepayer is required to provide Council with details of their income and expenses from all sources, with supporting evidence as required by Council;
- Provide current bank account statements; and
- Provide estimated value of ownership of property, investments and all asset classes.

The assistance provided will be determined under the legal requirements of the *Local Government Act 1993*.

BACKGROUND

Council recognises that due to exceptional circumstances certain ratepayers do encounter difficulty in paying their rates and charges. The *Local Government Act 1993* allows Council to provide a range of measures to assist those ratepayers in cases of genuine financial hardship.

HARDSHIP PROVISIONS

The *Local Government Act 1993* provides Council with two options for providing assistance to ratepayers who are finding it difficult to pay their rates and charges because of financial hardship. A summary of the options is as follows:-

Section 601, of the Local Government Act 1993

Any ratepayer who incurs a rate increase in the first year following a revaluation of land can apply to Council for rate relief if the increase in the amount of rates payable would cause them substantial hardship.

Council has the discretion to waive, reduce or defer the payment of the whole or any part of the increase in the amount of the rate payable.

Council set the period of time for when ratepayer applications can be made under this Section be limited to within three months of receipt of the their first instalment notice.

Sections 564 and 567, of the Local Government Act 1993

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

POLICY TERMS OF REFERENCE

- Council requires a signed written application for the purpose of applying for financial hardship assistance.
- Council senior management shall interview the applicant.
- The financial hardship application and senior management recommendation will be referred to the Chief Executive Officer who is delegated the authority to make the determination.
- The ratepayer will be informed of the Chief Executive Officer's decision and advised that if they are not satisfied with the outcome they may request their application be tabled to Council for reconsideration.
- After the Council reconsiders the application and makes a decision the ratepayer has no further right to appeal.

- A ratepayer can enter into payment agreements with delegated officers of Council under Sections 564 and 567, of the *Local Government Act 1993*.
- In cases where severe financial hardship is established Council may waive interest charges for a period of time.

Once Council determination is made of rate relief following assessment of the above information, the maximum assistance to be granted to the ratepayer is to be a repayments scheme over a three-year period with no interest charges applied.

CONFIDENTIALITY OF APPLICATION

Council shall ensure that all data collected in the application for hardship relief process will be dealt with by way of the Council's Privacy Management Plan. Council will at all times adhere to privacy and confidentiality laws and legislation.

RELATED LEGISLATION AND COUNCIL POLICY

Reference should be made to the following legislation, guidelines and policy documents when reading this policy:-

- Local Government Act 1993 (as amended);
- Local Government (General) Regulations 2021;
- Office of Local Government Rating and Revenue Raising Manual;
- Local Government Shires Association Guidelines for a Council Rates Hardship Policy 2011;
- Independent Commission against Corruption Act (ICAC) 1988;
- Anti Discrimination Act 1977;
- State Records Act 1998;
- Government Information (Public Access) Act 2009;
- Privacy and Personal Information Protection Act 1998;
- Council's Debt Recovery Policy;
- Council's Pensioner Concession Policy;
- Council's Fraud and Corruption Prevention Policy;
- Council's Code of Business Practice;
- Council's Complaints Management Policy;
- Council's Privacy Management Plan;
- Council's Code of Conduct;
- Council's Delegations of Authority Policy; and
- Council's instrument of delegations from the General Manager to Council staff.

VARIATION

Council reserves the right to vary the terms and conditions of this policy.



APPLICATION FOR HARDSHIP RATE RELIEF

Please answer all questions relevant to you using block letters and ticking appropriate boxes

COUNCIL RATES:
RATE ASSESSMENT NUMBER: **REFERENCE NUMBER:**

I
.....
.....
(full name in block letters)

of:
.....
.....
(current address)

Telephone No: () apply for hardship rate relief

For the purposes of this application, I state the following information which I believe to be correct.

PERSONAL DETAILS

D.O.B:

Are you: Single Married De Facto

Postal Address:
.....

Telephone Number: () Email Address

Time at above address:
.....

Do you propose to change residence? Yes No

EMPLOYMENT DETAILS

Employers Name:
.....

Address:
.....

Telephone No: ()

Job Title:	
<i>SPOUSE DETAILS</i> Partner's Full Name: of Partner's Employment: (Name and Address Details)	
<i>DEPENDANTS</i> Number of dependants: Age/s:	
<i>PENSION/BENEFIT DETAILS</i> Do you receive any pensions or benefits? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES , state the pension or benefit and how much received per week: \$ \$ \$ Do you have a current Pensioner Concession Card? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES , state Card Number: Date of Grant of card:	
<i>OWNERSHIP OR RESIDENCE DETAILS</i> Is this property your sole or principal place of living? (i) <input type="checkbox"/> Yes <input type="checkbox"/> No Do you rent the property? (ii) <input type="checkbox"/> Yes <input type="checkbox"/> No Do you own the property: (iii) by yourself? <input type="checkbox"/> Yes <input type="checkbox"/> No with a spouse? <input type="checkbox"/> Yes <input type="checkbox"/> No with other person/persons? <input type="checkbox"/> Yes <input type="checkbox"/> No If answers at items (ii) and/or (iii) is YES , state name(s) and address(es) of other owner(s) and the proportion of ownership held by each person.	

.....
 .

 .

 .
 (Please attach evidence of joint ownership)

Is the property owned as shares in a company title? Yes No

How many people live at the property? **Indicate by ticking below**

Self Spouse children (state ages)

.....

Others – insert number boarders relatives other (please specify)

Do you own or have an interest in any other land or buildings? Yes No

If **YES** state Address (es):

.....
 .

 .

INCOME

State gross weekly amount received in dollars and cents

	Self	Spouse
Net wage	\$.....	\$.....
How much do you receive in pensions and benefits?	\$.....	\$.....
How much do you receive in compensation, superannuation, insurance or retirement benefits?	\$.....	\$.....
State income derived from any other member of the family or other person residing at the property?	\$.....	\$.....
Other sources of your income (i.e. full/casual/ part-time employment etc):	\$.....	\$.....
Family allowance:	\$.....	\$.....
State name and current balance of any bank, building society, credit union, savings accounts, etc:		
.....	\$.....	\$.....

.....	\$.....	\$.....
.....	\$.....	\$.....
(Please attach evidence of account balances)		
Interest from banks, credit unions, building societies, investments, etc.:	\$.....	\$.....

ASSETS

Please indicate:

Asset	Age	\$ Value	\$ Loan Amount
Your Property	\$.....	\$.....
Car	\$.....	\$.....
Caravan	\$.....	\$.....
Boat	\$.....	\$.....
Household goods	\$.....	\$.....
Furniture & Household effects	\$.....	\$.....
Electrical	\$.....	\$.....
Antiques/Art	\$.....	\$.....
Coins/Stamps	\$.....	\$.....
Other motor vehicle	\$.....	\$.....
Shares/Investments	\$.....	\$.....

OTHER DETAILS

What is the cause of financial hardship?

.....

.....

How long have you experienced hardship?

.....

OUTGOING EXPENSES

State *weekly* amount spent in dollars and cents

Rent, board or home loan:

..... \$

(address of property)

Second and other mortgages:

..... \$

(address of property)

Personal Loans/Hire Purchase (not credit cards or charge cards):

..... \$

Health costs (where there is serious illness):

..... \$

.....

Council rates and charges (amount now due):

..... \$

.....

Home insurance:

..... \$

.....

Do you have leased business premises? Yes No

OUTGOING EXPENSES continued

Financial summary of regular expenses:

Rates-Council/Water	\$	Strata Levies	\$
Gas/Electricity	\$	Telephone	\$
Fares/Transport	\$	Petrol	\$
School Expenses	\$	Insurance contents	\$
Medical/Health	\$		

Living Expenses:

Clothing	\$	Personal	\$
Cash	\$	Entertainment	\$

Insurance/Other \$ Car Maintenance \$

Registration \$ Food \$

Superannuation \$ Subscriptions \$

Credit Cards/Personal Loans:

Credit Cards:

Personal Loans:

Visa/MasterCard/Amex/Bankcard

Personal Loan/Car Loan

With

With

Card No:

Loan No:

Balance on card: \$

Balance on loan: \$

Other relevant information (to be completed if you feel it will assist your application)

.....

(attach a separate page if insufficient space)

AUTHORITY FOR INFORMATION TO CONFIRM ELIGIBILITY

I authorise the Council to receive, and Centrelink and/or the Department of Veterans' Affairs to give to the Council, the information which is necessary for the Council to decide whether I am eligible for a hardship rate relief in relation to the property, which I have given as my address.

.....SignedDate

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) Regulations 2005*. This information is required before your application for hardship rate relief can be processed.

The information in your application and any information the Council obtains for the purpose of assessing this application is private and confidential.

The Council must not disclose your personal information to any person or body if it is not directly related to the purpose for which the information was collected.

If you have a complaint about the use of your personal information, please contact the Council's Director of Finance and Administration.

The information contained or referred to in this application form may be amended and updated by you, by contacting the Council.

You should now submit this application form to the Council for consideration. The Council will advise you of its decision as soon as practicable.

Each individual case will be considered on its merits in accordance with Council's Rates and Charges Hardship Assistance Policy.

If you make a false statement in an application you may be guilty of an offence and fined up to \$2,200.

For Council Use Only

APPLICATION IS / IS NOT APPROVED UNDER SECTION 601 of the Local Government Act 1993 (hardship resulting from valuation change).

Total average weekly income \$.....

Total Assets \$.....

Current Year's General Purpose Rating Category
.....

Current Year's General Purpose Rates \$.....

Previous Year's General Purpose Rates \$.....

Increase in General Purpose Rates % \$.....

Average Annual General Purpose Rates
in the above category \$.....

Average Annual Increase in General
Purpose Rates in the above category %
\$.....

APPLICATION IS / IS NOT APPROVED UNDER SECTION 564 of the Local Government Act 1993 (agreement for periodical payment of rates and charges).

Complete the attached "Arrangement for the regular payment of Rates & Charges" form.

APPLICATION IS / IS NOT APPROVED UNDER SECTION 567 of the Local Government Act 1993 (writing off accrued interest on rates & charges).

Is the writing off of interest charges conditional on regular payments of Rates and Charges?

Yes No

If Yes, complete the attached "Arrangement for the regular payment of Rates and Charges" form.

Interest free period to commence (Date)

Other arrangement
.....

Interest free period to cease (Date)

Other arrangement

Applicant advised (Date)

UPPER LACHLAN SHIRE COUNCIL

Arrangement for the regular payment of Rates and Charges (In accordance with Section 564, of the Local Government Act 1993)

Assessment No:

Ratepayer/s:

Contact Address:

Telephone/Mobile No.
Email Address

Property Description: (Lot & DP)

Total Amount Owning
As At

Interest currently accruing at:

Agreed Payment Details

Frequency:

Amount:

Payments to commence:

I/We undertake to make the regular payments detailed above until such time as all Rates and Charges on the above mentioned assessment are paid in full, and acknowledge that failure to make the payments as agreed will result in forfeiture of this agreement and that Council may then initiate Legal Action for the recovery of outstanding Rates and Charges. Any relief from interest charges granted under the Hardship Rate Relief Provisions may be retrospectively withdrawn upon failure to comply with this agreement.

Ratepayer/s:Council Officer/Witness:

Date: