

COUNCIL POLICY – Rates Financial Hardship Policy	
Reference Number	704117
Responsible Business Unit	Finance
Responsible Officer	General Manager Corporate Services
Legislation	Local Government Act 1999 Local Government General Regulations 1999 Local Government Financial Management Regulations 2011 Local Government Finance Authority Act 1983 Rates and Land Tax Remissions Act 1986 As found on Legislative Register Reference Number 792726
Relevant Delegations	Chief Executive Officer General Manager Corporate Services
Related Policies Management Guidelines Frameworks	Financial Sustainability Policy Rating Policy Rates Debt Recovery Policy Debt Recovery Policy Rates Senior Postponement Policy Rate Debt Recovery Management Guideline Rates Financial Hardship Management Guideline Privacy Policy
Link to Strategic Plan	5.4 - Transparent
Council resolution	137.1
Date Adopted	14 August 2017
Review Date	September 2019
Previous Revisions	Item 220.1 – September 2015 Item 122.9 – September 2014

POLICY STATEMENT

To ensure that all applications for the postponement of rates payments due to financial hardship are considered in an equal and fair manner as per the provisions set out under section 182 of the Local Government Act 1999.

OBJECTIVES

Rates are a form of taxation and are levied under the Local Government Act 1999 on the basis of land value and use. As per Council's Rating Policy CP-05, land value and land use are used as a reasonable indicator of capacity to pay.

This policy recognises that there may be circumstances where the value of the property or the land use does not indicate the ratepayer's capacity to pay and allows Council to consider applications for temporary relief from rates.

Section 192 of the Local Government Act 1999 allows that postponement of rates may be considered if Council is satisfied that the payment of rates would cause extreme hardship.

SCOPE

The electronic version accessible on Council's intranet and Council's electronic record system is the controlled version. Printed copies are considered uncontrolled – before using a printed copy verify that is the current version.

This policy is set to establish the guidelines for the assessment of financial hardship applications.

This policy does not relate to Seniors postponement of rates, only to applications from the principal ratepayer who has requested consideration relating to financial hardship and only after all other options of payment consideration have been explored.

PRINCIPLES

As a Council:

- We are committed to being open and transparent with the public display and availability of our financial hardship assistance process.
- We are committed to providing regular, consistent and proactive communications and messaging on the options available to customers in financial stress. This could include the provision of information on such things as:
 - Payment options available to customers, including monthly payments and direct debit options; and
 - The level and availability of concessions (where applicable) and the steps to apply for and retain them.
- We are committed to using clear and easy to understand language free of technical jargon when we are working with people under financial stress.
- We are committed to treating customers in financial stress with respect and compassion.
- We are committed to providing support to people to help them maintain control over their financial situation for the mutual benefit of both parties.
- We are committed to investigating the potential for new and innovative products within Council that might assist people in meeting their financial commitments.

Principal ratepayers may be eligible for financial hardship consideration relating to the payment of rates where:

- They are unable to pay rates and any accrued fines and interest when due for reasons beyond their control
- Payment of rates when due, would cause extreme hardship for the principal ratepayer.

Assessment criteria for hardship consideration will be, but not limited to, the following:

- Income from all sources
- Living expenses
- Reasons for financial hardship
- Compliance with any previous periodic payment arrangements

Postponement of rates longer than 3 years will be reviewed under Council's Rates Debt Recovery Policy.

IMPLEMENTATION

Ratepayers may apply for postponement of rates where their financial circumstances do not allow them the means to meet their financial liability when due.

All financial hardship applications must be in writing on Council's form and will only be legitimate after written confirmation of approval is provided by Council.

All financial hardship application requests will be treated in confidence in accordance with Council's Privacy Policy.

Applications for financial hardship are required to be supported by documentation with evidence of financial hardship.

Information regarding payment arrangement plans and progress payments of overdue rates accounts will be made available to the ratepayer upon written application.

Council may at its discretion remit penalties and related expenses for late payment of rates where genuine financial hardship can be substantiated.

DEFINITIONS

"Default" means where a Council approved payment arrangement is in place and payments are not made as agreed by the principal ratepayer.

"Financial Hardship" means a circumstance of experiencing a lack of financial means, which may be either ongoing or temporary, but does not include circumstances where a person chooses not to meet a liability for an unpaid debt.

"Payment arrangements" means where the principal ratepayer forwards a written proposal for alternative arrangements for payment of rates to the instalment of rates defined on the rates notices for the financial year and Council provides written approval of the proposal.

"Principal ratepayer" means the nominated person, organisation or other party that is responsible for ensuring rates are paid and accurate contact details are provided for the rateable property.