



RATES HARDSHIP

Summary:

The purpose of this policy is to provide clear direction to Ratepayers of the application process on how to apply and what hardship relief is available.

Policy Number	1.070	
File Number	N/A	
Document version	V5.0	
Adoption Date	28 October 2020	
Approved By	Council	
Endorsed By	Council	
Minute Number	231/20	
Consultation Period	N/A	
Review Due Date	September 2023 – 3 years	
Department	Office of Chief Corporate	
Policy Custodian	Manager Finance & Technology	
Superseded Documents	23 January 2008	25/08
	26 September 2012	392/12
	26 August 2015	270/15
	23 August 2017	168/17
Related Legislation	Local Government Act 1993 Local Government (General) Regulation 2005	
Delegations of Authority	Manager, Finance & Technology	

1. Overview

To provide assistance to ratepayers, suffering genuine financial hardship, with the payment of their rates and charges.

2. Policy Principles

Nil.

3. Policy Objectives

The Tenterfield Shire Council aims to:-

- Consider ratepayers' personal circumstances when assessing applications.
- Provide a framework for ratepayers experiencing financial hardship to seek relief.

4. Policy Statement

4.1 Payment Arrangements

Section 564 of the Local Government Act 1993 provides Council with an option to accept payment of rates and charges due and payable in accordance with an agreement made with the person.

Payment arrangements are to be dealt with in accordance with Council's Debt Recovery Policy and Writing Off of Debts Policy. However, the following procedures will apply in respect of a payment arrangement for a person deemed to be suffering hardship because of a rate or charge:

Procedures

The following procedures are to be read in conjunction with Council's Debt Recovery Policy and Writing Off of Debts Policy and will be followed with all financial hardship concessions:

- Any mutually acceptable repayment schedules have a maximum of a 12 month term, which may be extended to two (2) years in exceptional circumstances. Exceptional circumstances will generally entail death of a family member, injury, and any other form of incapacitation which would result in hardship; Variation to payment terms may be approved by Chief Executive Officer.
- It is the responsibility of the applicant to advise Council of any changes in the applicant's circumstances which may affect the applicant's ability to honour the payment arrangement;
- Where an applicant cannot honour a payment arrangement for a short period, for example one (1) or two (2) payments, Council will where reasonable, accommodate an applicant where an applicant has shown a commitment to extinguishing the debt;
- All repayment schedules are to be reviewed at the end of each six (6) month period and upon the raising of further rates and charges;
- Any future rates and charges levied against the property are to be taken into account when repayment schedule is negotiated to be paid by the end of the term of hardship;
- A payment defaulter having a history of more than two (2) incidents of payment default shall be deemed to be a person not exhibiting a genuine commitment to extinguish the debt.

Hardship Criteria

A determination under this policy will be assessed against information provided by the applicant upon completion of Council's Financial Hardship Application form including supporting documentation, but is not limited to:

- Reasons why the person was / will be unable to pay the rates and charges when they became due and payable;
- Copy of a bank and other financial institution statements for all accounts;
- Details of all income and expenditure (monthly budget analysis);
- A balance sheet, specifying assets and liabilities;
- Letter from a recognised financial counsellor or financial planner confirming financial hardship and advising of what procedures have been put in place to remedy the situation.

4.2 Hardship Resulting from a General Revaluation of the Local Government Area (Section 601 LGA, 1993)

Land valuations are independently determined by the NSW Valuer General. Appeal mechanisms are available to landowners under the provisions of the Valuation of Land Act 1916 No 2. Accordingly Council will not consider applications made under this section.

4.3 Privacy

In accordance with Privacy Code of Practice and Council's Privacy Management Plan, personal information collected as a consequence of this policy will only be used for the purpose of assessing eligibility under the Policy and will not be used for any other purpose or disclosed to any other person unless we are required by law to do so or authorised to do so by the person whom that personal information relate.

5. Scope

This policy applies to any ratepayer who struggle to pay their rates or charges for reason of financial hardship.

6. Accountability, Roles & Responsibility

Elected Council

Council is responsible for approving Council Policies.

General Manager, Executive and Management Teams

The Chief Executive Officer has the power to sub-delegate certain functions to other staff members. In this case, The CEO delegates responsibility for approving the rates hardship application and interest to be held or waived to Manager, Finance & Technology.

Management Oversight Group

Not Applicable.

Individual Managers

Not Applicable.

7. Definitions

Not Applicable.

8. Related Documents, Standards & Guidelines

- Debt Recovery Policy No. 1.041
- Writing Off of Debts Policy No 1.230
- Financial Hardship Application

9. Version Control & Change History

Version	Date	Modified by	Details
V1.0	23/01/08	Council	Adoption of Original Policy (Res No. 25/08)
V2.0	26/09/12	Council	Review/Amended (Res No. 392/12)

V3.0	26/08/15	Council	Review/Amended (Res No. 270/15)
V4.0	23/08/17	Council	Review/Amended (Res No. 168/17)
V5.0	28/10/20	Council	Review/Amended (Res No. 231/20)

FORM RATES HARDSHIP APPLICATION



Privacy Notification (Privacy and Personal Information Protection Act 1998 – Section 10) - The personal information that Council is collecting from you on this application form is personal information for the purposes of the Privacy and Personal Information Protection Act 1998 ('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 1993 or the Government Information (Public Access) Act 2009. The supply of the information by you is not voluntary and if you cannot provide or do not wish to provide the information sought, the Council will be unable to process your application. You may make application for access or amendment to information held by Council. You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the legislation. Council is to be regarded as the agency that holds the information. Enquiries concerning this matter can be addressed to Council by telephoning 02 6736 6000.

SECTION 1 – APPLICANT/S

I/We,	(Full name/s)		
of	(Address)		
	(Mobile)	(Telephone)	
	(Email)		
Would like to apply for financial hardship relief on rates and/or water charges.			

SECTION 2 – PROPERTY DETAILS

Assessment	Council Rates/Water Assessment Number	
Description	Property address	
	The property for which I am claiming has been my sole/principal place of living since/...../.....	

SECTION 3 – APPLICATION

Application	This application is for financial hardship relief for the whole or part of the year commencing	1 July 20.....
	What is the cause of financial hardship (e.g. unemployment, illness, natural disaster)	
	
	How long have you been experiencing hardship?	

SECTION 4 – INCOME AND EXPENDITURE

Pension or Allowances	Do you have a current Pensioner Concession Card (PCC) issued by the Commonwealth Government?	Yes	No
	If 'Yes', type of pension or benefit		
	If 'Yes', PCC Number (attach copy)		
	Date of Grant	<input type="checkbox"/>	<input type="checkbox"/>
	Have you claimed a Pension Concession on any other property this year in any other local government area?	Yes	No
	If 'Yes', state the address of the property		

SECTION 4 – INCOME AND EXPENDITURE (Continued)

Statement

I am liable for the payment of rates and charges on this property, together with others as listed below:

(If no others, please write **SOLE OWNER**)

ALL OWNERS other than the applicant should be listed below and are required to supply the same supporting documentation as applicant for the financial hardship application.

Name	PPC Holder Yes / No	Pension Number	Date of Grant	Relationship to me (spouse, father, co-owner, etc.)	Resident of Property (Yes / No)	Percentage of Ownership

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

If 'Yes', list addresses

How many children do you support?

State ages:

Please indicate whom is living at the property?
e.g. spouse, children, boarders etc.

Income from all sources

Net weekly income received in dollars and cents from all sources of income is: \$

Sources of income include: (details) \$

a Wages – Employer _____	Total income \$	<input type="text"/>
b Pensions and benefits	Total income \$	<input type="text"/>
c Compensation, superannuation, insurance or retirement benefits	Total income \$	<input type="text"/>
d Spouse's income - _____	Total income \$	<input type="text"/>
e Income of other residents of the property - _____	Total income \$	<input type="text"/>
f Casual / Part-time employment - _____	Total income \$	<input type="text"/>
g Family allowance	Total income \$	<input type="text"/>
h Interest from Banks, Credit Unions, Building Societies	Total income \$	<input type="text"/>
i Other	Total income \$	<input type="text"/>

**** Please provide copies of the last 3 current pay advices**

Savings

Total savings held in Bank, Credit Union or Building Society Total savings \$

**** Please provide copies of all detailed bank account statements**

Property & Assets Owned

Property Address: Amount owing \$

Equity \$

Motor Vehicles/boat/motor bikes: \$

Household contents: \$

SECTION 4 – INCOME AND EXPENDITURE (Continued)

Expenditure	Please state details of weekly outgoings:		
	Outgoings	Owed to	Amount
	Rent/Home Loan		
	Other mortgages		
	Personal loans/Hire Purchase		
	Credit Cards		
	Electricity costs		
	Gas costs		
	Health costs		
	Council rates and charges		
	Rates/Water		
	Other outgoings		
		Total Expenditure	\$
Income Less Expenditure		Total Income	
		Total Expenditure	
		TOTAL	\$


SECTION 5 – CUSTOMER CONSENT (Pensioner if applicable)

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 Council to confirm with Centrelink the following details: Pension Number; 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.

Signature  Date: / /

SECTION 6 – Financial Counsellor/Financial Planner

A letter is to be provided from a recognised Financial Counsellor or financial planner confirming financial hardship and advising of what procedures have been in place to remedy the situation.

Copy attached

Suggested organisations for assistance – The Salvation Army, St Vincent De Paul, ASIC MoneySmart – website, Rural Financial counselling service NSW

SECTION 7 – INFORMATION FOR APPLICANT/S

Council will accept this application if all information sought is provided by you. Additional information that you may have that supports your application can be attached ([See Checklist below](#)):

Please indicate preferred repayment amount & frequency	Amount \$ _____	Amount \$ _____	Amount \$ _____
	Weekly <input type="checkbox"/>	Fortnightly <input type="checkbox"/>	Monthly <input type="checkbox"/>

SECTION 8 – DECLARATION

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: / /
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I HAVE COMPLETED: (*Please provide supporting documentation

SECTION 1	Applicant	<input type="checkbox"/>
SECTION 2	Property Details	<input type="checkbox"/>
SECTION 3	Application	<input type="checkbox"/>
SECTION 4	Income and Expenditure*	<input type="checkbox"/>
	Pension or Allowances*	<input type="checkbox"/>
	Statement*	<input type="checkbox"/>
	Income from all sources*	<input type="checkbox"/>
	Pay advice*	<input type="checkbox"/>
	Savings*	<input type="checkbox"/>
	Property & Assets Owned*	<input type="checkbox"/>
	Expenditure	<input type="checkbox"/>
	Income less Expenditure	<input type="checkbox"/>
	Customer Consent (Pensioner if applicable)	<input type="checkbox"/>
SECTION 5	Declaration	<input type="checkbox"/>
SECTION 6		
SECTION 7		

Office Use Only

Reviewed by	Name Position Date	Recommendation <input type="checkbox"/> Approve <input type="checkbox"/> Decline Interest calculation attached <input type="checkbox"/>
Approved by	Name Position Date	Authorisation <input type="checkbox"/> Approved <input type="checkbox"/> Declined