



HARDSHIP POLICY

| Resolution Number | Created By | Adopted by Council | Last Modified | Review Period |
|-------------------|--------------------------------------|--------------------|---------------|---------------|
| 2015/20 | Chief Financial Officer | 11 February 2015 | | 10/02/2016 |
| 2017/79 | Manager Revenue & Customer Relations | 12 April 2017 | 01/03/2017 | 01/03/2022 |
| 2017/137 | Manager Revenue & Customer Relations | 14 June 2017 | | 13/06/2021 |

OBJECTIVE

To establish guidelines for the General Manager and staff when dealing with ratepayers, suffering genuine financial hardship, with the payment of the ordinary rate and annual charges. To fulfil the statutory requirements of the *Local Government Act, 1993* with respect to the ability to grant provision and give special consideration to ratepayers subject to financial hardship.

POLICY STATEMENT

Council requires all ratepayers to pay their rate in full by the due date(s). However, Council recognises there are cases of genuine financial hardship requiring respect and compassion in special circumstances. This policy establishes guidelines for assessment of a hardship application applying the principles of fairness, integrity, confidentiality and compliance with statutory requirement.

PRIVACY AND CONFIDENTIALITY

Council officers will conduct themselves with courtesy and respect when dealing with ratepayers and shall maintain the privacy and confidentiality of all ratepayers' personal circumstances. Personal information collected as a result 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 person, unless required by law to do so, or authorised to do so by the person to whom that personal information relates.

Privacy will be maintained in accordance with the *NSW Privacy and Personal Information Protection Act 1998*.

ESSENTIAL ELIGIBILITY CRITERIA

1. The applicant must be the owner/spouse, or part owner of the property and be liable for the payment of the rates and annual charges. Council will accept an application from the Power of Attorney of the owner or part owner of the property.
2. The property for which the financial hardship relates to is the principal place of residency.
3. The financial hardship is genuine and can be displayed.
4. The property for which the hardship application applies must be categorised "Residential" for rating purposes and in the "Residential" portion of properties with an apportionment factor for mixed development land granted under Section 14X of the *Valuation of Land Act 1916*.

ESSENTIAL ELIGIBILITY CRITERIA (Con't)

5. Properties categorised as "Farmland" or "Business" may apply under these hardship provisions for special payment arrangements under Section 564(1) of the *Local Government Act, 1993*.
6. Other personal and family circumstances including age, physical and mental disability, injury and illness of the resident ratepayer or family member living with him/her will be considered.

APPLICATION PROCESS

The application for Hardship Rate Relief must be made on the approved form (appendix 1).

SUPPORTING DOCUMENTATION

The application for hardship must be accompanied with supporting documentation which may include, but is not limited to;

- o Reasons why the applicant was unable to pay rates and annual charges when they became due and payable.
- o Copy of bank or financial institutions statements for all accounts.
- o Details of all income and expenditure.
- o Details of all assets and investments.
- o Letter from recognised financial counsellor or financial planner confirming hardship and advising what steps have been taken by the applicant to resolve the reasons for financial hardship.
- o In cases of illness, a letter from a medical professional confirming medical condition causing hardship.

HARDSHIP ASSISTANCE TO RATEPAYERS

Council recognises that ratepayers may experience hardship in some circumstances in paying rates, annual charges. The *Local Government Act, 1993* provides for the following assistance to ratepayers.

Sec 564 (1) - Council may accept payment of rates and charges due and payable by a person in accordance with an agreement made with the person.

Sec 564 (2) - Council may write off or reduce interest accrued on rates or charges if the person complies with the agreement.

HARDSHIP ASSISTANCE TO RATEPAYERS (Con't)

Sec 567 (c) - Council may write off accrued interest on rates or annual charges payable by a person if, in its opinion payment of the accrued interest would cause the person hardship.

Sec 568 - Money paid to a council in respect of rates or charges levied on land is to be applied towards payment of those rates or charges in the order in which they became due.

Sec 575 (1) - If an eligible pensioner is the person solely liable, or a person jointly liable with one or more other persons, for a rate or charge levied on land on which a dwelling is situated, the rate or charge is, on application to the council and on production to the council of evidence sufficient to enable it to calculate the amount of the reduction, to be reduced in accordance with this section.

Sec 577 – Council can make an order deeming certain persons, who are jointly liable with an eligible pensioner(s) or solely liable, but who are not themselves eligible, to be eligible pensioners for the purpose of a mandatory reduction in rates and charges to avoid hardship.

Sec 582 - Council may waive or reduce rates, charges and interest due by any person prescribed by the regulations who is in receipt of a pension, benefit or allowance under the *Social Security Act 1991* of the Commonwealth.

Sec 583 (1) - Council is to write off amounts of rates, charges and interest which are reduced or waived under this Division.

Sec 583 (2) - Council may not take proceedings to recover an amount so written off unless the amount has been written off because of a wilfully false statement in an application under this Division or except as provided by section 584.

Sec 601 (1) - A ratepayer who, as a consequence of the making and levying of a rate on a valuation having a later base date than any valuation previously used by a council for the making and levying of a rate, suffers substantial hardship, may apply to the council for relief under this section.

Sec 601 (2) - Council has a discretion to waive, reduce or defer the payment of the whole or any part of the increase in the amount of the rate payable by the ratepayer in such circumstances, for such period and subject to such conditions as it thinks fit.

Sec 712 (1) - Proceedings for the recovery of a rate or charge may be commenced at any time within 20 years from the date when the rate or charge became due and payable.

HARDSHIP ASSISTANCE TO RATEPAYERS (Con't)

The *Local Government (General) Regulation 2005* may specify circumstances, in addition to those for which provision is made in this Chapter, in which a council may write off rates and charges and interest accrued on unpaid rates and charges.

Council may refer ratepayers or customers to welfare agencies or financial advisors for assistance.

The General Manager will have delegated authority for the approval of any Hardship Rate Relief Application up to the amount of \$5,000. For amounts over \$5,000 the decisions must be by resolution of Council.

EXCLUSIONS

Council Fees and charges (excluding annual charges levied under the *Local Government Act, 1993*) are not covered by Council's Hardship Policy. Waiver of fees and charges will be dealt with separately under Council's Donations, Sponsorships and Waiver of Fees and Charges Policy.

Rates and charges on rental properties are excluded from assistance as it is assumed that the rental income and taxation advantages associated with rental properties would cover rates and annual charges.

CANCELLATION OF FINANCIAL HARDSHIP RELIEF

The financial hardship relief arrangement may be cancelled as a result of the following:

1. The ratepayer has defaulted on payment arrangement.
2. The ratepayer no longer owns the land.
3. The ratepayer advises Council that financial hardship no longer applies.
4. Council receives information that the financial hardship no longer exists.
5. The ratepayer has made a wilful or inadvertent misstatement in the Hardship Relief Application form.
6. The ratepayer is deceased.

Such cancellation will be at the discretion of the General Manager.

REVIEW PERIOD

Hardship relief applications are to be reviewed after 12 months and ratepayers may be required to reapply.

The ratepayer must advise Council if their circumstances change and they are no longer eligible suffering hardship.

DEFINITIONS

Interest – Interest raised in accordance with the *Local Government Act, 1993* and as adopted by Council in the Revenue Policy.

Rateable Valuation – Land value used for rating purposes as supplied by the Valuer General in accordance with the *Valuation of Land Act, 1916*.

Rates and Annual Charges – Rates and annual charges raised in accordance with the *Local Government Act, 1993* and as adopted by Council in the Revenue Policy.

Eligible Pensioner – Means an eligible pensioner as defined in Clause 134 of the *Local Government (General) Regulation 2005*.

Approved Form – Council's Rate Relief Hardship Application form

PUBLICATIONS

Local Government Act, 1993

Local Government (General) Regulation 2005

Valuation of Land Act, 1916

Social Security Act 1991

NSW Privacy and Personal Information Protection Act 1998.

Council's Revenue Policy

Council's Donations, Sponsorships and Waiver of Fees and Charges Policy

HARDSHIP RATE RELIEF APPLICATION FORM

Personal information collected as a result of this application will only be used for the purpose of assessing eligibility under Council's Hardship Policy and will not be used for any other purpose, or disclosed to any person, unless required by law to do so, or authorised to do so by the person to whom that personal information relates. Privacy will be maintained in accordance with the *NSW Privacy and Personal Information Protection Act 1998*.

APPLICANT DETAILS (must be property owner)

| | | | | | |
|---|-----------------------------|------------------------------|-------------------------------|-----------------------------|--------------------------------|
| Salutation: (please tick) | <input type="checkbox"/> Mr | <input type="checkbox"/> Mrs | <input type="checkbox"/> Miss | <input type="checkbox"/> Ms | <input type="checkbox"/> Other |
| First Name: | | | | Surname: | |
| Street Address: | | | | | |
| Suburb: | | | | Postcode: | |
| Postal Address: (if different to street address) | | | | | |
| Suburb: | | | | Postcode: | |
| Phone No: | | | | Mobile: | |
| Email: | | | | | |

PROPERTY DETAILS

| | | | | | |
|---------------------------|--|--|--|------------------|--|
| Assessment Number: | | | | | |
| Street Address: | | | | | |
| Suburb: | | | | Postcode: | |
| Lot No: | | | | DP No | |

| SECTION 1: PROPERTY INFORMATION | | | | | |
|--|--|--------------------------|-----|--------------------------|----|
| a) | Is this property your principal residence? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| b) | If YES, how long have you lived here: | | | | |
| c) | Is any part of the property tenanted? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| d) | If YES, provide details: | | | | |
| e) | Do you own the property? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| | i. By yourself? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| | ii. With a spouse? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| | iii. With another person(s) | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| f) | How many people live at the property? | | | | |
| g) | Do you own (in full or in part), lease or have a financial or beneficial interest in any other land or building? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| h) | If YES, please provide address(es) and details of financial interest: | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

NARROMINE SHIRE COUNCIL

HARDSHIP RATE RELIEF APPLICATION FORM

SECTION 2: PENSION / BENEFIT DETAILS

| | |
|----|--|
| 1. | Do you receive any pensions or benefits? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, please provide type of pension (e.g.; aged, disability etc.,) and amount received per fortnight: Pension _____ \$ _____ |
| 2. | Do you have a current Pensioner Concession Card (PCC)? <input type="checkbox"/> Yes <input type="checkbox"/> No PCC No: _____ Date of Grant: _____ |
| 3. | Have you claimed a Pensioner Concession on any property this year? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, please state the address of the property: _____ _____ |

IF YOU HAVE A CURRENT PENSIONER CONCESSION CARD AND YOU HAVE NOT YET CLAIMED A PENSION REBATE, PLEASE COMPLETE A PENSIONER CONCESSION APPLICATION FORM AVAILABLE FROM COUNCIL AS YOU MAY NOT NEED TO CONTINUE COMPLETING THIS FORM. IF CONTINUING PLEASE SIGN PENSIONER DECLARATION SECTION 8.

SECTION 3a: INCOME

(State gross weekly/fortnightly amounts received from the following sources of income)

| | | | Wk / fn |
|----|--|----|---------|
| a) | How much do you receive in pensions & benefits? | | |
| | I. Centrelink or Veterans Affairs Pension | \$ | |
| | II. Other Centrelink/Government benefits | \$ | |
| b) | What is your gross wage / salary income? | \$ | |
| c) | Spouse / partner gross income | \$ | |
| d) | Gross income of any other persons residing at the property? | \$ | |
| e) | Do you receive income from any other source? (provide details) | | |
| | I. Trust income | \$ | |
| | II. Rentals | \$ | |
| | III. Insurance Payments / Compensation | \$ | |
| | IV. Superannuation | \$ | |
| | V. Interest | \$ | |
| | VI. Other income (provide details) | \$ | |

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HARDSHIP RATE RELIEF APPLICATION FORM

SECTION 3b: INCOME

(Please provide copies of the most recent bank statements)

Please provide name & current balance of all bank, credit union or building society accounts held in your name?

| Name of Institution | Type of Account | Balance |
|---------------------|-----------------|---------|
| | | \$ |
| | | \$ |
| | | \$ |
| | | \$ |
| | | \$ |

SECTION 4: ASSETS

Provide details of other non-property assets

| | Estimated Value |
|--------------------------------|-----------------|
| Car/s | \$ |
| Boats/Watercraft | \$ |
| Motor Bike(s) | \$ |
| Shares | \$ |
| Investments | \$ |
| Furniture | \$ |
| Caravan | \$ |
| Other Assets (provide details) | \$ |

SECTION 5: EXPENSES

Provide details of your expenses

| | Estimated Expense | Wk / fn |
|--|-------------------|---------|
| Home Loan Repayments | \$ | |
| Personal Loans / Hire Purchase | \$ | |
| Credit Cards | \$ | |
| Health Costs (Where hardship relates to serious illness) | \$ | |
| Council Rates & Charges | \$ | |
| Other mortgages | \$ | |
| Other Expenses | \$ | |

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

NARROMINE SHIRE COUNCIL

HARDSHIP RATE RELIEF APPLICATION FORM

SECTION 8: PENSIONER DECLARATION

This section should only be completed by Pensioners who are in receipt of a Pensioner Concession Card issued by Centrelink or Department of Veterans' Affairs.

APPLICANT CONSENT

This consent will be used for the sole purpose of authorising Centrelink to provide information to Narromine Shire Council, ("the Council") to assess your eligibility in relation to concessions or services provided by Council.

APPLICANT CONFIRMATION

I _____ authorise
(Applicant's name)

- Council to use Centrelink Confirmation eServices to perform an enquiry of my Centrelink or Department of Veteran's Affairs Customer details and concession card status in order to enable the Council to determine if I qualify for a concession; and
- the Australian Government Department of Human Services (the department) to provide the results of that enquiry to the Council. This involves electronically matching details I have provided to the Council with Centrelink or Department of Veterans" Affairs (DVA) records to confirm whether or not I am currently receiving a Centrelink or DVA benefit.

I understand that the department will use information I have provided to the Council to confirm my eligibility for the concession and will disclose to the Council personal information including my name, address, payment and concession card type and status.

I understand that this consent, once signed, remains valid while I am a customer of the Council unless I withdraw it by contacting the Council or the department.

I can obtain proof of my circumstances/details from the department and provide it to the Council so that my eligibility for the concession can be determined.

I understand if I withdraw my consent or do not alternatively provide proof of my circumstances/details, I may not be eligible for the concession provided by the Council.

I also understand that this consent, which is ongoing, can be revoked any time by giving notice to the Council.

(Further information about the Centrelink Confirmation eServices is available on Centrelink's website at www.humanservices.gov.au).

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

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

Signature: _____ Date: / /

NARROMINE SHIRE COUNCIL

HARDSHIP RATE RELIEF APPLICATION FORM

| SECTION 9: CHECKLIST FOR APPLICANTS | |
|--|---------|
| Council will accept this application sought is provided by you. Additional information that you may have that supports your application can be attached. Please ensure all sections are completed. | |
| I have completed | Yes /No |
| Applicant Details | |
| Property Details | |
| Section 1 – Property Information | |
| Section 2 – Pension / Benefit Details | |
| Section 3a – Income Details | |
| Section 3b – Bank Account Details | |
| Section 4 – Asset Details | |
| Section 5 – Expense Details | |
| Section 6 – Hardship Details | |
| Section 8 – Pensioner Declaration | |