



WEDDIN SHIRE COUNCIL

POLICY NUMBER: 1.20.2

POLICY FOR HARDSHIP ASSISTANCE

Adopted: 16 March 2017

PREAMBLE

This policy has been adopted to formalise the procedures relating to cases of Financial Hardship.

ELIGIBILITY

The Local Government Act, 1993 provides Council with three (3) 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 LGA, 1993

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

Council has 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 can set the period of time for when applications can be made under this Section.

Applications under Section 601 LGA, 1993 must be made during the first year a new land value is used for rating purposes.

Section 582 LGA, 1993

Council can provide assistance to Pensioners under this Section. 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.

Section 564 and 567 LGA, 1993

Council can enter into payment agreements with ratepayers who cannot meet their normal instalment payments as provided by the LGA, 1993, and may write off or reduce interest charges.

POLICY FOR HARDSHIP ASSISTANCE (No 1.20.2)

POLICY

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

The criteria for financial hardship involves an inability of the ratepayer to pay their rates, rather than an unwillingness to do so. Hardship may result from any of the following:

- Loss of employment by ratepayer or family member;
- Family breakdown;
- Illness of the ratepayer or family member;
- Death in the family;
- Loss of income due to natural disasters.

The criteria for assessment will be, but is not limited to, the following:

- The amount of any rate increase when compared to the average rate increase for the rate category;
- The amount of rates levied compared to the average rate of the rate category;
- Income from all sources;
- Living expenses;
- Reason for financial hardship;
- Length of occupancy.

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

1 Concession Application

To apply for the financial hardship concession the ratepayer must submit a signed and dated application in writing to Council stating the nature of the hardship and the estimated time that the hardship will be experienced.

Evidence confirming the ratepayer's hardship status must accompany the application 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
- Evidence in writing from third parties such as the ratepayer's bank or accountant;
- Evidence in writing from a recognised financial counsellor;
- Statutory declaration from a person familiar with the ratepayers circumstances who is qualified to provide Council with a clear unbiased assessment of the ratepayer's hardship status, such as a carer or Power of Attorney.

Council may request additional information to confirm the ratepayer's hardship status if deemed necessary.

2 Concession Options

The General Manager has delegated authority to assess all applications in accordance with this policy. Once the ratepayer has submitted the application, it will be reviewed by a Hardship Committee delegated by the General Manager. The Hardship Committee will consist of three (3) members from Council, being the Director Corporate Services, Rates Clerk and the Finance/IT Officer. The Hardship Committee will review the application and recommend to the General Manager any offer of assistance having regard to the circumstances in relation to the particular hardship case. The General Manager will make a final determination about the application after considering the recommendation of the Hardship Committee. Available options are:

- Defer outstanding amounts for a set period of time;
- Charge an interest rate of 0% on overdue amounts for a set period of time;
- Arrange an appropriate payment schedule;
- Any combination of the above.

In all cases a commitment to pay the outstanding amounts by the ratepayer must be entered into in the form of an arrangement or a commitment to commence an arrangement if the amount outstanding is deferred.

3 Continuing Hardship

If the ratepayer continues to experience hardship after the concession period approved by Council has expired then new application must be made by the ratepayer. In such circumstances evidence provided with the initial application may be used to confirm the ratepayer's hardship status, however, Council may request additional information to confirm the ratepayer's hardship status if deemed necessary.

4 Concession Withdrawal

The Financial Hardship Concession may be withdrawn for any of the following reasons:

- The ratepayer no longer owns the land;
- The ratepayer advises Council that hardship no longer applies;
- Defaulting on payment arrangement if an arrangement has been entered into;
- Council receives new information that proves the hardship no longer exists.

The General Manager reserves the right to withdraw any Financial Hardship Concession.

HISTORY

Version Number	Details
1.20.1	Adopted 18 th September 2014
1.20.2	Adopted 16 th March 2017