

Hardship – ordinary rates and annual charges

Policy, procedure, protocol	Policy
Document version	V 4.0
Date adopted by Council	17 July 2018
Minute number	15.124/18
File reference number	ECM 2172962
Due for review	April 2021
Documents superseded	V1.0 – 20/07/2010 – 13.117/10 V2.0 – 16/03/2013 – 13.059/13 V3.0 – 19/05/2015 – 14.095/15
Related documents	Privacy Management Plan
Author	Revenue Coordinator
Section / Department	Finance & Supply
Linkage to Our Community Plan	5 Leadership
Objective	5.2 We will have an effective and efficient organisation
Strategy	5.2.1 Operate in a financially responsible and sustainable manner

Table of contents

1.	Purpose	1
2.	Definitions	1
3.	Background/legislative requirements.....	1
4.	Policy statement	1
5.	Procedures	1
6.	Appeal/objections process.....	2
7.	Attachments.....	2

1. Purpose

To establish guidelines for the General Manager and staff on providing appropriate assistance to ratepayers suffering financial difficulties with the payment of ordinary rates 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.

2. Definitions

Rateable person – includes the Crown in respect of rateable land owned by the Crown and means:

- a) An owner in any case where the Local Government Act 1993, provides that a rate is to be paid to the council by the owner, and
- b) A holder of a lease in any case where the Local Government Act 1993, provides that a rate is to be paid to the council by the holder of the lease.

3. Background/legislative requirements

Local Government Act NSW 1993 – Sections 564, 567, 568, 577 and 601
Local Government (General) Regulation 2005 (NSW)
Valuation of Land Act NSW 1916

4. Policy statement

Council recognises that in some circumstances, payment of ordinary rates and annual charges when due may cause undue hardship. Council is committed to considering applications of hardship on merit and by applying the principles of fairness, integrity, confidentiality and compliance with statutory requirements.

5. Procedures

Council may enter into a formal agreement with a ratepayer eligible for alternative periodical payments for due and payable ordinary rates and annual charges. Under such a payment arrangement payments will be applied towards the payment of ordinary rates and annual charges in the order in which they became due.

Ratepayers seeking such assistance will be required to complete the Rates Hardship Application Form indicating their preferred payment method and frequency of payments.

Applications will be considered by Council's Revenue Coordinator using the following criteria:

- i. The applicant must be the owner or part owner of the property and be liable for the payment of ordinary rates on the property.

- ii. The property for which the hardship application applies must be the principal place of residency of the applicant/s.
- iii. The property for which the hardship application applies must be categorised as “Residential” or “Farmland” for rating purposes.
- iv. Ratepayers seeking hardship as a result of valuation changes are encouraged to seek appeal to the NSW Valuers General under the provisions of the Valuation of Land Act NSW 1916.

Ratepayers deemed to be suffering from financial hardship will be offered a payment arrangement that seeks to cover current ordinary rates and annual charges and, in the event there is outstanding debt, recover that also.

In the event the ratepayers meets the agreed payment arrangements in full, any interest charges accrued during the period will be waived. This option is not available where no payment arrangement exists, a payment arrangement exists but is not met, or where the Debt Recovery – Ordinary Rates and Annual Charges Policy has been applied to recover outstanding ordinary rates and annual charges.

Ratepayers who are experiencing difficulties in meeting their scheduled repayments should seek review by consulting a Financial Planner to provide assistance in determining a more manageable payment arrangement.

Payment arrangements must always include the provision to pay current ordinary rates and annual charges and any arrears due to Council. A payment arrangement that does not meet these requirements will not be accepted.

6. Appeal/objections process

Where a ratepayer’s application for financial hardship is rejected, the ratepayer may appeal the decision by addressing the Director Corporate and Governance in writing within 30 days of the rejection being advised.

Noting that failure to lodge an appeal within the timeframe provided may result in application of the Debt Recovery – Ordinary Rates and Annual Charges Policy where outstanding ordinary rates and annual charges exist.

7. Attachments

Hardship Rate Relief Application Form