

Policy Type	Corporate
Function	Financial Management
Policy Owner	Manager Financial and Administrative Services
Policy Contact	Revenue Coordinator
Effective Date	1 July 2023

Purpose

To detail the manner in which Council will provide relief to ratepayers who are unable to pay their rates and charges due to genuine financial difficulties or hardship.

Scope

The policy applies to all ratepayers with overdue rates and charges levied by Council who are experiencing genuine financial hardship.

Exceptions

Nil

Principles

The policy is guided by the following principles:

- Transparency – clear obligations of ratepayers and documented processes taken by Council to assist ratepayers to meet their financial obligations;
- Consistency and equity – provide equal treatment to all ratepayers;
- Fairness – ensure there is no significant shift in responsibility for revenue raising to other ratepayers;
- Flexibility – ability to respond where necessary to changes in the local economy.

Objective

This policy's objective is to:

- Provide where possible support and assistance to ratepayers who are suffering genuine financial hardship due to circumstances beyond the normal frustration and trials experienced by other similar ratepayers from time to time. This hardship may occur as a result of illness, death of a partner or other sudden and unexpected circumstances.
- Provide an administrative process to determine applications quickly.
- Promote the image of Council as both efficient and fair.

Policy Statement

Financial hardship relief provided under this policy does not forgo Council's normal debt recovery action, including Council's ability to sell land for arrears of rates.

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.

Applicants will only be considered to be eligible for a rate concession on the grounds of financial hardship upon complying with the following criteria:

- The applicant does not have reasonable assets external to the land upon which the application for relief on the grounds of hardship applies to;
- Payment of rates by the applicant would cause financial hardship within the next twelve (12) months; and
- The property is the property owner's principal place of residence.

In addition to this criteria, applications by a single party where there is a perceived threat to their health and/or safety because of domestic violence, will be considered.

An application for hardship relief on a property must be made by completing the form shown in Appendix 1.

A determination under this policy will be assessed against financial data provided by the applicant. Supporting documentation may include but is not limited to:

- A completed and signed statement of financial position (Appendix 2);
- Copy of most recent pay slip, government benefit statement(s) or work cover statement;
- Copy of the most recent mortgage statement or rental receipt;
- Copy of the most recent other creditor statements (e.g. credit card or personal loan);
- Medical practitioner or health professional letter (if applicable);
- Copies of recent bank statements for all accounts;
- Letter confirming financial hardship from a recognised financial counsellor or financial planner (if applicable); and
- Any other supporting documents considered relevant in supporting the request.

Applications that do not have sufficient information will be returned to the applicant for further information. Should sufficient information not be provided, or information cannot be substantiated, the application will not be considered.

All applications for hardship relief will be reviewed and final approval given by the Chief Executive Officer or an authorised delegate.

Council will consider all matters under this policy confidentially.

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

- Income from all sources.
- Living expenses.
- The applicant must occupy the rateable property as their sole and principal place of residence and must not own any other property either within or outside the Council area.

Consideration should be given to whether the ratepayer could meet the rate liability by rescheduling commitments or by selling non-essential assets such as (but not limited to) non-residential caravans, holiday or investment properties, luxury cars, boats or other investments.

If the assessment of Council is that the restoration of a ratepayer's financial situation over the medium to long term is unlikely, the application for a concession will not be approved. The ratepayer will be provided with a short period of deferral up to six months to make other financial arrangements, after which other debt recovery actions must be implemented.

Ratepayers who meet the criteria may be offered assistance by one or more of the following:

- An agreed payment plan outside the current debt recovery action.
- Subject to satisfactory completion of an agreed payment plan, reimbursement of 50% of interest charges accruing between the date of commencement of agreed payment plan and completion of the agreed payment plan.

Ratepayers who do not meet the criteria for hardship relief under this policy may be afforded an agreed payment plan outside the current debt recovery action.

Any payment plan negotiated or concession applied must take into account the ratepayer's capacity to pay and allow for the plan to be renegotiated if there is a demonstrable change in circumstances.

Consideration will be given to whether the applicants have adhered to previous payment plans or whether they have a record of regular payments.

For any agreed payment plan the debt must be cleared in full by the end of the payment plan, including new charges accrued during the plan. Payments must be made on at least a monthly basis.

In the event that a payment plan is not maintained within the agreed terms, the ratepayer will be offered an opportunity to make a revised payment plan. Failure to make and maintain an appropriate payment plan will result in an escalation of recovery actions. Payment plans and adherence to these must ensure that no arrears extend beyond a two year timeframe.

Two consecutive failures to make payment as per the agreed plan will result in the plan being terminated and full payment of the amount outstanding due immediately.

Risk Management

The policy supports Council's strong commitment to transparency, consistency, equity and flexibility and promotes the image of Council as both efficient and fair.

The policy mitigates the risk of relief being provided to ratepayers who are unable to pay their rates and charges but not experiencing genuine financial difficulties or hardship.

The policy provides a detailed administrative process to Council employees to ensure applications are processed efficiently and accurately.

Legislation

Local Government Act 2009

Local Government Regulation 2012

Definitions and Abbreviations

Application Form	means Council's Hardship Application Form for the purpose of applying for assistance under this policy.
Council	means Burdekin Shire Council.
Financial Hardship	means when a ratepayer is unable to meet basic requirements (including food, clothing, medicine, accommodation and children's education).

Related Documents

Document Title
Revenue Policy 2023/24
Revenue Statement 2023/24
Application for Rates Relief on the Grounds of Hardship
Statement of Financial Position

Document History and Version Control

Title of Document	Rates and Charges Hardship Policy 2023/24
Document Reference Number	FIN-POL-0006 Rev 5
Review Schedule	12 months
Council Meeting Date	27 June 2023
Council Resolution Number	1758019

Application for Rates Relief on the Grounds of Hardship

Information Privacy Act 2009 Burdekin Shire Council is collecting the information you supply on this form in accordance with the *Local Government Act 2009* for the purpose of considering your application. Your information will not be disclosed to a third party without your consent unless required or authorised by law.

Applicant Details

Property Number:			
Given Name/s:		Surname:	
Postal Address:			
Residential Address:			
Contact number/s:			
Date financial difficulty commenced:			
Date financial difficulty expected to cease:			
Grounds for Application: (attach separate sheet with more information if required)			

Required Documentation

In the case of an application for rate relief on the grounds of hardship, the documentation (copies only) outlined in the checklist needs to be included with the application, as well as the details of the applicant's registered accountant or tax agent. The documentation shall be assessed by the Chief Executive Officer or delegated officer.

Accountant or Tax Agent Details:		
Documentation Checklist: Please ensure the following documentation is attached and returned with this application.	↓	A completed and signed statement of financial position.
	↓	Copy of most recent pay slip, government benefit statement(s) or work cover statement.
	↓	Copy of most recent mortgage statement or rental receipt.
	↓	Copy of most recent other creditor statements (e.g. credit card or personal loan).
	↓	Medical practitioner or health professional letter (if applicable).
	↓	Copies of recent bank statements for all accounts.
	↓	Letter confirming financial hardship from a recognised financial counsellor or financial planner (if applicable).
	↓	Any other supporting documents considered relevant in supporting the request.

Acknowledgement

The applicant acknowledges the information provided is being collected and recorded for the purposes of resolving the account.

The applicant acknowledges the right of the Chief Executive Officer, or delegated officer, to hold further discussions with the applicant and with the applicant's approval, the applicant's accountant, financial counsellor and/or tax agent to assist in providing any report to Council. The applicant may incur professional costs from accountants/tax agents through any investigations carried out by the CEO.

Information provided with this application will be held on a confidential basis.

If the applicant is in receipt of benefits through CENTRELINK, Council will be entitled to check on the eligibility of the applicant for assistance by this Government Agency.

Declaration

I, _____ do solemnly and sincerely declare that
the information set forth herein has been truthfully and correctly supplied by me, and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867*.

Property Owner:			
Signature:		Date:	/ /

Please ensure any additional property owners sign

Name:			
Signature:		Date:	/ /
Email:		Phone:	

Name:			
Signature:		Date:	/ /
Email:		Phone:	

Name:			
Signature:		Date:	/ /
Email:		Phone:	

PO Box 974, Ayr Qld 4807
T (07) 4783 9800 | **F** (07) 4783 9999
 enquiries@burdekin.qld.gov.au

Statement of Financial Position

Information Privacy Act 2009 Burdekin Shire Council is collecting the information you supply on this form in accordance with the *Local Government Act 2009* for the purpose of considering your application. Your information will not be disclosed to a third party without your consent unless required or authorised by law.

Name:		Property Number:	
Property Address:		Postcode:	
Phone:	Home:	Mobile:	
	Work:		
Email:			
Date of Birth:		Licence Number:	
Are you employed?		Occupation:	
Employment Status:	Full Time	Part Time	Casual
Self Employed			
Employer's Name:			
Employer's Address:			
If not employed, please advise when you expect to return to work, or if you receive benefits please indicate type:			
Full name, address and contact phone number of a relative not living at your address:			
Name:		Phone Number:	
Address:			
MONTHLY EXPENSES	AMOUNT	MONTHLY EXPENSES	AMOUNT
Mortgage / Rent / Board	\$	Rates (water / council)	\$
Gas / Electricity	\$	Home Insurance	\$
Food	\$	Health/Life Insurance	\$
Telephone/Internet	\$	Personal Loan Repayments	\$
Goods & Household Items	\$	Medical Expenses	\$
School/Childcare	\$	Leisure/Entertainment	\$
Clothing	\$	Other	\$
Petrol	\$		
Car Expenses	\$	TOTAL EXPENSES	\$
OUTSTANDING DEBTS	AMOUNT	OUTSTANDING DEBTS	AMOUNT
Chattel Mortgage	\$	Other	\$
Credit Card/s	\$	Other	\$
Personal Loan/s	\$		
Other	\$	TOTAL DEBTS	\$

ASSETS		
List your Assets	WORTH	BALANCE OWING
House, Flat/Unit, Property		
Additional: House, Flat/Unit, Property		
Motor Vehicle (Reg No: _____)		
Caravan / Boat		
Shareholdings/Investments		
Other		
<u>TOTAL</u>	\$	\$

INCOME	AMOUNT
Wages (Week / Fortnight / Month)	\$
Pension / Benefit	\$
Workers Compensation	\$
Superannuation	\$
Board/Other (Week / Fortnight / Month)	\$
Allowances, e.g. Child	\$
Other:	\$
<u>TOTAL</u>	\$

I confirm this is a true and accurate reflection of my current financial position. Further, I acknowledge that _____ is outstanding on my account and I will update Burdekin Shire Council on any changes to my financial circumstances. I acknowledge the information provided is being collected and recorded for the purposes of resolving my account.

Property Owner:			
Signature:		Date:	/ /

Please ensure any additional property owners sign:

Name:			
Signature:		Date:	/ /
Email:		Phone:	

Name:			
Signature:		Date:	/ /
Email:		Phone:	

Name:			
Signature:		Date:	/ /
Email:		Phone:	