

5.12. RATES FINANCIAL HARDSHIP POLICY

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DEPARTMENT	Finance and Corporate Services

RECOMMENDATION

That Council adopts the Rates Financial Hardship Policy

EXECUTIVE SUMMARY

Council wishes to adopt the Rates Financial Hardship Policy.

BACKGROUND

People who owe money to Council sometimes find themselves in a situation of severe financial hardship, for example due to loss of employment, illness or relationship breakdown. For Council to insist on those amounts outstanding to be paid in full by the due date may exacerbate this financial hardship as well as create additional psychological stress. Council's Rates Financial Hardship Policy is provided as a gesture to provide some relief to customers in this situation, provided they satisfy the conditions outlined in the policy.

PROPOSAL

That Council adopts the Rates Financial Hardship Policy.

FINANCIAL/RESOURCE IMPLICATIONS

The Rates Financial Hardship Policy may result in a reduction in the interest income earned from overdue rates. This reduction in interest has been taken into account in devising Council's annual budget.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications arising from the introduction of the Rates Financial Hardship Policy.

SUSTAINABILITY IMPLICATIONS

Economic: A reduction in interest revenue will impact on the operating result of Council. This has been taken into account when devising Council's annual budget. There are no further likely impacts on Council's Economic sustainability.

Environmental: Nil

Social: Nil

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

Corporate Plan 2019-2024 Initiatives:

Theme 5 - Robust Governance and Efficient Service Delivery

Strong governance and financial management are the foundations of the way in which Council will conduct its business and implement the initiatives of the Corporate Plan.

Goal 1 - *We will conduct Council business in an open and transparent manner with strong oversight and open reporting.*

Goal 2 - *We will put the customer at the centre of our service delivery and process improvement as we deliver efficient and appropriate services based on community expectations.*

Goal 3 - *We will make sound financial decisions by ensuring robust strategic planning, financial management and reporting.*

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following areas outline where Council has a clear responsibility to act:

Regulator	Council has a number of statutory obligations detailed in numerous regulations and legislative Acts. Council also makes local laws to ensure that the Shire is well governed. In fulfilling its role as regulator, Council will utilise an outcomes-based approach that balances the needs of the community with social and natural justice.
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CONSULTATION

Internal: Rates Team, Management Team, Chief Executive Officer

External: Nil

COMMUNITY ENGAGEMENT

Nil

ATTACHMENTS

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Intent

To establish a policy for the provision of financial assistance regarding rates and charges, to land owners where financial hardship is proven to exist.

Scope

This policy will allow Council to consider applications for financial assistance from land owners who are experiencing 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. In applying this policy, Council will ensure that wherever possible, all outstanding debts will eventually be recovered.

Provisions

Under the provisions of the *Local Government Regulation 2012*, Council may resolve to grant a ratepayer a deferment or waiver of interest charges, for rates and charges whereby the payment of the rates or charges will cause hardship to the land owner. This action is reserved for cases of extreme financial hardship only, where there is no other form of relief available to the applicant. Ratepayers who do not meet the conditions for hardship relief under this policy may be offered an arrangement to pay outside the current debt recovery action.

To be eligible for financial assistance, the following conditions must be met:

1. The applicant must be the ratepayer of the land with the rate notice being issued in the applicant's name.
2. No claim for financial assistance has been approved for the customer within the prior four years.
3. An application for assistance needs to be made, using the Financial Hardship Application form and providing documentary evidence as required.

All applications for Rates Financial Hardship will be reviewed and final approval given by the Chief Executive Officer or an authorised delegate. In assessing the request for assistance, Council will take into consideration past payment history, previous applications for assistance and the evidence and circumstances provided in the application. 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 will not be approved. Council may reject any application.

Council may provide the following financial assistance:

- Freezing of interest, no longer than 6 months and/ or
- Deferment of rates payment, no longer than 6 months

At the time financial assistance expires, if the debt has not been fully extinguished and Council is of the opinion that the ratepayer is in continued financial hardship, upon written request, Council may consider extending a further period of financial assistance. Special consideration for additional financial assistance may be granted to those ratepayers deemed by Council to be ‘vulnerable’, including but not limited to: a pensioner (1), a person with a disability (as defined by the Disability Discrimination Act) and a victim of domestic violence.

At the expiration of the assistance period, failure to make appropriate payment to extinguish the debt, may result in an escalation of debt recovery actions. Council may terminate assistance at any time and pursue the debt through normal debt collection procedures. If Council becomes aware of any ratepayer providing false or misleading information in order to gain assistance for which he/she would otherwise not be eligible, the agreement with Council will become null and void. Any charges waived or deferred, including interest, will be restored to the full amount.

This policy is not retrospective and will apply from the date of first adoption.

Related Legislation and Policies

Local Government Act 2009

Local Government Regulation 2012

Rates Rebate – Not for Profit Policy (formerly Rates Based Financial Assistance General Policy)

Rates Financial Hardship Application

Debt Recovery General Policy

Policy Review

This policy is to be reviewed every four years/whenever legislation changes, or at the direction of the Chief Executive Officer.

Policy Details

Policy Name	Rates Financial Hardship Policy
Policy Number	73
Policy Version	2
Document Number	962855
Endorsed by	Chief Executive Officer
Policy Type	Council
Approval Authority	Council
Date Adopted	29/03/2022
Time Period	Four years
Review Date	01/03/2026

Policy Department	Finance and Corporate Services
Link to Corporate Plan	Robust Governance and Efficient Service Delivery
Revoked/Superseded	

This policy is to remain in force until otherwise determined by Council.

(1) The applicant(s) MUST be the holder(s) of one of the following Queensland cards:

- *Centrelink, Pension Concession Card.*
- *Department of Veterans' Affairs, Pension Concession Card.*
- *Department of Veterans' Affairs, Repatriation Health Card. (Full Conditions only)*