



RICHMOND SHIRE COUNCIL HARDSHIP POLICY

POLICY NUMBER:	087
INFOPERT REF:	121010
TIME PERIOD OF REVIEW:	1 Year
DATE OF NEXT REVIEW:	July 2024

1. OBJECTIVE

To set out Richmond Shire Council's guidelines for the assessment of requests for rating relief due to financial hardship.

2. SCOPE

This policy applies to property owners who are experiencing significant financial hardship and are unable to pay rates and charges levied against a property by Council.

3. DEFINITIONS

To assist in interpretation of this policy the following definitions apply:

- Chief Executive Officer (CEO) means the Chief Executive Officer of Council as appointed under the Local Government Act 2009.
- Chronic Illness means any illness that is permanent or lasts longer than three (3) months.
- Death of a Partner means unexpected expenses (funeral costs) and reduction or loss of family income as a result of the death of a member of a couple (married, registered relationship or de facto relationship).
- Financial Hardship in this case means being unable to meet basic requirements (including food, clothing, medicine, accommodation, and children's education). This hardship can occur as a result of chronic illness, long-term unemployment or death of a partner.
- Long-term Unemployment means being unemployed for over 52 weeks.
- Property Owner is as defined in Schedule 4 of the Local Government Act 2009 as 'owner of land' and 'ratepayer' as defined in Schedule 8 of the Local Government Regulation 2012. These two terms can be interchanged for the purpose of this policy.
- Rates and Charges are as defined by Section 91 and 92 of the Local Government Act 2019.
- Residential Property refers to property that its primary use is for residential purposes.

4. POLICY BACKGROUND

The purpose of this policy is to ensure that support is to be provided to Property Owners that can prove that they are experiencing financial hardship and are as a result unable to meet a realistic payment arrangement for the rates and charges levied against a property.

Where a Property Owner is able to demonstrate that making a payment by the due date or a payment plan cannot be met and would entail genuine Financial Hardship due to a loss the Property Owner has suffered, a framework for assistance is to be provided by council where deemed appropriate to the circumstances experienced.

Please be aware, that Financial Hardship relief provided under this policy does not forgo the right council has to implement normal debt recovery action, including councils ability to sell land for arrears of rates. Under section 120(1)(c) of the Local Government Regulation 2012, Council may decide to grant a concession by resolution if it is satisfied that "the payment of rates or charges will cause hardship to the land owner" as set out in this policy.

Applications will be considered when:

Applications for rates and charges relief on a property will be considered where:

- It is the Property Owner's principal place of residence;
- No commercial benefit is derived from the property;
- The Property Owner is unable to maintain realistic payment arrangements;
- The Property Owner is experiencing genuine financial hardship due to a loss the Property Owner has suffered:
 - a person who has less than two weeks of available funds equivalent to the maximum rate of income support payment provided by the Department of Human Services for Crisis Payments; and
 - has been unemployed for over 52 weeks; or
 - suffers from a chronic illness that is permanent or lasts longer than three months; or
 - has incurred unexpected expenses (funeral costs) and reduction or loss of family income as a result of the death of a partner.
- Upon application being made for the relief of rates and charges by the Property Owner.

Relief Available:

The CEO, or delegate, may assess and present an application to council to be granted to a Property Owner under this policy by one or more of the following methods:

- An agreed payment plan outside the current debt recovery action;
- Subject to satisfactory completion of an agreed payment plan:
 - Reimbursement of interest already applied and charged;
 - Reimbursement of interest charges accruing between the CEO or delegate's, consideration and the completion of an agreed payment plan; and
 - Reimbursement of charges for costs to recover outstanding rates and charges (for which the court has ordered that the Property Owner pay costs).

Lodging a Request for Relief:

Requests for relief must be received in writing and will involve a full financial assessment undertaken by the CEO, or delegate.

Assessment of Requests:

The CEO, or delegate, will consider applications for rates and charges relief to determine the most appropriate form of assistance to be provided to a Property Owner.

The CEO, or delegate, will operate within the budgetary limits allocated by Council each financial year.

Requests will be formally adopted by resolution at a council meeting once the need for financial relief has been assessed and tabled.

Dispute or Failure to Comply:

If a Property Owner:

- does not respond to the offer of relief; or
- fails to wholly comply with the offer of relief; or
- once an agreed payment plan is entered, fails to comply with the requirements of that agreed payment plan;

Normal debt recovery action will continue.

Prior to implementing debt recovery action, if a property owner is on a payment plan with council, officers will first be required to liaise with the property owner to determine if an amended payment plan is able to be agreed on.

If unsatisfied with the outcome of their application under this policy, property owners may seek a review of the decision via a more senior officer than the original decision maker as delegated by the CEO.

5. RELATED DOCUMENTS

- Financial Hardship Rate Relief Application Form

6. RELEVANT LEGISLATION

- *Local Government Act 2009*
- *Local Government Regulation 2012*

7. IMPLEMENTATION

This Policy will commence from the Policy reviewed date and will be made available to all corporate staff on Council's intranet site/network, and to all outdoor staff via their supervisor/coordinator. Council reserves the right to vary, replace or terminate this Policy from time to time. This Policy will typically be reviewed when a review has been deemed appropriate by organisational processes (e.g., audit Recommendations), or when legislative requirements change.

8. APPROVAL

Date of Adoption: 24 July 2023
Policy Reviewed: General Council Meeting 16 January 2024
Resolution Number: 20240116.9

Policy Authorised: Peter Bennett
Chief Executive Officer