

POLICY

Name:	Rates Financial Hardship Policy
Functional Area:	Corporate Services / Rates
Policy No:	
File No:	01/03/02
Topic:	Refund, deferment or waiver of rates, charges and/or interest
Approved by:	Council
Date Approved:	22 nd November 2000
Version:	One

1. PURPOSE

The purpose of this Policy is to provide ratepayers with the opportunity to apply for deferment of rates, charges and interest on the grounds of financial hardship, in accordance with Section 170 of the Local Government Act 1989.

2. LOCAL GOVERNMENT ACT

Council has the power to defer rates, charges and interest imposed for late payment under Section 170 of the Local Government Act 1989.

S170 Deferred Payment

- (1) A Council may defer in whole or in part the payment by a person of any rate or charge which is due and payable for a specified period and subject to any conditions determined by the Council if it considers that an application by that person shows that the payment would cause hardship to the person.

3. DEFINITIONS

“Financial Hardship”	means that the ratepayer is unable to pay the outstanding rate or charge due to any adverse financial situation.
“Compassionate Grounds”	means short term circumstances of a compassionate nature that if deferment of payment was not granted would lead to a situation of financial hardship.
“Necessitous Circumstances”	means circumstances beyond the control of the ratepayer that makes the payment of rates or charges impractical on a short-term basis only.

4. RESPONSIBILITY

The Officers responsible for administration of this Policy are the Co-ordinator of Revenue Management and Financial and Crisis Counselling Officers.

5. APPLICATION ON THE GROUNDS OF FINANCIAL HARDSHIP, COMPASSION OR NECESSITOUS CIRCUMSTANCES

- 5.1 Ratepayers seeking refund or deferment or waiver from payment of rates, charges or interest on the grounds of financial hardship, compassion or necessitous circumstances must apply in writing and provide relevant information to substantiate their request. Applications must be in writing, however, an application form will be available for this purpose, if required by the Ratepayer.
- 5.2 Ratepayers may be required to provide further information.
- 5.3 Ratepayers may be required to verify the information provided.
- 5.4 Applications for deferment or waivers shall be considered on the basis of, but not limited to:-
 - Financial Hardship
 - Compassionate grounds
 - Necessitous circumstances.

6. PROCESS FOR DEALING WITH APPLICATIONS

- 6.1 When an application is received, the Manager, Community Services will make arrangements for the Applicant to visit an independent Financial Counsellor. This appointment will be co-ordinated by the Manager, Community Services at a time and venue most appropriate for the Applicant.
- 6.3 The Financial Counsellor will assess the application to determine the level of financial hardship the Applicant is experiencing or is likely to experience if the application to defer rates, charges and interest was not granted.
- 6.4 The Financial Counsellor will provide a written recommendation to Council's Co-ordinator of Revenue Management. The written report will only include information that the Applicant has approved for inclusion and will not include details of personal financial information. The Applicant will be provided with a full copy of the written report.
- 6.5 The recommendation to the Chief Executive Officer should be based upon the Financial Counsellor's assessment and may include any of the following (or any combination of) options:-
- personalised payment plan for full payment, without an interest charge (within a specified timeframe but not exceeding two years);
 - defer rates with or without interest charge (within a specified timeframe but not exceeding two years);
 - defer rates with or without interest charge and make them a charge against the property;
 - waive interest only charge (for a specified timeframe but not exceeding two years);
 - waive rates, charges and interest charge (for a specified timeframe but not exceeding two years).

- 6.6 The recommendation and subsequent decision must refer to the time period for which the decision will apply. At the expiration of the time period, the decision is to be reviewed and the Chief Executive Officer may require the Applicant to submit a new application to be considered in accordance with this Policy.

7. APPEALS

Any Applicant who is aggrieved by the decision of the Financial and Crisis Counsellor and/or the Co-ordinator Revenue Management may appeal that decision in writing to the Chief Executive Officer.

8. IMPLEMENTATION

This Policy is effective from its date of adoption