



Rates, Charges and Fees – Financial Hardship Policy

Policy Statement

Council recognises there are cases of genuine financial hardship requiring respect and compassion in special circumstances. This policy establishes guidelines for the assessment of hardship applications applying the principles of fairness, integrity, appropriate confidentiality, and compliance with relevant statutory requirements. It applies to all applications for waiving, deferment & alternative payment arrangements, or the writing off of rates, fees, annual charges and interest accrued on such debts.

Related Legislation, Circulars or Guidelines (as amended)

- Local Government Act 1993
- Local Government (General) Regulation 2005 (NSW)

Does this Document Replace an Existing Policy, Procedure or Plan?

No

Related Council Policy or Procedure

- Draft Debt Recovery Policy
- Draft Revenue Policy
- Draft Rates, Charges and Fees - Financial Hardship Procedures

Application and Distribution

It is mandatory for all Council officials to comply with this Policy.

This Policy and Guidelines is available on Council's website under Council Policies.

Approved by:

Executive Team: 14 August 2013

Council : 22 August 2013 GM 13/28 209

Signature:

General Manager

Branch Responsible: Finance

Date of next Review: August 2015

Key Responsibilities

Position	Directorate	Responsibility
Mayor	Council	To lead Councillors in their understanding of, and compliance with, this Policy and Guidelines.
General Manager	Executive	To lead staff (either directly or through delegated authority) in their understanding of, and compliance with, this Policy and Guidelines. To approve resources to develop, implement and review this Policy and Guidelines.
Management Accountant – Revenue	Corporate Business	Make determinations in accordance with this Policy. Outline responsibilities of person(s) whose role it will be to carry out most of the functions under the Policy.
Directors	All Directorates	To communicate, implement and comply with this Policy and related Guidelines.
Director of Corporate Services	Corporate Business	To ensure (directly or through delegation) the distribution and communication of the Policy and Guidelines to specified persons. To ensure (directly or through delegation) the approved Policy and Guidelines are available in hard copy and electronically on Council's website.
All Council officials	Council	To comply with this Policy, Guidelines and related procedures.

Rates, Charges and Fees – Financial Hardship Policy

1. Introduction

Council recognises there are cases of genuine financial hardship requiring respect and compassion in special circumstances. This policy establishes guidelines for the assessment of hardship applications. It applies to all applications for waiving, deferment & alternative payment arrangements, or the writing off of rates, fees, annual charges and interest accrued on such debts.

2. Definitions

Here is the meaning of some terms used in the Guidelines as defined by the Australian Macquarie Dictionary:

Financial - To supply with means of payment

Hardship - A **condition** that bears hard upon one

3. Objectives

The objective of Council's Rates, Charges and Fees – Financial Hardship Policy and Guidelines is to:

- Provide a framework for responding to applications from ratepayers and customers experiencing genuine hardship with the payment of their rates, charges and fees in accordance with local government legislation.
- Assess individual cases of financial hardship based on merit.

4. Principles

Council's Rates, Charges and Fees – Financial Hardship Policy and Guidelines are underpinned by the following principles:

- Fairness
- Integrity
- Appropriate confidentiality
- Compliance with relevant statutory requirements

5. Access

- Public access to information about Financial Hardship Processes will be through Council's website.
- Reasonable access assistance will be available to persons with special needs.

6. Responsiveness and Accountability

- Council's Management Accountant – Revenue (either directly or through delegated authority) will assess and make determinations on requests for financial hardship assistance in accordance with statutory requirements and these guidelines.
- Council will not reduce rates or annual charges, but will consider alternative available approaches to dealing with cases of financial hardship;

- Council will consider a scheme of periodic payment outside the due date(s) in cases of hardship or extenuating circumstance;
- Council may write off or reduce the accrued interest on rates and charges if a person complies with a periodic payment agreement;
- Council will respond to requests for financial hardship assistance in writing within 10 working days from receipt of required information.
- A right of appeal against a determination for financial hardship assistance is available in which the Corporate Business Director (either directly or through delegated authority) will review the request and previous determination.
- Any consideration for financial hardship assistance not pursuant with these guidelines will be determined by Council resolution.

7. Privacy and Confidentiality

The principles of Council's Privacy Management Plan will be applied.

8. Integrity, Dignity and Respect

- Council treats all persons with courtesy and respect.
- Council officials will demonstrate fair and consistent decision-making.
- Council will not tolerate rude or aggressive behaviour towards Council officials. In such circumstances, Council officials are entitled to terminate phone calls or meetings as appropriate. Wherever possible, Council officials will provide the person with initial warning that their conduct is inappropriate and that the meeting or conversation will be terminated.

9. Eligibility

A person may be eligible for consideration for financial hardship assistance in the payment of rates, charges, fees and interest, where:

- The person is unable to pay rates, charges, fees or accrued interest when due for reasons beyond the persons control; or
- Payment when due would cause the person hardship.

10. Criteria for Assessment

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

- Income from all sources
- Living expenses
- Reason(s) for financial hardship
- Compliance with any previous periodic payment arrangement