

1. BACKGROUND

Coonamble Shire Council acknowledges that from time to time some residents / ratepayers may suffer from financial hardship.

The definition of Hardship to be used by Council is as follows: - *“A situation where a ratepayer is unable, reasonably, because of illness, unemployment or other reasonable cause, to discharge their financial obligations to Council and the Customer reasonably expects to be able to discharge those obligations of payment and/or Service arrangements were changed. Financial hardship can be of limited or long-term duration.”*

2. PURPOSE

The purpose of this policy is to provide empathy and assistance to those residents / ratepayers who are experiencing genuine financial hardship.

3. POLICY OBJECTIVE

To establish guidelines for the General Manager and staff when dealing with residents / ratepayers, suffering genuine financial hardship, with the payment of the ordinary rate and annual charges.

The Local Government Act 1993 allows Council to provide assistance to ratepayers experiencing hardship. Hardship can result from a number of factors including:

- Loss of employment by the consumer or family member.
- Family breakdown.
- Illness including physical incapacity, hospitalisation. Or mental illness of the consumer or family member.
- A death in the family.
- Natural disaster.

4. LEGISLATION

This policy is to be read in conjunction with the following:

- Local Government Act 1993.

- Local Government (General) Regulation 2005.
- Local Government Code of Accounting Practice and Financial reporting.
- Australian Accounting Standards.
- Department of Local Government Circulars.
- Trade Practices Act 1974.
- Australian Securities and Investments Commission Act 2001.
- ACCC and ASIC Debt Collection Guideline for collectors and creditors.
- Privacy and Personal Information Protection Act 1998.
- Australian Communications Industry Forum – Guide for a Hardship Policy.

Council employees shall refrain from personal activities that would conflict with proper execution and management of Council's Hardship Policy. Council's Code of Conduct provides guidance for recognising and disclosing any conflicts of interest.

5. APPLICATION/SCOPE

Authority for implementation of the Hardship Policy is delegated by Council to the General Manager in accordance with the *Local Government Act 1993*.

The General Manager may delegate the hardship function to an authorised council employee. Delegated officers are required to acknowledge that they have received a copy of this policy which is in accordance with relevant regulations and legislations.

The following Council officers are responsible for the implementation and adherence to this policy:

- General Manager
- Executive Leader of Corporate and Sustainability
- Manager of Finance and Procurement
- Revenue Officer

The General Manager will have delegated authority for the approval of any Hardship Rate Relief Application up to the amount of \$5,000. For amounts over \$5,000 the decisions must be by resolution of Council.

6. POLICY

6.1. ETHICS AND CONFLICTS OF INTEREST

Officers shall refrain from personal activities that would conflict with proper execution and management of Council's Debt Recovery Policy. Council's Code of Conduct provides guidance for recognising and disclosing any conflicts of interest.

6.2. PRIVACY OBLIGATIONS

Personal information means information or opinion, whether it is true or not, about an individual that can reasonably allow the individual to be identified.

A debtor's personal information will be treated with respect and Council will comply with the Privacy and Personal Information Protection Act 1998 when collecting and disclosing information throughout the debt recovery process.

6.3. ESSENTIAL ELIGIBILITY CRITERIA

- The applicant must be the owner/spouse, or part owner of the property and be liable for the payment of the rates and annual charges. Council will accept an application from the Power of Attorney of the owner or part owner of the property.
- The property for which the financial hardship relates to is the principal place of residency.
- The financial hardship is genuine and can be displayed.
- The property for which the hardship application applies must be categorised "Residential" for rating purposes and in the "Residential" portion of properties with an apportionment factor for mixed development land granted under Section 14X of the Valuation of Land Act 1916.
- Properties categorised as "Farmland" or "Business" may apply under these hardship provisions for special payment arrangements under Section 564(1) of the Local Government Act, 1993.
- Other personal and family circumstances including age, physical and mental disability, injury and illness of the ratepayer or family member living with him/her will be considered.

6.4. EXCLUSIONS

Council Fees and charges (excluding annual charges levied under the *Local Government Act, 1993*) are not covered by Council's Hardship Policy. Waiver of fees and charges will be dealt with separately under Council's Donations Policy.

Rates and charges on rental properties are excluded from assistance as it is assumed that the rental income and taxation advantages associated with rental properties would cover rates and annual charges.

6.5. APPLICATION PROCESS

Ratepayers who wish to access the financial hardship provisions of this policy must provide sufficient information to Council in order for an assessment to be made. Applicants should submit their request in writing and are requested to complete the approved form detailing personal financial information.

The application for hardship must be accompanied with supporting documentation which may include, but is not limited to:

- Reasons why the applicant was unable to pay rates and annual charges when they became due and payable.
- Copy of bank or financial institutions statements for all accounts.
- Details of all income and expenditure.
- Details of all assets and investments.
- Letter from recognised financial counsellor or financial planner confirming hardship and advising what steps have been taken by the applicant to resolve the reasons for financial hardship.
- In cases of illness, a letter from a medical professional confirming medical

Please note that submitting the hardship application does not mean that it will be approved. Hardship assistance is subject to approval and it can also be declined in case if the information provided is not sufficient.

6.6. PAYMENT ARRANGEMENTS

Council may accept payment of rates and charges in accordance with an agreement and can resolve to write off or reduce interest accrued on rates & charges if the person complies with the agreement.

The basic principle of any agreed financial arrangement is that the repayment should be sufficient to cover expected future use of the service (as adjusted to ensure the customer's financial position does not worsen over a reasonable period of time) as well as providing continued reduction of debt at a reasonable level (i.e. the customer should not be going into further debt under the arrangement).

The maximum assistance to be granted to the ratepayer is to be a repayments scheme over a two-year period with no interest charge applied. In case if the hardship still persists, then ratepayer will have to reapply and put in a fresh application.

6.7. WRITE OFF OF ACCRUED INTEREST

Council may resolve to write off accrued interest on rates and charges payable by a person if, in Council's opinion, the reasons that the person was unable to pay the rates and charges when they became due and payable were beyond the person's control,

or; that the person is unable to pay the accrued interest for reasons beyond that person's control, or; that the payment of the accrued interest would cause the person hardship.

The waiver will be considered once the ratepayer agrees to enter in an arrangement to pay off the debt in periodical payments by direct debit. The interest amount will be written off at the end of the financial year if the payment arrangement is adhered to. In case of broken payments, interest will not be written off

6.8. CONSIDERATION FOLLOWING REVALUATION

Ratepayers who incur an increase in the first year following a general Revaluation of land values are able to apply to Council for rate relief if the increase in the amount of rates payable will cause them substantial financial hardship.

6.9 REFERRAL TO EXTENRAL AGENCIES

Council may refer ratepayers to welfare agencies or financial advisors for assistance.

6.10. CANCELLATION OF FINANCIAL HARDSHIP RELIEF

The financial hardship relief arrangement may be cancelled as a result of the following:

- The ratepayer has defaulted on a payment arrangement.
- The ratepayer no longer owns the land.
- The ratepayer advises Council that financial hardship no longer exists.
- Council receives information that financial hardship no longer exists.
- The ratepayer has made a wilful or inadvertent misstatement in the Hardship Relief Application form.
- The ratepayer is deceased.

6.11. REVIEW

Review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practise guidelines.

The standard review period will be every three (3) years from the effective date. The Executive Leader of Corporate and Sustainability will be responsible for the review of this policy.

7. DEFINITION

Term	Definition
Act	<i>Local Government Act 1993.</i>
Council	Coonamble Shire Council.
Default	A failure by the ratepayer to abide by the terms and conditions agreed under a payment arrangement for the outstanding Rates and Charges.
Interest	The fee charged by Council, expressed as a percentage, on Rates and Charges that remain unpaid after the due date.
Interest Rate	Made in accordance with Section 566 of the Local Government Act and as adopted by Council in the Revenue Policy.
Payment Arrangement	An agreement entered into by Council and a Ratepayer for the payment of outstanding rates, charges and fees under an agreed instalment payment arrangement plan.
Pensioner	An eligible pensioner as defined in Clause 134 of the <i>Local Government (General) Regulations 2005</i> .
Pensioner Rebate	A rebate granted to eligible pensioners in accordance with Section 575 of the <i>Local Government Act 1993</i> .
Rates and Charges	Ordinary Rates and Annual Charges levied in accordance with the <i>Local Government Act 1993</i> .
Ratepayer	The person liable for payment of Rates and Charges for the property in accordance with <i>section 560 of the Local Government Act, 1993</i> .
Write off	A debt declared non recoverable.
Approved Form	Council's Rate Relief Hardship form.

Title: Financial Hardship Policy		
Department: Corporate and Sustainability		
Version	Date	Author
V2	10 February 2021	B Quarmby
<p>This policy may be amended or revoked at any time and must be reviewed at least three (3) years since its adoption (or latest amendment). The Executive Leader of "[Click here and add text]" will be responsible for the review of this policy. Review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines.</p> <p>Review Date: 2024</p>		
Amendments in the release:		
Section Title	Section Number	Amendment History
Annexure Attached: Financial Hardship Application Form		
Hein Basson General Manager 		

HARDSHIP RATE RELIEF APPLICATION FORM

Personal information collected as a result of this application will only be used for the purpose of assessing eligibility under Council's Hardship Policy and will not be used for any other purpose, or disclosed to any person, unless required by law to do so, or authorised to do so by the person to whom that personal information relates. Privacy will be maintained in accordance with the *NSW Privacy and Personal Information Protection Act 1998*.

APPLICANT DETAILS (must be property owner)

Salutation: (please tick)	<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Ms	<input type="checkbox"/> Other
First Name:				Surname:	
Street Address:					
Suburb:				Postcode:	
Postal Address: (if different to street address)					
Suburb:				Postcode:	
Phone No:				Mobile:	
Email:					

PROPERTY DETAILS

Assessment Number:					
Street Address:					
Suburb:				Postcode:	
Lot No:				DP No	

SECTION 1: PROPERTY INFORMATION

a)	Is this property your principal residence?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
b)	If YES, how long have you lived here:				
c)	Is any part of the property tenanted?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
d)	If YES, provide details:				
e)	Do you own the property?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
	i. By yourself?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
	ii. With a spouse?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
	iii. With another person(s)	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
f)	How many people live at the property?				
g)	Do you own (in full or in part), lease or have A financial or beneficial interest in any other land or building?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
h)	If YES, please provide address(es) and details of financial interest:				

COONAMBLE SHIRE COUNCIL

HARDSHIP RATE RELIEF APPLICATION FORM

SECTION 2: PENSION / BENEFIT DETAILS

1. Do you receive any pensions or benefits? Yes No

If YES, please provide type of pension (e.g.; aged, disability etc.,) and amount received per fortnight:

Pension _____ \$ _____

2. Do you have a current Pensioner Concession Card (PCC)? Yes No

PCC No: _____ Date of Grant: _____

3. Have you claimed a Pensioner Concession on any property this year? Yes No

If YES, please state the address of the property: _____

IF YOU HAVE A CURRENT PENSIONER CONCESSION CARD AND YOU HAVE NOT YET CLAIMED A PENSION REBATE, PLEASE COMPLETE A PENSIONER CONCESSION APPLICATION FORM AVAILABLE FROM COUNCIL AS YOU MAY NOT NEED TO CONTINUE COMPLETING THIS FORM. IF CONTINUING PLEASE SIGN PENSIONER DECLARATION SECTION 9.

SECTION 3a: INCOME

(State gross weekly/fortnightly amounts received from the following sources of income)

			Wk / fn
a)	How much do you receive in pensions & benefits?		
	I. Centrelink or Veterans Affairs Pension	\$	
	II. Other Centrelink/Government benefits	\$	
b)	What is your gross wage / salary income?	\$	
c)	Spouse / partner gross income	\$	
d)	Gross income of any other persons residing at the property?	\$	
e)	Do you receive income from any other source? (provide details)		
	I. Trust income	\$	
	II. Rentals	\$	
	III. Insurance Payments / Compensation	\$	
	IV. Superannuation	\$	
	V. Interest	\$	
	VI. Other income (provide details)	\$	

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HARDSHIP RATE RELIEF APPLICATION FORM

SECTION 3b: INCOME		
<i>(Please provide copies of the most recent bank statements)</i>		
Please provide name & current balance of all bank, credit union or building society accounts held in your name?		
Name of Institution	Type of Account	Balance
		\$
		\$
		\$
		\$
		\$

SECTION 4: ASSETS	
Provide details of other non-property assets	
	Estimated Value
Car/s	\$
Boats/Watercraft	\$
Motor Bike(s)	\$
Shares	\$
Investments	\$
Furniture	\$
Caravan	\$
Other Assets (provide details)	\$

SECTION 5: EXPENSES		
Provide details of your expenses		
	Estimated Expense	Wk / fn
Home Loan Repayments	\$	
Personal Loans / Hire Purchase	\$	
Credit Cards	\$	
Health Costs (Where hardship relates to serious illness)	\$	
Council Rates & Charges	\$	
Other mortgages	\$	
Other Expenses	\$	

***Please attach a separate page with any other relevant information you feel may assist your application.**

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HARDSHIP RATE RELIEF APPLICATION FORM

SECTION 6: HARDSHIP DETAILS
What is the cause of the hardship? (e.g. illness*, unemployment)
How long have you been experiencing this hardship?
What relief are you seeking from Council? (Options listed under Hardship Assistance to Ratepayers in Policy)
How many children do you support? (State ages)
Which organisations have you sought assistance from due to financial hardship?
Details of recognised financial counsellor, financial planner or similar you have engaged to provide assistance to you?

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HARDSHIP RATE RELIEF APPLICATION FORM

SECTION 7: SUPPORTING DOCUMENTATION	
Supporting Documentation attached	Yes / No
Copies of bank or financial institutions for all accounts.	
Details of all income and expenditure.	
Copies of the last 2 years notice of assessment from the Australian Taxation Office for all owners listed on the property title.	
Details of all assets and investments.	
Letter from recognised financial counsellor or financial planner confirming hardship and advising what steps have been taken to resolve the reasons for financial hardship.	
In case of illness, a letter from a medical professional confirming medical condition.	

- **Provision of the supporting documentation listed above, is required to constitute a valid application under this Policy.**

SECTION 8: DECLARATION	
I hereby declare that the information provided above is true and correct. <i>(If you make a false statement in an application you may be guilty of an offence and fined up to \$2,200).</i>	
Signature	Date / /

COONAMBLE SHIRE COUNCIL

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SECTION 9: PENSIONER DECLARATION

This section should only be completed by Pensioners who are in receipt of a Pensioner Concession Card issued by Centrelink or Department of Veterans' Affairs.

APPLICANT CONSENT

This consent will be used for the sole purpose of authorising Centrelink to provide information to COONAMBLE Shire Council, ("the Council") to assess your eligibility in relation to concessions or services provided by Council.

APPLICANT CONFIRMATION

I _____ authorise
(Applicant's name)

- Council to use Centrelink Confirmation eServices to perform an enquiry of my Centrelink or Department of Veteran's Affairs Customer details and concession card status in order to enable the Council to determine if I qualify for a concession; and
- the Australian Government Department of Human Services (the department) to provide the results of that enquiry to the Council. This involves electronically matching details I have provided to the Council with Centrelink or Department of Veterans" Affairs (DVA) records to confirm whether or not I am currently receiving a Centrelink or DVA benefit.

I understand that the department will use information I have provided to the Council to confirm my eligibility for the concession and will disclose to the Council personal information including my name, address, payment and concession card type and status.

I understand that this consent, once signed, remains valid while I am a customer of the Council unless I withdraw it by contacting the Council or the department.

I can obtain proof of my circumstances/details from the department and provide it to the Council so that my eligibility for the concession can be determined.

I understand if I withdraw my consent or do not alternatively provide proof of my circumstances/details, I may not be eligible for the concession provided by the Council.

I also understand that this consent, which is ongoing, can be revoked any time by giving notice to the Council.

(Further information about the Centrelink Confirmation eServices is available on Centrelink's website at www.humanservices.gov.au).

I agree that, unless I revoke my consent, this Applicant Consent record is a permanent consent, and may be relied on by the Council until such time as I revoke it.

I acknowledge I have read and understood this Customer Consent record.

COONAMBLE SHIRE COUNCIL

HARDSHIP RATE RELIEF APPLICATION FORM

Signature: _____ Date: / /

SECTION 10: CHECKLIST FOR APPLICANTS

Council will accept this application sought is provided by you. Additional information that you may have that supports your application can be attached. Please ensure all sections are completed.

I have completed	Yes /No
Applicant Details	
Property Details	
Section 1 – Property Information	
Section 2 – Pension / Benefit Details	
Section 3a – Income Details	
Section 3b – Bank Account Details	
Section 4 – Asset Details	
Section 5 – Expense Details	
Section 6 – Hardship Details	
Section 7 – Supporting Documentation	
Section 8 – Declaration	
Section 9 – Pensioner Declaration	