



H5/1

## POLICY REGISTER

**Subject: Hardship Policy - Rates & Charges**

	<i>Current</i>	<i>Previous</i>	<i>Prior</i>	<i>Prior</i>
<b>Minute No:</b>	173	Included in Policy D5/1		
<b>Meeting Date:</b>	14/08/2006			
<b>Review Date:</b>	July 2008			

### **POLICY OBJECTIVES**

To provide assistance where possible, in accordance with the Local Government Act 1993 and the Local Government (General) Regulations 2005, to those ratepayers who are experiencing genuine financial difficulties in paying their rates and charges.

To provide an administrative process to determine hardship applications.

### **POLICY STATEMENT**

Council recognises that, at times, certain ratepayers may have difficulty in paying their property rates and charges. Council is willing to provide assistance, where possible, to ratepayers in this situation.

The Local Government Act 1993 specifies a range of assistance measures that Council can provide to ratepayers who are experiencing genuine financial hardship. In particular, Sections 564, 567, 577, 582 and 601 address these issues.

This policy sets out how Council will determine hardship applications with regard to these Sections of the Local Government Act.

Council will consider each individual case on its particular merit, in conjunction with the minimum criteria detailed in this policy.

### **LGA, Section 567(c): Writing off of accrued interest**

Council may write off accrued interest on rates or charges payable by a person if, in its opinion, payment of the accrued interest would cause the person hardship.

**Minimum Criteria:**

- The property for which the applicant is requesting assistance is the only property in which the applicant has an interest;
- The property must be the applicants principal place of abode;
- The property must be categorised as residential or farmland for rating purposes;
- The applicant must have entered into an agreement according to section 564 of the Act.

Note that sections 567(a) and 567(b) allow Council to write off interest if a person was unable to pay the rates and charges by the due date for reasons beyond that person's control. These Sections do not refer to financial hardship and are therefore covered in Council's Debt Recovery Policy (D5/1).

Further section 564 enables Council to write off or reduce interest accrued on rates or charges if a person complies with an agreement made with Council. Assistance under this section is covered in Council's Debt Recovery Policy (D5/1).

**LGA, Section 577: Extension of concessions to avoid hardship**

This Section enables Council to extend the pensioner rebate to ratepayers who are not eligible pensioners but who occupy a dwelling and are liable for the rates and charges of that dwelling jointly with an eligible pensioner. This Section also allows Council to extend the pensioner rebate to eligible pensioners who are not actually liable for the rates and charges of a property but who actually pay the rates and charges.

**Minimum Criteria:**

- The applicant must satisfy the criteria set out in section 577;
- The property for which the applicant is requesting assistance is the only property in which the applicant has an interest.

**LGA, Section 582: Abandonment of pensioners rates and charges**

This Section enables Council to waive or reduce rates, charges and interest due by any person prescribed by the regulations who is in receipt of a pension, benefit or allowance under the Social Security Act 1991 of the Commonwealth. Thus, Council may, at its absolute discretion, further reduce on a voluntary basis (with no subsidy from the state government) rates and charges otherwise payable by an eligible pensioner.

**Minimum Criteria:**

- The applicant must satisfy the requirements of an eligible pensioner as detailed in Part 8, Division 1 of the Local Government Act;
- The property for which the applicant is requesting assistance is the only property in which the applicant has an interest.

### **LGA, Section 601: Hardship resulting from certain valuation changes**

This Section enables Council to waive, reduce or defer payment of an increase in an amount levied for a rate, where the making and levying of that rate was on a valuation having a later base date than any valuation previously used by Council for making and levying that rate.

#### **Minimum Criteria:**

- The property for which the applicant is requesting assistance is the only property in which the applicant has an interest;
- The property must be the applicants principal place of abode;
- The property must be categorised as residential or farmland for rating purposes;
- The application must have been made within three months of Council issuing a Rates & Charges Notice based on the later valuation. The increase in the rate will only be waived, reduced or deferred for the first year in which the later valuation was used for levying the rate.

#### **LEGISLATION**

Local Government Act 1993  
Local Government (General) Regulations 2005

#### **PROCEDURE**

Applications for rate relief due to financial hardship must be on the form approved by the Director General Hardship Rate Relief Application Form.

The applicant must apply annually and their circumstances must remain unchanged from the previous year.

If circumstances change and the applicant no longer qualifies, Council will negotiate a re-payment plan for accrued arrears.

The Senior Finance Officer – Rates will consider the application, if necessary in consultation with other relevant staff, and/or the applicant. The Senior Finance Officer – Rates will prepare an order (appendix A) for the General Manager.

The General Manager is authorised pursuant to Section 377 of the Local Government Act 1993, to administer this policy and write off, by an order, amounts up to \$200.00 per account. Amounts greater than \$200.00 must be referred to Council for consideration.

The Senior Finance Officer – Rates is to inform the applicant in writing of Council's decision.

If an applicant is dissatisfied with the decision made by the Senior Finance Officer – Rates they may request the matter be reviewed by the General Manager.

Appendix A – General Manager’s Order Form



**GENERAL MANAGER’S ORDER NUMBER** \_\_\_\_\_

**Writing off of rates, charges, debts and accrued interest**

In accordance with the provisions of the Local Government (General) Regulation 2005 Clause 131 and Council’s policies D5/1 and “Hardship”, I hereby order that the following amounts be written off and the appropriate entries made in Council’s records and accounts.

Name of person whose debt is being written off	
Account number	
Amount to be written off	
Type of account	
Reason why account was raised	

- Reason for writing off the account
- Error in the assessment
  - Amount is not lawfully recoverable
  - Result of court decision
  - Attempt to recover would not be cost effective
  - Small balance write off prior to rate levy
  - Hardship

Date to be reported to Policy and Planning Committee \_\_\_\_\_

**Signed** \_\_\_\_\_  
GENERAL MANAGER

**Date:** \_\_\_\_\_

**Prepared by** \_\_\_\_\_

**Council File Number** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Finance Manager:** \_\_\_\_\_

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# HARDSHIP RATE RELIEF APPLICATION FORM

Approved by the Director General of the Department of Local Government, in accordance with clause 135 of the Local Government (General) Regulation 2005 under the *Local Government Act 1993*.

## APPLICATION FOR HARDSHIP RATE RELIEF FOR THE WHOLE OR PART OF THE YEAR COMMENCING 1 JULY 200\_

*\*please answer all questions relevant to you using block letters and ticking appropriate boxes.*

Assessment No. \_\_\_\_\_

I, \_\_\_\_\_  
(Full name in block letters)

of \_\_\_\_\_  
(Address)

telephone number \_\_\_\_\_ apply for a concession on the basis of financial hardship.

Property Description (Lot/Plan) \_\_\_\_\_  
(office use only)

(1) Do you receive any pensions or benefits? Yes No

If Yes, please provide type of pension and amount received per fortnight.

Pension: \_\_\_\_\_ Amount: \_\_\_\_\_

(2) Do you have a current Pensioner Concession Card issued by the Commonwealth Government? Yes No

PCC No. \_\_\_\_\_ Date of Grant \_\_\_\_\_

(3) Have you claimed a pensioner concession on any other property this year? Yes No

If Yes, state the address of the other property \_\_\_\_\_

(4) Is this property your sole or principal place of living? Yes No

The property for which I am claiming has been my sole/principal place of living since \_\_\_\_\_

Muswellbrook Shire Council

(5) I am liable for the payment of rates and charges on this property, together with others as listed below. (If no others, write "SOLE OWNER") \_\_\_\_\_

Please provide details of all "other" persons indicated in Question 5. (ALL OWNERS other than the applicant should be listed, including your spouse)

Name	PCC Holder Y/N	Pension No	Date of Grant	Relationship to me (eg: spouse, father, co-owner etc)	Resident of Property Y/N	% of ownership

Evidence of joint ownership is attached/has been provided to council previously (circle whichever is applicable).

(6) Is the property owned as shares in a company title? Yes No  
If you do not own or rent the property, please explain why you are liable to pay the rates \_\_\_\_\_

(7) Are there people living at the property other than those listed at Question 5? Yes No

(8) Please indicate who these people are?

Self

Spouse

Children (State ages \_\_\_\_\_)

Boarders

Relatives

Other (please specify)

(9) Do you own (either fully or partially) any other land or buildings? Yes No

If yes, list addresses.

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(10) How many children do you support? \_\_\_\_\_ State ages \_\_\_\_\_

(11) What is the cause of financial hardship? \_\_\_\_\_

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(12) How long have you been experiencing hardship? \_\_\_\_\_

(13) Please state gross weekly amount received in dollars and cents from the following sources of income:

a) Pensions and benefits \$ \_\_\_\_\_

b) Compensation, superannuation insurance or retirement benefits \$ \_\_\_\_\_

c) Spouse's income \$ \_\_\_\_\_

d) Income of other residents of the property \$ \_\_\_\_\_

e) Casual/part-time employment \$ \_\_\_\_\_

f) Family allowance \$ \_\_\_\_\_

g) Interest from banks/credit unions/building societies \$ \_\_\_\_\_

(14) Please provide name and current balance of all bank, credit union or building society accounts held by you.

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(15) Please state details of fortnightly outgoings.

Outgoing	Owed to	Amount
Rent/Home Loan		
Other mortgages		

Personal loans/Hire purchase		
Health Costs		
Council rates and charges		

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

I hereby declare that the information provided is true and correct. **If you make a false statement in an application you may be guilty of an offence and fined up to \$2,200.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## IMPORTANT NOTICE

### CUSTOMER CONSENT

For the sole purpose of authorising the council to confirm with Centrelink whether or not the detail I have provided to the council matches Centrelink or other Commonwealth portfolio department or agency records in relation to the current status of my Commonwealth Benefit:.

I \_\_\_\_\_ (full name) authorise the council to confirm with Centrelink the following details:

- Pension No.
- Name
- Address
- Postcode, and
- That I am a valid concessional card holder

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

I may revoke this Customer Consent record at any time by giving the council **written** notice that my consent is revoked. I understand if I revoke this consent, I may not be eligible for the concession given by the council.

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

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### PRIVACY AND PERSONAL INFORMATION PROTECTION ACT 1998

## **Compliance with Section 10**

The information contained in this application form and any information requested for the purpose of assessing eligibility for a pensioner concession is required under the Local Government Act 1993 and the Local Government (General) Regulation 2005.

This information is required before your application for a pensioner concession can be processed. The information is private and confidential and council must not disclose the information to any person or body if it is not directly related to the purpose for which the information was collected.

If you have a complaint about the use of your personal information, contact the council's Public Officer. The information contained or referred to in this application form may be corrected and updated by you, by contacting the council.

## **PURPOSE OF THIS FORM**

This form is to be completed by ratepayers wishing to receive a concession on council rates. Eligible ratepayers are entitled to receive up to:

- \$250.00 on ordinary rates and charges for domestic waste management services
- \$87.50 off their annual water rates and charges
- \$87.50 of their annual sewerage rates and charges

Generally, the concessions are available to eligible pensioners, however concessions may be granted to ratepayers suffering financial hardship in certain circumstances.

**The information provided by completing this form will enable council to determine eligibility to receive a concession and the level of concession the ratepayer is entitled to.**

## جدومنلا اذه نم ضرغل

سلجمل موسر ىلع ضيفخت مالتسا يف نيبغارل او ،ةيدلبلا موسرلا يف عفاذ قسطاوب جدومنلا اذه لامك! بجي  
ىلا لصت غلابم مالتسا نيل مؤللا موسرلا يف عفاذل قحيو .يدلبلا  
Ⓞ \$250,00 ةيلزنملا تايفنلا ةرادا تامدخل فيلكتل او ةيداعلا موسرلا ىلع  
Ⓞ \$87,50 ءامللا فيلكتو ةيونسللا موسرلا نم  
Ⓞ \$87,50 يراجملا هاي م فيرصت فيلكتو ةيونسللا موسرلا نم  
ات متاحة للمتقاعدين المؤهلين، ومع ذلك فقد تُمنح التخفيضات لدافعي الرسوم الذين يعانون متاعب ضيفختلا نإف، ةقماح ةفصرب  
فصاخ تالاح يف ةيلام  
مالتسال ةيلهال ديدحت ىلع ارداق يدلبلا سلجملال عجت فسوس جدومنلا اذه لامكباب ةرفوتللا تامولعمل  
موسرلا عفاذ قحتسي يذلا ضيفختلا ىوتسمو ،ضيفخت

### 此表格的用途

此表格供希望獲得市政稅優惠的納稅人填寫。符合資格的納稅人最高可獲得以下減價優惠：

普通市政稅及垃圾管理費減價250.00澳元

年度水費及管理費減價87.50澳元

年度廢水處理稅及管理費減價87.50澳元

符合資格的福利金領取者一般可獲得這些減價優惠。但是在某些情況下，有經濟困難的納稅人也可獲得這些優惠。

在此表格內填寫的訊息可協助市政會決定該納稅人是否有資格獲得減價優惠，以及優惠的等級。

### A cosa serve questo modulo

Questo modulo deve essere riempito dai contribuenti che desiderano ricevere riduzioni sulle imposte comunali. I contribuenti

che soddisfano i requisiti necessari possono ricevere le seguenti riduzioni:

- fino a \$250.00 sulle imposte comunali ordinarie e sulla bolletta per l'asporto dei rifiuti domestici;
- fino a \$87.50 sulla imposta annuale e bolletta dell'acqua;
- fino a \$87.50 sulla imposta annuale e bolletta delle fognature.

In linea generale le riduzioni vengono concesse solo ai pensionati aventine diritto ma, in alcune circostanze, possono essere estese anche ai contribuenti che si trovino in difficili situazioni economiche.

Le informazioni fornite riempiendo questo modulo consentiranno al Comune di determinare se il contribuente ha diritto alle riduzioni d'imposta e l'ammontare delle riduzioni stesse.

### OBJETIVO DE ESTE FORMULARIO

Los contribuyentes que deseen recibir una rebaja en las contribuciones municipales deben responder a este formulario. Quienes reúnan los requisitos podrán recibir hasta:

- \$250,00 en contribuciones y tarifas ordinarias por servicios de administración de desechos domésticos.
- \$87,50 de rebaja anual en las contribuciones y tarifas por agua potable.
- \$87,50 de rebaja anual en las contribuciones y tarifas por alcantarillado.

En general, las rebajas están a disposición de los pensionados que reúnan los requisitos. Sin embargo, se podrán conceder rebajas a los contribuyentes que pasen por privaciones económicas en ciertas circunstancias.

La información que se proporcione respondiendo a este formulario permitirá al municipio determinar tanto si el contribuyente reúne los requisitos para recibir una rebaja como el monto de la rebaja a la cual tendrá derecho el contribuyente.

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## **MỤC ĐÍCH CỦA ĐƠN NÀY**

Đơn này cho những người đóng thuế địa phương muốn xin giảm thuế và lệ phí. Những người đóng thuế và lệ phí địa phương có thể được giảm đến:

- . \$250 cho thuế địa phương thường và lệ phí cho dịch vụ đổ rác
- . \$87.50 cho tiền nước và lệ phí hàng năm
- . \$87.50 tiền cống rãnh và lệ phí hàng năm

Nói chung, những người hội đủ điều kiện để lãnh trợ cấp xã hội được giảm thuế và lệ phí địa phương, tuy nhiên trong một số trường hợp, những người gặp khó khăn về tiền bạc cũng có thể được giảm thuế và lệ phí.

Những chi tiết điền trong đơn này sẽ giúp hội đồng thành phố (council) ấn định xem quý vị có hội đủ điều kiện hay không và mức độ được giảm thuế và lệ phí.