



RATES HARDSHIP POLICY

Adopted:

Trim: 116554.2011

1. LEGISLATIVE REQUIREMENTS

Local Government Act 1993

Local Government (General) Regulation 2005

2. PURPOSE/OBJECTIVES

This policy seeks:

- a) To provide assistance to ratepayers who are experiencing genuine difficulties with the payment of their rates and charges; and
- b) To provide a process for the appropriate assessment of all financial hardship applications.

3. POLICY STATEMENT

3.1 Due to exceptional circumstances, ratepayers may at times experience difficulty in paying rates and charges. This policy outlines the process to be followed in providing assistance to those ratepayers who are suffering genuine financial hardship.

3.2 The Local Government Act 1993 (LGA) gives Council the authority necessary to provide assistance to those ratepayers under the following sections of the Act:

- a) **Section 564** of the LGA provides Council with the option to accept payment of rates and charges due and payable in accordance with an agreement made with the ratepayer and to write off or reduce interest accrued on rates and charges if the ratepayer complies with the agreement.
- b) **Section 567** of the LGA provides for Council to write off accrued interest on rates and charges payable by a ratepayer if, in council's opinion the reasons that the ratepayer was unable to pay the rates and charges when they became payable were beyond the ratepayer's control, or; that the ratepayer is unable to pay the accrued interest for reasons beyond that ratepayer's control, or; that the payment of the accrued interest would cause the ratepayer hardship.
- c) **Section 601** of the LGA provides for ratepayers who incur a rate increase in the first year following a General Revaluation of land values to apply to Council for rate relief if the increase in the amount of rates payable will cause them substantial financial hardship.

3.3 Applications for hardship relief must be made on the appropriate form (attachment 1) which is also available for download on Council's website (www.liverpool.nsw.gov.au).

3.4 The applicant must meet the following criteria:

- the applicant must be the owner of the property and must be liable for the payment of rates and charges on the property
- the property for which the hardship application is made must be the principal place of residence of the applicant
- the property for which the hardship application applies must be categorised as "Residential" for rating purposes
- genuine financial hardship can be displayed
- the application for hardship must be accompanied with supporting documentation which may include, but is not limited to:
 - details of monthly income & expenditure
 - copies of most recent bank statements
 - a letter supporting the application outlining the reason for applying for financial hardship and the period of time for which the hardship relief sought may apply.

3.5 The General Manager has delegated authority to assess all applications in accordance with this policy.

3.6 In the first instance the application will be reviewed by a Hardship Committee delegated by the General Manager.

3.7 The Hardship Committee will consist of three (3) members from Council, being the Rates Co-ordinator, Manager of Financial Services and a representative from Council's Community Services department.

3.8 The Hardship Committee will review the application and recommend to the General Manager any offer of assistance as provided by the Local Government Act 1993, having regard to the circumstances of the applicant.

3.9 The General Manager will make a final determination about the application after considering the recommendation of the Hardship Committee.

3.10 The applicant will be informed of Council's decision in writing.

AUTHORISED BY
General Manager

EFFECTIVE FROM
26 July 2011

DEPARTMENT RESPONSIBLE
Corporate Services (Financial Services)

REVIEW DATE
July 2013

THIS POLICY HAS BEEN DEVELOPED AFTER CONSULTATION WITH
Corporate Services (Rates Unit)
Executive Team

REFERENCES
Local Government Act 1993
Local Government (General) Regulation 2005
Division of Local Government Rating and Revenue Raising Manual

HARDSHIP RATE RELIEF APPLICATION FORM

Approved by the Director General of the Division 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 201_

*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 Pension 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 _____

(5) I am liable for the payment of rates and charges on this property, together with other 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 |
|------|----------------|-------------|---------------|---|--------------------------|----------------|
| | | | | | | |
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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.

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

(11) What is the cause of financial hardship? _____

(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.

(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 Number
- 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.