

POLICY NAME: FINANCIAL ASSISTANCE - RATES,
ANNUAL CHARGES AND FEES

POLICY REF: F08

MEETING ADOPTED: 26 November 2015
Resolution No. 261115/20

POLICY HISTORY: 220911/19; 230311/23; 260804 (052)



TABLE OF CONTENTS

OBJECTIVE	1
BACKGROUND.....	1
DEFINITIONS	2
SCOPE OF POLICY.....	2
RELATED DOCUMENTATION	2
POLICY	2
1. Deferral of the general rate when new land values are used.....	3
2. Deferral of rates and charges against the estate.....	3
3. Other Ratepayer Assistance	3
4. Ranger associated Fees & Charges	4
REVIEW	4

OBJECTIVE

To provide rate relief to those ratepayers who are experiencing genuine and significant financial difficulties in paying their rates, charges and fees.

To provide financial relief for residents experiencing genuine and significant financial difficulties in paying animal surrender, impounding and sustenance fees that Council imposes.

BACKGROUND

Council recognises that, at times, certain ratepayers may have difficulty in paying their property rates, charges and fees. Council is willing to provide financial assistance to ratepayers in these situations.

The Local Government Act 1993 allows Council to provide a range of assistance measures. This policy outlines the options Council will provide to cases of genuine financial hardship.

Additionally Council also recognises that residents may have difficulty meeting Council imposed ranger fees associated with animal surrender, impounding and sustenance. Council cannot alter the registration fees set by the Companion Animals Regulation 2008.

DEFINITIONS

Land value	unimproved land value provided to Council by the Valuer General for the purpose of levying ordinary land rates.
Ranger fees & charges	fees associated with animal surrender, impounding and substance fees.
companion animal	means each of the following: (a) a dog (b) a cat (c) any other animal that is prescribed by the regulations as a companion animal.
Council	Ballina Shire Council

SCOPE OF POLICY

This policy applies to:

- Ratepayers of Ballina Shire
- Residents of Ballina Shire who own or surrender a companion animal

RELATED DOCUMENTATION

Related documents, policies and legislation:

- Local Government Act 1993
- Council's rates and charges debt recovery procedure
- Companion Animals Act 1998
- Companion Animals Act Regulation 2008
- Companion Animals Act (DLG Guidelines - February 2010)
- Council's Companion Animals Management Plan

POLICY

Council will provide assistance for ratepayers facing genuine and significant financial hardship in the payment of their rates and charges. Rates, charges and fees are deemed to include all rates, charges and fees listed on a ratepayers' Rates & Charges Notice.

This policy also covers waiver, deferment or reduction provisions for residents experiencing genuine and significant financial hardship in the payment of Council imposed Ranger fees associated with the surrender, impounding and sustenance of companion animals. These subsidies may be treated as a community service obligation and reflected in Council's general income stream. Council cannot alter the registration fees set by the Companion Animals Regulation 2008. Council must remit the full fee set for each category of registration to the Division of Local Government.

The hardship assistance provisions offered are as follows:

1. Deferral of the general rate when new land values are used

In accordance with Section 601 of the Local Government Act 1993, if a property owner is eligible, Council will defer payment of the whole of the increase of the ordinary rate due, to the following rating year.

This is subject to one quarter of the amount of the increase being added to each instalment due in the following rating year. Interest is not charged on the deferred amount, unless it remains unpaid when the following rate instalment it was added to, becomes overdue.

The criteria used to determine eligibility is as follows:

- The property must be categorised residential or farmland for rating purposes
- The increase in land value must be greater than the residential shire wide average increase
- The ratepayer must own the property and also occupy the property as their principal place of abode
- The ratio of ordinary rates payable to gross household income must be greater than 3.5%
- The ratepayer will suffer substantial financial hardship if required to pay rates and charges when they fall due. The ratepayer must provide details of their income and expenses, with supporting evidence as required by Council
- This option is only available in the first year that new land values are used to levy rates.

2. Deferral of rates and charges against the estate

This option is offered in accordance with section 564 of the Local Government Act 1993. This option is only available to aged pensioners and self-funded retirees that satisfy the eligibility criteria to defer payment of part or all of their rates and charges against their estate.

Interest charges for approved applicants will be charged at the reserve bank cash rate. This interest rate will be reviewed annually on 1 July. This rate will then be effective for the entire financial year.

The criteria to be used to determine eligibility is as follows:

- The aged pensioner or self-funded retiree would suffer substantial financial hardship if required to pay rates and charges when they fall due. The applicant must provide details of their income and expenses, with supporting evidence as required by Council
- The property must be categorised residential or farmland for rating purposes
- The applicant must have owned the property for at least five years
- The applicant must occupy the property as their principal place of abode
- 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
- All applications for this type of assistance must be approved by the elected Council.

3. Other Ratepayer Assistance

In addition to the options outlined Council will provide financial arrangements for ratepayers, who may not meet the criteria outlined in this policy, but are still facing financial difficulties, to pay their outstanding rates, charges and fees.

These periodical payment agreements offered in accordance with section 564 of the Local Government Act 1993, which will be authorised by the General Manager, will generally allow the ratepayer an extended period of time to pay their account. Such agreements will be subject to interest charges as per the interest rate for overdue rates and charges detailed in Council's Schedule of Fees and Charges.

4. Ranger associated Fees & Charges

The General Manager, or delegate, may consider hardship matters relating to animal surrender, impounding and sustenance fees. Assistance may be provided in the form of allowing additional time to pay or waiving fees in cases of hardship. Council will not consider hardship applications in relation to animal registration fees or the costs of microchipping.

In cases of hardship the Council Rangers will have the discretion to waive animal surrender fees where there are animal welfare concerns and/or obvious community benefit. Where the Rangers exercise this discretion a report must be provided to the Group Manager of the Development and Environmental Health Group detailing the amount waived, customer name and address, the circumstances of the case and the reason for the decision.

The following heads of consideration will be used to determine applications under this section:

- The presence of financial hardship – the applicant is a recipient of a pension, government payment or is undergoing some other form of financial hardship (i.e. due to an serious medical condition),
- Track record – the past behaviour of the applicant and their animal in relation to compliance with the Companion Animals Act,
- Public safety and risk – the animal has acted in an aggressive or dangerous manner and may present a risk to public health and safety,
- Confinement – the adequacy of confinement measures (i.e. fences) to contain the animal onto its property.

REVIEW

This policy is to be reviewed every four years.

POLICY NAME: PENSIONER CONCESSIONS – RATES
AND CHARGES

POLICY REF: P10

MEETING ADOPTED: 24 April 2014
Resolution No. 240414/27

POLICY HISTORY: 220710/15



TABLE OF CONTENTS

OBJECTIVE	1
BACKGROUND.....	1
DEFINITIONS.....	1
SCOPE OF POLICY.....	1
RELATED DOCUMENTATION	2
POLICY	2
REVIEW	3

OBJECTIVE

To provide clear and equitable guidelines for the granting of pensioner concessions on Council rates and charges in conjunction with relevant sections of the Local Government Act 1993 (LGA) and Local Government (General) Regulation 2005 (LGR).

To provide clear guidelines for charging interest and taking debt recovery action for overdue rates and charges on properties owned by pensioners.

BACKGROUND

In accordance with Sections 575 and 577 of the LGA, Council provides a mandatory pensioner concession to eligible pensioners who own and occupy their property.

The maximum concessions for specific rates and charges are outlined below;

- Ordinary Rate and domestic waste charges – 50% of total up to a maximum of \$250.00 per annum.
- Water Charges (consumption and access) – 50% of total up to a maximum of \$87.50 per annum.
- Wastewater Charges – 50% of total up to a maximum of \$87.50 per annum.

Pensioner concessions are usually granted annually in advance and reversed on a quarterly basis if eligibility ceases.

The State Government provides Council with a reimbursement of 55% of the total mandatory pensioner concessions granted by Council.

This policy provides guidelines that Council will follow when considering an application for pensioner concession on rates and charges in cases where the LGA and LGR are silent.

This policy also confirms Council's previous procedure not to exclude pensioners from interest charges or from debt recovery action on overdue rates and charges.

DEFINITIONS

Immediate Family :

- a spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the person; or
- a child, parent, grandparent or sibling of a spouse or de facto partner of the person.

SCOPE OF POLICY

This policy applies to:

- Ratepayers that are eligible pensioners for purpose of receiving a concession on their rates and charges.

RELATED DOCUMENTATION

Related documents, policies and legislation:

- Local Government Act 1993
- Local Government (General) Regulation 2005
- Division of Local Government Publication - "Council Rating and Revenue Raising Manual - 2007"
- Internal pensioner concession processing procedure

POLICY

1. An application for a pensioner concession on rates and charges must be made by an eligible pensioner as defined by the LGA or LGR, by submitting a completed prescribed application form and producing a current pensioner concession card issued by Centrelink or the Department of Veteran Affairs. Council will also confirm through the card issuer, that the pensioner concession card is still current at the time the application is made.
2. Council will adjust rates and charges for an approved pensioner concession application for levies made in the current rating year in which the application was received and the previous rating year only OR from the effective date of eligibility in accordance with the LGA or LGR, whichever is later.

A ratepayer may request Council to review a retrospective pensioner concession for any previous year/s providing that sufficient evidence of eligibility is produced and that substantive reasons are provided for not lodging an application in the subject rating year/s. The General Manager will consider and determine such applications on a case by case basis and the decision will be final. Reasons for the determination will be provided to the applicant in writing.

3. Pensioner concessions for water charges will be allocated to annual water access charges in the first instance. Any remaining allowable pensioner concession amounts for the specific rating year will be allocated equally to quarterly water consumption charge billing periods. This quarterly amount becomes the maximum allowable pensioner concession for water consumption charges per quarter, and any unused concessions in previous water billing quarters are not transferrable to future quarters.
4. The effective date of eligibility commencement for a pensioner concession granted on quarterly water consumption charges will be determined by the pensioner's eligibility status on the date the water meter was read for the commencement of that quarterly billing period.
5. Council will confirm a ratepayer's current eligibility to a pensioner concession with Centrelink and/or the Department of Veteran Affairs at least annually. Any pensioner's that are reported back to Council as ineligible will be deactivated and advised in writing that their pensioner concession on rates and charges has been discontinued or reduced depending upon the pensioner status of other owner/s of the property. Retrospective adjustments as a result of the conformation process will not be made.

6. If an eligible pensioner is temporarily required to leave their principal place of living due to a medical reason (i.e. nursing home or hospital) with an intention to return, Council will continue to grant a pensioner concession on the property's rates and charges for a maximum period of up to 6 months. This is providing that the property is not privately leased or occupied during that period by anyone other than the pensioner's immediate family.
7. Properties owned or part owned by an eligible pensioner are not exempt from interest charges on overdue rates and charges made in accordance with the LGA and Council's adopted annual fees and charges.
8. Properties owned or part owned by an eligible pensioner are not exempt from debt recovery action to recover overdue rates and charges in accordance with the LGA, Council policies and other relevant legislation.

REVIEW

This policy is to be reviewed every four years.