

COBAR SHIRE COUNCIL



Hardship Assistance Policy

FILE: P5-84

Table of Contents

Purpose	3
Policy.....	3
Amendment List.....	5
Annexure 1.....	6
Annexure 2.....	9

PURPOSE

To provide guidelines for providing hardship assistance to ratepayers of Cobar Shire Council in accordance with the Local Government Act 1993.

POLICY

1. Council recognises that ratepayers may experience hardship in some circumstances in paying rates, annual charges, and fees. The Local Government Act 1993 provides for the following assistance to ratepayers and customers:
 - Periodical payment arrangements for overdue rates and charges [S. 564];
 - Writing off or reducing interest accrued on rates or charges [S. 564 & 567];
 - Waiving, reducing or deferring the payment of the increase in the amount of rate payable because of hardship resulting from general revaluation of land in the Local Government Area [S. 601];
 - Waiving, or reducing rates, charges and interest of eligible pensioners.[S. 575, 582]
 - Waiving or reducing Council fees when the inability to pay is due to hardship[S. 610E]
2. Council will consider each application for assistance on its merits. A ratepayer may be eligible for consideration for Hardship Assistance in the payment of overdue rates, annual charges, interest, and fees, where:
 - the person is unable to pay due rates, charges fees or accrued interest when due and payable for reasons beyond the persons control; or
 - payment when due would cause the person hardship.
3. In determining eligibility Council require that the request be made in writing to the General Manager, providing reasonable proof of financial hardship. Council may also request details of assets, income and living expenses, and such other information (Annexure 1) required to make a valid assessment. It may also be requested that the ratepayer attend an interview to assist Council in the understanding of the issues causing hardship.
4. The criteria for assessment will be, but is not limited to, the following:
 - the amount of any rate increase when compared to the average rate increase for the rate category,
 - income from all sources,
 - living expenses,
 - reason for financial hardship,
 - length of occupancy.

Assistance to Eligible Pensioners

Refer: Pensioner Rebate Policy

Hardship Assistance by Periodical Payment Arrangements

1. Council may enter into a formal agreement (Annexure 2) with a ratepayer eligible for alternative periodical payment arrangements for due and payable rates, and charges. Council or the ratepayer may initiate a proposal for a periodical payment agreement. In accordance with section 568 of "the Act", payments will be applied towards the payment of rates and charges in the order in which they became due. Council will provide information on the amounts due and payable on relevant notices.
2. Council may also write off or reduce the accrued interest and costs on rates and charges if the person complies with the periodical agreement (section 542(2)). If the ratepayer fails to make the periodical payment in accordance with the agreement, the payment plan may be cancelled. Full payment of the amount outstanding will be due immediately.

Hardship Assistance by Writing off Accrued Interest and Costs

Council applies interest rates to the maximum allowable under section 566 of "the Act". However Council may write off accrued interest and costs on rates or charges payable by a person under Section 567 of "the Act" and the Local Government (General) Regulation 2005 where:

- the person was unable to pay the rates or charges when they became due for reasons beyond the person's control, or
- the person is unable to pay accrued interest for reasons beyond the person's control, or
- payment of the accrued interest would cause the person hardship.

Hardship Assistance Due to Certain Valuation Changes

Under Section 601 of "the Act", any ratepayer who incurs a rate increase following a new valuation of land values may apply to Council for rate relief, if the new rate payable causes the ratepayer to suffer substantial hardship. [Section 601 (1)]

Council will encourage aggrieved ratepayers to make an appropriate application under the appeal provisions of the NSW Valuation of Land Act 1916. Council may provide assistance, by offering alternative payment arrangements and reasonable extension to payment timetables. All payment arrangements must pay the balance owing within a reasonable time frame, not exceeding two years from the date of the arrangement being made, and should include future rates and charges which will be levied during the arrangement period.

Writing off of Rates, Charges and Interest

In the cases where Council determines to write off rates, charges or interest, the General Manager shall write off debts to the maximum amount allowable under Council delegation register. Any amount above that may only be approved by a Council resolution.

Privacy and Confidentiality

Council Officers will conduct themselves with courtesy and respect when dealing with ratepayers and shall maintain the privacy and confidentiality of all ratepayers' personal circumstances.

Amendment List

[illegible]

Annexure 1

Financial Statement of Ratepayer

INCOME (weekly unless otherwise stated)

Your average weekly income after tax from salary or wages	\$
Social security benefits/pensions (include family payments etc)	\$
All other income (eg self-employed income, interest, dividends, rent or trust distributions)	\$
TOTAL	\$

EMPLOYMENT DETAILS

What is the name of your employer?

What is the address of your employer?

SUBURB

POSTCODE

Is your salary or wage paid by your employer into an account in a bank or financial institution?

If you answered yes to the previous question, identify the institution, branch, BSB and account number.

PROPERTY OWNED BY YOU

CURRENT VALUE

Home	PROPERTY ADDRESS	\$
	VALUE OF EQUITY, IF ANY \$
Other property	PROPERTY ADDRESS	\$
	VALUE OF EQUITY, IF ANY \$
Funds in banks/ financial institutions, including funds held in off-set accounts	INSTITUTION, BRANCH, BSB AND ACCOUNT NUMBER	\$
	INSTITUTION, BRANCH, BSB AND ACCOUNT NUMBER	\$
Investments	NAME AND TYPE OF INVESTMENT	\$
Motor vehicle	YEAR MAKE	\$
	MODEL REGISTRATION NO
Household contents		\$
Other personal property	DESCRIPTION AND LOCATION	\$
TOTAL VALUE OF PROPERTY OWNED BY YOU		\$

[Add extra lines, if necessary, so that all details of income and assets are disclosed.]

LIABILITIES

Average weekly expenses:

ITEM	WEEKLY AMOUNT
Food	\$
Household supplies	\$
Mortgage/rent	\$
Gas	\$
Electricity	\$
Heating fuel	\$
Rates/levies	\$
Telephone	\$
Motor vehicle	
• Petrol	\$
• Maintenance	\$
• Registration/insurance	\$
Medical/hospital funds	\$
Other insurance (specify)	\$
Fares	\$
Clothing and shoes	\$
Entertainment/hobbies	\$
Education/childcare expenses, including fees and levies	\$
Medical/chemist /pharmaceutical	\$
Hire purchase payments	\$
Credit cards	\$
Other necessary commitments, including weekly payments on other liabilities, listed above (specify)	\$
TOTAL WEEKLY EXPENSES	\$

Other liabilities:

LIABILITIES	NAME OF BANK/INSTITUTION	TOTAL AMOUNT OWED
Home mortgage		\$
Other loans		\$
Credit cards		\$
Credit cards		\$
Other liabilities (specify)		\$
TOTAL		\$

[Add extra lines, if necessary, so that all details of weekly expenses and liabilities are disclosed.]

Does anyone contribute to paying these liabilities (eg your spouse/partner)?

☐ Yes ☐ No

If yes, give the person's details:

Name of person	
Amount of contribution per week	

Do you have any dependants?

☐ Yes ☐ No

If yes, give details:

ADDITIONAL QUESTIONS REGARDING FINANCIAL CIRCUMSTANCES

Do you have any income, assets or liabilities not disclosed in this examination notice?

If you answered yes to the previous question, give details of the other income, assets (including their location) or liabilities.

What arrangements are you prepared to make to pay this debt?

#Additional questions

DOCUMENTS TO BE PRODUCED

Copies of the following documents must be attached by the debtor and returned with this notice to the council.

1 ☐

2 ☐

SIGNATURE OF DEBTOR

The information contained in the financial statement in this examination notice is true.
I have attached copies of the documents that I have been asked to produce.

Signature

Date of signature

Telephone



APPLICATION FOR ARRANGEMENT TO PAY RATES AND CHARGES

Under Section 564, of the Local Government Act, 1993

The General Manager
POBox223
COBAR NSW 2835

Date: _ _ _ _ _

Rates Assessment Number: _ _ _ _ _

Property Address: _ _ _ _ _

Name: _ _ _ _ _

Postal Address: _ _ _ _ _

Phone Number: Home: _ _ _ _ _ Work: _ _ _ _ _

Mobile: _ _ _ _ _

I wish to make an offer to pay my/our Council rates and charges by Instalments of\$ _____
Per Week / Fortnight / Month (please circle), starting **from** __/__/__ and I hereby
understand that the payment must be made each period.

Please note that payments can be made by:

Transfer into Council's Account: BSB 932-000 Account: 36233

Reference: Your Assessment Number

Credit Card: Phone 02 6836 5888

Cash, Cheque or Eftpos at Council's Office.

I understand that interest will accrue on my account until payments are up to date.

Should I fail to keep this arrangement I understand that Legal Action will commence without further notice.

Applicant/s Signature/s: _ _ _ _ _
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