

1. Policy Statement

This policy has been established to facilitate a consistent approach to assist property owners and business owners who may experience difficulty paying their rates and/or charges due to hardship, and to encourage those experiencing hardship to access support services earlier.

2. Scope

This policy applies to all ratepayers in the Hinchinbrook Shire Council region and also extends to local businesses within Council's boundaries

3. Responsibility

Corporate and Financial Services shall be responsible for the application of this policy.

4. Definitions

Business Owner means the person/s who have full legal responsibility for a business located within the Hinchinbrook Shire Council boundaries. It can be an individual or group that owns the assets of the business and profits from them.

Chronic Illness means an illness that is permanent or lasts longer than three (3) months (www.health.gov.au).

Death of a Partner means the death of a member of a couple (married, registered relationship or defacto relationship).

Financial Hardship for a Property Owner means an inability to meet basic requirements (including food, clothing, medicine, accommodation, and children's education). This hardship may occur as a result of chronic illness, long-term unemployment or costs and/or loss of income associated with the death of a partner or other extenuating circumstances.

Financial Hardship for a Business Owner means loss of income due to unavoidable circumstances. This hardship may occur as a result of forced closure due to government directive (eg pandemic) or government interference with the running of their business (eg long term roadworks cutting the ability for customers to frequent the business).

Long-Term Unemployment means unemployed for 52 weeks or more.

Property Owner means the 'owner of the land' as defined under the Local Government Act 2009.

Residential Property means property that has as its primary use, use for residential purposes as per Council's land use classification.

5. Policy

5.1 Background

Council may provide support to Property Owners and Business Owners who may be experiencing hardship and are unable to meet a realistic payment arrangement for the rates and charges levied against a property or business.

Where a Property Owner or Business Owner can show that maintaining a realistic payment arrangement would entail genuine hardship due to a loss the Property Owner or Business Owner has suffered, Council seeks to provide a framework for assistance deemed appropriate to the circumstances experienced.

Hardship relief provided under this policy does not forgo Council's normal debt recovery action, including Council's ability to sell land for arrears of rates.

Under section 120(1)(c) of the Local Government Regulation 2012, Council may grant a concession if it is satisfied that "the payment of rates and/or charges will cause hardship to the landowner". Council has determined it may grant such a concession for rates and/or charges relief as set out in this Policy.

5.2 Criteria for Providing Assistance

Council may consider an application for rates and/or charges relief under this Policy on a property where:

- The Property Owner is unable to maintain payment arrangements in accordance with Council's Rates Recovery Policy;
- The Property Owner is experiencing genuine hardship such as:
 - less than two weeks of available funds equivalent to the maximum rate of income support payment provided by the Department of Human Services for Crisis Payments (evidence must be provided by the Department of Human Services); or
 - long term unemployment; or
 - suffering from a chronic or terminal illness which prevents them from seeking employment and reduces their income (evidence must be provided from medical practitioner or hospital facility); or
 - unexpected expenses incurred and reduction or loss of family income as a result of the death of a partner.
- An application is made to Council for the relief of rates and/or charges by the Property Owner;
- The application needs to demonstrate severe and/or unusual hardship; and
- The applicant will need to complete a budget planner as per ASIC's Moneysmart website <https://www.moneysmart.gov.au/tools-and-resources/calculators-and-apps/budgetplanner> (except in the case of chronic or terminal illness)

Council may consider an application for rates and charges relief under this Policy for a Local Business where:

- The business is located within Council's boundaries;
- The business owner is experiencing genuine financial hardship, such as there has been a loss of income greater than 30% on the same period during the previous financial year;
- An application is made to Council for the relief of rates and/or charges by the Business Owner; and
- The application must demonstrate severe and/or unusual hardship.

5.3 Types of Relief which may be Applied

The Chief Executive Officer, or delegate, may grant relief under this policy to a Property Owner or Business Owner by one or more of the following:

- an agreed payment plan outside the current debt recovery action;
- subject to satisfactory completion of an agreed payment plan and/or repayment of all outstanding rates and/or charges:
 - reimbursement of interest charges against the property that have accrued prior to the completion of an agreed payment plan; and

- withholding of further legal action and associated costs to recover outstanding rates and charges.
- Relief is also provided where a ratepayer experiences an undetectable and unexpected water leak as per Council's Water Leak Relief Policy.

5.4 Lodging a Request for Relief

The Property Owner/Business Owner is required to complete and submit an application form which will include details and proof of the cause of Hardship, and the actions which the Property Owner/Business Owner has taken to alleviate the situation and seek assistance.

5.5 Assessment and Approval of Application

Any application made for a rates and/or charges relief due to Hardship may be approved by the Chief Executive Officer, Director Corporate and Financial Services or Finance Manager.

5.6 Support Agencies

Where necessary Council will, refer the Property Owner/Business Owner to an appropriate Financial Support provider.

5.7 Supporting Documentation

It is the applicant's responsibility to provide sufficient supporting information to enable an assessment to be made as to the severity of the financial hardship being experienced. Officers may request additional information to assist with this assessment outside of that provided for below.

The following documentation may be requested to assist Council when assessing a Property Owners eligibility for hardship relief:

- Pay slips (two (2) recent pay slips);
- Tax Return (if self-employed);
- Centrelink statements;
- Employment separation certificate;
- Medical certificate and/or letter from medical practitioner or hospital facility;
- Property sales agency agreement (if you are intending to sell a property to repay your debt);
- Any written advice of current hardship arrangements with lenders/creditors;
- Budget planner from ASIC Moneysmart website;
- Other documentation considered necessary to make an assessment.

The following documentation may be requested to assist Council when assessing a Business Owners eligibility for hardship relief:

- Business Activity Statements for the last 3 years;
- Profit and Loss Statements for the last 3 financial years;
- Current Balance Sheet; and
- Any written advice of current hardship arrangements with lenders/creditors;
- Other documentation considered necessary to make an assessment.

5.8 Dispute or Failure to Comply

If a Property Owner or Business Owner:

- does not respond to Council's offer of relief within 20 business days of the date printed on the offer; or
- fails to wholly comply with Council's offer of relief; or
- fails to comply with the requirements of the agreed payment plan once entered into,

Council may continue with normal debt recovery action, including the application of interest, and legal charges where applicable.

However, prior to implementing debt recovery action, if the Property Owner is on a payment plan, Council will first liaise with the property owner to rectify the defaulted payments within ten (10) business days from notification of the breach. In the event that the applicant defaults on the agreed payment plan on two (2) occasions the plan will be cancelled, and collection action will recommence.

If a Property Owner or Business Owners is unsatisfied with the outcome of their application under this policy, they may seek a review of the decision.

6 Legal Parameters

Local Government Act 2009
Information Privacy Act 2009

7 Associated Documents

Human Rights Act 2019
Revenue Policy
Revenue Statement
Rate Rebates and Concessions Policy
Rates Recovery Policy
Water Leak Relief Policy

DOCUMENT HISTORY AND STATUS				
Action	Name	Position	Signed	Date
Approved by Council	Alan Rayment	CEO		29/06/2020
Policy Version	1	Initial Version Adopted	Current Version Adopted	29/06/2020
Maintained By	Corporate and Financial Services		Next Review Date	29/06/2020
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