

HEAD OF POWER

- *Local Government Regulation 2012*, part 10, section 120(1)(d)

INTENT

The purpose of this policy is to facilitate a consistent approach to assist ratepayers who may have trouble paying their rates due to hardship, and to encourage people experiencing hardship to access earlier support services. Hardship is not a long-term solution, the support under this policy is to provide the property owner with time to seek advice and address the reasons for their financial hardship.

SCOPE

This policy applies to all ratepayers of residential properties in the Bundaberg Regional Council area, where the property is their principal place of residence.

DEFINITIONS

Chronic illness means an illness that is permanent or lasts longer than three months.

Death of a partner means the death of a member of a couple (married, registered relationship or de-facto relationship).

Financial hardship means an inability to meet minimum living expenses including food, clothing, medicine, mortgage payments, and children's education due to circumstances beyond property owner's control. This hardship may occur as a result of chronic illness, personal financial crisis or costs and/or loss of income associated with the death of a partner.

Hardship means financial hardship or other hardship as defined.

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.

POLICY STATEMENT

1. Background

Council will provide support to property owners who are experiencing hardship and are unable to meet a realistic payment commitment for the rates and charges levied against a property.

Where a property owner can show that maintaining a realistic payment commitment would entail hardship, Council seeks to provide a framework for relief 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, with the exception of approved relief as described in Section 3.

2. Criteria for providing relief

Council will only consider an application for rates and charges relief under this policy on a residential property where:

- it is the property owner's principal place of residence.
- no commercial benefit is derived from the property.
- net assets in cash investments, shares, other property, etc. of less than \$10,000.
- the property owner is unable to maintain payment commitments in accordance with Council's Rates Recovery Policy.
- the property owner is experiencing hardship such as:
 - less than two weeks of available funds equivalent to the maximum rate of income support payment provided by Services Australia for Crisis Payments (evidence must be provided by the Services Australia); 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 charges by the property owner.
- The application must demonstrate severe and/or unusual hardship.
- The applicant will need to seek independent financial advice and submit a budget from a registered financial counsellor demonstrating they are in hardship (except in the case of terminal illness). The National Debt Helpline provide a free service.

3. Types of relief which may be applied

The Chief Executive Officer, or delegate stated in section 5, may approve a hardship relief period to a property owner:

- for time to make payment;
- free of interest charges; and
- free from active debt recovery action.

The hardship relief period will be determined on a case-by-case basis, dependent on the circumstances of the hardship, and generally within the next due date period.

Council may grant a concession if it is satisfied that the payment of rates or charges will cause hardship to the landowner¹. Council has determined it will grant such a concession for rates and charges relief as set out in this policy.

Council will continue with normal debt recovery action, including the application of interest, and legal charges where applicable, at the end of the hardship relief period for debts outstanding.

¹ Local Government Regulation 2012, section 120(1)(d)

Relief is also provided where a ratepayer experiences an undetectable and unexpected water leak as per Council's Water Leak Relief Policy.

4. Lodging a Request for Relief

The property owner must complete and submit an application form which will include details and reason for financial hardship, the actions which the property owner has taken to alleviate the situation and evidence where assistance has been sought.

5. Assessment and Approval of Application

Any application made for a rates and charges relief due to hardship may be approved by the Chief Executive Officer, General Manager Corporate and Commercial Services, or Revenue Manager, and concession granted by Council resolution.

6. Dispute or Failure to Comply

If a property owner is unsatisfied with the outcome of their application under this policy, they may seek a review of the decision in writing, addressed to the Chief Executive Officer – by post or email to complaints@bundaberg.qld.gov.au. Further information is available on [Complaints and disclosures | Bundaberg Regional Council](#).

HUMAN RIGHTS

In developing this Policy, Council has considered applicable human rights protected under the *Human Rights Act 2019* and is acting compatibly with those rights. When applying this Policy, Council is committed to giving proper consideration and acting compatibly with human rights.

ASSOCIATED DOCUMENTS

- *Information Privacy Act 2009*
- *Local Government Act 2009*
- Rates Recovery Policy (A10021020)
- Revenue Policy (CP-3-001)
- Revenue Statement (CP-3-004)
- Water Leak Relief Policy (CP-3-042)

DOCUMENTS CONTROLS

Council will review this policy biennially or in response to changes in law or best practice.

POLICY OWNER

General Manager Corporate and Commercial Services.