
RATES RELIEF FOR RESIDENTIAL RATEPAYERS

POLICY

INTENT

To set out Council guidelines for the assessment of requests for rates and charges relief due to financial hardship for residential properties as allowed for under section 120 (c) of the *Local Government Regulation 2012*.

SCOPE

This policy replaces the Financial Hardship Policy.

This policy applies to those ratepayers who are experiencing serious financial hardship and as a result are unable to pay their rates and charges. The policy will only apply to residential properties where the property is the ratepayers' principal place of residence and no commercial benefit is derived from the property.

Local Government Regulation 2012, section 122

- (1) *The local government may grant the concession only by –*
- (a) *a resolution granting the concession to a stated ratepayer; or*
 - (b) *if the concession is of a type mentioned in section 121(a) a rebate of all or part of the rates or charges or 121(b) an agreement to defer payment of the rates or charges, a resolution granting the concession to a ratepayer who is a member of a stated class of ratepayers.*

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Authorised By:	Director Organisational Business Services		
Original Issue Date:	27 June 2018		
Last Modified:	23 May 2023		
Review Date:	June 2024		
Current Version:	6.0		

DEFINITIONS

TERM	DEFINITION
<i>Act</i>	Shall mean the <i>Local Government Act 2009</i> .
<i>Application Form</i>	Shall mean Council's Rates Relief for Residential Ratepayers Application Form for the purpose of applying for assistance under this policy
<i>Chief Executive Officer</i>	Shall mean the chief executive officer of Cook Shire Council as appointed under the Local Government Act 2009.
<i>Council</i>	Shall mean the Mayor and Councillors of Cook Shire Council.
<i>Chronic Illness</i>	Shall mean an illness that is permanent or lasts longer than three (3) months.
<i>Payment</i>	Shall mean the full levied amount, net of the discount incentive
<i>Death of a Partner</i>	Shall mean the unexpected expenses (funeral costs) and reduction or loss of family income as a result of the death of a member of a couple (married, registered relationship or de facto relationship).
<i>Financial Hardship</i>	Shall mean unable 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 death of a partner.
<i>Long Term Unemployment</i>	Shall mean a ratepayer who has received income support payment continuously for 26 weeks.
<i>Panel</i>	The financial hardship assessment panel. A panel made up of Council Officers to review and assess applications and make recommendations to Council.
<i>Pensioner</i>	Shall mean an elderly, invalid, disabled or disadvantaged citizen, who is:- (a) An eligible holder of a Queensland 'Pensioner Concession Card' issued by Centrelink, on behalf of the Department of Human Services, or the Department of Veterans' Affairs, or a Queensland 'Repatriation Health Card – For all conditions (Gold Card)' issued by the Department of Veterans' Affairs; and (b) The owner (either solely or jointly) or life tenant/s of a property which is his/her principal place of residence; and (c) Has, either solely or jointly with a co-owner, the legal

Document Number:	D23/16171	CONTROLLED DOCUMENT This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.	Page 2 of 8
Authorised By:	Director Organisational Business Services		
Original Issue Date:	27 June 2018		
Last Modified:	23 May 2023		
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TERM	DEFINITION
	responsibility for the payment of rates and charges as defined which are levied in respect of the said property by the Local Authority in whose area the property is situated.
<i>Property Owner</i>	Shall mean the 'owner of the land' as defined under the Local Government Act 2009.
<i>Regulation</i>	Shall mean <i>the Local Government Regulation 2012</i>
<i>Residential Property</i>	Shall mean property that has as its primary use 'use for residential purposes'.

POLICY STATEMENT

1. Background

In accordance with the provisions of the *Act*, Council has resolved to implement a process to provide relief to residential ratepayers experiencing hardship. Council recognises that circumstances may arise which negatively impact on a ratepayer's ability to meet their financial obligations.

Where a ratepayer can show that the payment of the full amount of rates and charges owed in the time required would entail "serious hardship" because of a loss the ratepayer has suffered, Council seeks to provide a framework for assistance deemed appropriate to the circumstances experienced.

Financial hardship exists when ratepayers are unable to meet basic requirements, including food, clothing, medicine, accommodation and children's education. This hardship may occur as a result of illness, long-term unemployment or death of a partner.

Rates 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 *Regulation*, Council may grant a concession if it is satisfied that "*the payment of rates or charges will cause hardship to the land owner*". Council has determined it will grant such a concession for rates relief as set out in this policy.

2. When Applications will be considered

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

Document Number:	D23/16171	<p><u>CONTROLLED DOCUMENT</u> This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.</p>	Page 3 of 8
Authorised By:	Director Organisational Business Services		
Original Issue Date:	27 June 2018		
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- it is the Property Owner’s principal place of residence;
- no commercial benefit is derived from the property;
- the Property Owner is experiencing genuine financial hardship due to a loss the Property Owner has suffered:
 - a. a person who has less than two (2) weeks of available funds equivalent to the maximum rate of income support payment provided by the Services Australia for Crisis Payments; and
 - b. has been unemployed and receiving payments from Services Australia continuously for twenty-six (26) weeks; or
 - c. suffers from a chronic illness that is permanent or lasts longer than three (3) months; or
 - d. has incurred unexpected expenses (funeral costs) and reduction or loss of family income as a result of total permanent disability or the death of a partner.
- an application has been received by Council for the relief of rates and charges by the Property Owner.

3. Relief Available

Council may grant relief to a Property Owner under this policy offering assistance by one or more of the following:

- repayment plans that are outside of the current Debt Recovery Policy; and/or
- interest costs either as a direct reimbursement for interest already charged or for interest that may accrue between the Council’s decision and satisfactory completion of an agreed repayment plan; and/or
- court costs or other related legal expenses already charged to the ratepayer for recovery of outstanding rates and charges; and/or
- assistance to ratepayers in meeting other charges that are attached to the land (e.g. unpaid noxious weed charges or some outstanding costs which the council is entitled to attach to the land).

3.1 Council can recommend the following ranges of assistance for the listed categories of ratepayers.

Residential ratepayers

- With six (6) months or more in arrears; or
- Who have suffered a recent adverse incident leaving them unable to meet these basic needs; or
- Ratepayers experiencing serious hardship where the payment of the rates and charges would leave the ratepayer unable to meet reasonable needs for food, clothing, medicine, accommodation, education for children and other basic requirements.

Assistance that can be recommended

Document Number:	D23/16171	<p><u>CONTROLLED DOCUMENT</u> This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.</p>	Page 4 of 8
Authorised By:	Director Organisational Business Services		
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- The ratepayers may be eligible for assistance with interest, rates and charges, and/or payment terms outside the scope of the normal Debt Recovery Policy.

Pensioners and Self-funded Retirees

- Endeavouring to meet their rate account by regular instalments; or
- Part owner of the property they reside in and because of extreme hardship are unable to pay rates and/or do not qualify for full pensioner remission; or
- In serious financial hardship.

Assistance that can be recommended

- The ratepayer may be eligible for assistance with interest, rates and charges, and/or payment terms outside the scope of the normal Debt Recovery Policy.
- Review the circumstances of applicants and make recommendations as to whether certain pensioners and self-funded retirees, otherwise ineligible due to policy reasons, should be entitled to assistance as though they were a council pensioner.
- Council may recommend the deferral of payment of the rates and charges for the lifetime of a pensioner and self-funded retiree experiencing hardship under Section 125 of the *Local Government Regulation 2012* with the rates and charges to remain a charge on the land.

4. Lodging a Request for Relief

Requests for Rates Relief must be on the prescribed form, available from the Council website, www.cook.qld.gov.au, and will involve a full financial assessment undertaken by the panel.

4.1 Process for Application

The process for assessing applications will remain simple and accessible as possible in recognition that at the very least, the ratepayers are experiencing financial difficulties. All applications are assessed confidentially and on merit.

- 1) Eligible ratepayers are requested to complete and lodge application on the prescribed form.
- 2) Register of Application – Application form including attachments as to financial position under a Statutory Declaration and certified copies in Council’s Records System.
- 3) Cross check of application data.
- 4) Preparation of a briefing report to the panel.
- 5) Distribution of agenda to members including applications.
- 6) The Panel will meet to consider applications and make recommendations.
- 7) The Chief Financial Officer to present recommendations to Executive Leadership Team (ELT).

Document Number:	D23/16171	<p><u>CONTROLLED DOCUMENT</u> This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.</p>	Page 5 of 8
Authorised By:	Director Organisational Business Services		
Original Issue Date:	27 June 2018		
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Current Version:	6.0		

- 8) Report submitted to Council for a resolution to decide the outcome of the application as per *Local Government Regulation 2012*, section 122.
- 9) Advice of the decision provided to the applicant.
5. Assessment of Request for Relief
- Assessment by the panel is to consider applications for rates and charges relief to deter the most appropriate form of assistance to be provided to a Property Owner.
- The panel will be expected to operate within the budgetary limits allocated by Council each financial year.
- The panel shall meet as required.
6. Dispute or Failure to Comply
- If a Property Owner:
- does not respond to the Council's offer of relief; or
 - fails to wholly comply with Council's offer of relief; or
 - once an agreed payment arrangement is entered, fails to comply with the requirement of that agreed payment arrangement;
- Council may continue with normal debt recovery action

KEY RESPONSIBILITIES

RESPONSIBLE OFFICER	RESPONSIBILITY
Chief Financial Officer	Review of the policy on an annual basis and making recommendations to Council on the contents of the policy.
Council	Approve the "Rates Relief for Residential Ratepayers Policy" in accordance with Part 10 Concessions of the <i>Local Government Regulations 2012</i> . Consider applications under this policy in accordance with the policy position determined by Council.
Rates Officer	Assessment of application and provision of assistance to rate payers, primary point of contact. Development of Council report for consideration and secretariat to the Committee to determine applications and make recommendations to Council.

Document Number:	D23/16171	<p>CONTROLLED DOCUMENT</p> <p>This electronic document is guaranteed as the most current. DO NOT COPY.</p> <p>Unauthorised hard copies of this document are prohibited.</p>	Page 6 of 8
Authorised By:	Director Organisational Business Services		
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REFERENCES, LEGISLATION AND GUIDELINES

Local Government Act 2009, section 93 (3)(h)

Local Government Regulation 2012, sections 120 & 122

RELATED DOCUMENTS

Debt Recovery Policy

Revenue Statement

Application for Rates Relief for Residential Ratepayers Form

IMPLEMENTATION/COMMUNICATION

This policy will take effect on 1 July 2023 and will be displayed on Council's website.

APPROVED BY

Adoption annually by Council.

REVIEW

SPONSOR:	Director Organisational Business Services
OFFICER RESPONSIBLE FOR REVIEW:	Chief Financial Officer
ADOPTION DATE:	23 May 2023
REVIEW DATE:	June 2024

THIS POLICY IS TO REMAIN IN FORCE UNTIL OTHERWISE DETERMINED BY COUNCIL

Document Number:	D23/16171	CONTROLLED DOCUMENT This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.	Page 7 of 8
Authorised By:	Director Organisational Business Services		
Original Issue Date:	27 June 2018		
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AMENDMENT HISTORY

VERSION	AMENDMENT DETAILS	AMENDMENT DATE	APPROVAL
2.0	Minor amendments and new template.	20/05/2019	
3.0	Remove all references to Not for Profit and Charitable Organisations. Now contained within the Rates Relief for Charitable Organisations Policy.	14/04/2020	
4.0	Adopted by Council Resolution	11/05/21	2021/100
5.0	Adopted by Council Resolution	24/05/22	2022/107
6.0	Adopted by Council Resolution	23/05/23	2023/101

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Authorised By:	Director Organisational Business Services		
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