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# RATES RELIEF FOR RESIDENTIAL RATEPAYERS

## POLICY

### *INTENT*

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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*

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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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## 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 payments continuously for 26 weeks.
<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

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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

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### 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 a ratepayer's ability to meet their financial obligations.

Where a ratepayer can demonstrate that paying the full amount of rates and charges on time would cause "serious hardship" due to a loss they have experienced, 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 processes, 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 relief on a property where:

- An application has been received by Council for the relief of rates and charges by the property owner;

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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 suffering a loss:
  - a. the property owner 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 (such as funeral costs) and reduction or loss of family income as a result of total permanent disability or the death of a partner.

### 3. Relief Available

Council may grant relief to a property owner under this policy via one or more of the following:

- repayment plans that are outside of the current Debt Recovery Policy; and/or
- direct reimbursement for interest already charged and/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 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:*

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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
- Partly owns 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](http://www.cook.qld.gov.au), and will involve a full financial assessment undertaken by Council officers.

##### 4.1 Process for Application

The application assessment process will remain straightforward, acknowledging that ratepayers are facing financial challenges. All applications will be evaluated confidentially and based on their merits.

- 1) Eligible ratepayers are requested to complete and lodge their application on the prescribed form.
- 2) Council will register the application and validate the data contained within the application.
- 3) A briefing report will be prepared by the Rates Officer, which will be presented to the Executive Leadership team for review and deliberation.
- 4) A report will be submitted to Council for a resolution on the rates relief application as per section 122 of the *Local Government Regulation 2012*.
- 5) Council will advise the applicant of the outcome of their application in writing.

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## 5. 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 requirements 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.
Executive Leadership Team	Review briefing notes for applications and provide recommendations that are to be presented to Council for resolution.
Council	Approve the "Rates Relief for Residential Ratepayers Policy" in accordance with "Part 10 - Concessions" of the <i>Local Government Regulation 2012</i> .  Consider applications under this policy and provide a resolution on the outcome of applications for rates relief.
Rates Officer	Assessment of applications and preparation of briefing reports for the Executive Leadership Team. Act as the primary point of contact for ratepayers. Develop and submit reports for Council resolution.

## 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

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Application for Rates Relief for Residential Ratepayers Form

**IMPLEMENTATION/COMMUNICATION**

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This policy will take effect on 1 July 2024 and will be displayed on Council's website.

**APPROVED BY**

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Adoption annually by Council.

**REVIEW**

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SPONSOR:	Chief Financial Officer
OFFICER RESPONSIBLE FOR REVIEW:	Finance Manager
ADOPTION DATE:	26 November 2024
REVIEW DATE:	May 2025

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

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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
7.0	Major amendments	26 November 2024	2024/240

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