

COUNCIL POLICY

**Policy name**

Hardship

Abstract

The purpose of this policy is to establish guidelines utilised by Gunnedah Shire Council in the assessment of hardship applications applying the principles of social justice, fairness, integrity, appropriate confidentiality, and compliance with relevant statutory requirements.

Dates	Policy or amendment approved	16 November 2022
	Policy or amendment takes effect	16 December 2022
	Policy is due for review (up to 4 years)	16 December 2025
Endorsed by	Executive Leadership Team	
Approved by	Gunnedah Shire Council, at its Ordinary Meeting of Council held 16 November 2022. Resolution number: 7.11/22	
Policy Custodian	Manager Finance	
Relevant to	The community of the Gunnedah Shire Local Government Area together with all Councillors, Council Staff, Rate Payers	
Superseded Policies	Hardship Policy adopted 18 December 2019 Resolution number: 29.12/19	
Related documents	Council's Instrument of Delegation to the General Manager Council's Operational Plan Office of Local Government, Debt Management and Hardship Guidelines, November 2018. Debt Recovery Policy adopted 16 June 2021 3.06/21	
Related legislation	The Local Government Act 1993 (NSW); The Local Government (General) Regulations 2021; Competition and Consumer Act 2010; and the Privacy and Personal Information Protection Act 1998 (NSW)	

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1. Purpose

The purpose of this policy is to establish guidelines utilised by Gunnedah Shire Council in the assessment of hardship applications applying the principles of social justice, fairness, integrity, appropriate confidentiality, and compliance with relevant statutory requirements.

2. Scope

This policy relates to all parties that owe monies to Council, including but not limited to ratepayers (including other charges linked to the property) and sundry debtors.

3. Definitions

Term	Definition
Ratepayer	Includes the Crown in respect of rateable land owned by the Crown and means: <ul style="list-style-type: none">(a) an owner in any case where the <i>Local Government Act 1993</i>, provides that a rate is to be paid to the council by the owner; and(b) a holder of a lease in any case where the <i>Local Government Act 1993</i>, provides that a rate is to be paid to the council by the holder of the lease.
Pensioner	An eligible pensioner as defined in regulation 134 of the <i>Local Government (General) Regulations 2021 (NSW)</i> .

4. Policy principles

Council will commit to ensuring that all persons are treated fairly and consistently and will give due consideration and compassion to those who are suffering genuine financial hardship.

Council recognises that its officers have a duty to maintain the privacy and confidentiality of all ratepayers and/or customers' personal circumstances. Any personal information collected as a result of this Policy will be dealt with in accordance with the *Privacy and Personal Information Protection Act 1998 (NSW)*.

5. Policy statement

Council recognises that due to exceptional circumstances, our customers may at times experience genuine hardship resulting in difficulty paying rates, charges, fees or other debts to Council. The *Local Government Act 1993* and the *Local Government (General) Regulation 2021* allow Council to provide the following assistance to ratepayers and customers;

5.1 Periodical Payments

In accordance with the provisions of section 564 of the *Local Government Act 1993*, customers who are unable to pay rates, charges, fees or other debts to Council by the due date, either because of reasons beyond their control or because payment would cause hardship, may apply to enter into an Agreement with Council to make periodical payments. See Debt Recovery Policy.

5.2 Hardship Application

Customers who are unable to pay rates, annual charges and/or fees for reasons beyond their control or because payment would cause genuine hardship can apply to Council for assistance at any time. If Council is satisfied that it falls within a category of hardship, which is generally only in exceptional circumstances, it has the discretion to waive, reduce or defer the payment.

An application for Hardship Rate Relief must be completed and include supporting documentation which may include but is not limited to the following:

- (i) Statement of reason for hardship
- (ii) Ownership of property details
- (iii) Marital status/details of dependants
- (iv) Interest in other land/buildings
- (v) Estimated full annual income and living expenses of household
- (vi) Estimated full value of assets
- (vii) Current bank account balances
- (viii) Annual Income Statements issued by the Australian Taxation Office for the last two (2) financial years.

Applicants will also be requested to attend an interview to help Council better understand the issues causing hardship.

Applications will then be assessed by Council's Hardship Working Group.

Each application will be assessed on an individual basis and a determination made as to the extent of relief on the basis of whether or not the hardship criteria have been satisfied by the applicant and if a proper opinion can be formed.

Rates and charges (including accrued interest) will be waived, reduced or deferred only under delegated authority or by resolution of Council.

5.3 Support Services

Ratepayers or debtors suffering financial hardship or require legal support, may find the following organisations of assistance:

- The Salvation Army (Moneycare)

<https://www.salvationarmy.org.au/about-us/our-services/moneycare/>

Telephone: 13 72 58

- Legal Aid NSW

www.legalaid.nsw.gov.au/get-legal-help/find-a-service

Telephone: 1300 888 529

- ASIC's Moneysmart

www.moneysmart.gov.au/managing-your-money/managing-debts

- Community Legal Centres NSW

www.clcsw.org.au/find-legal-help

Telephone: 1300 888 529

- Centrelink

www.centrelink.gov.au

Telephone: 13 28 50

- National Debt Hotline operated by Financial Counsellors Association of NSW

www.fcan.com.au

Telephone: 1300 914 408

- Rural Financial Counselling Service NSW-Northern Region

www.rfcsnr.org.au

Telephone: 1800 344 090

6. Accountability, roles and responsibilities

6.1 Delegation – General Manager

In accordance with the Instrument of Delegation to the General Manager.

6.2 Policy Custodian – Manager Finance

The Policy Custodian is the officer responsible for overseeing policy compliance and the policy review process.

6.3 Responsibility - Revenue Accountant

Is responsibility for all aspects of policy implementation, unless appropriately delegated to another officer. These responsibilities include being the primary contact point for advice on the policy and/or its implementation; establishing and maintaining Council's records in relation to the policy; proposing amendments to the policy custodian; and managing the consultation processes.

7. Version control and change history

Date	Version	Approved by & resolution no.	Amendment
16 Aug 2019	V1.01		Creation of the Hardship Policy as a standalone policy
24 Sep 2019	V1.02		Wording amendments and formatting
18 Dec 2019	V1.02	29.12/19	Adopted by Council
24 Oct 2022	V2.01	Ordinary Meeting 16/11/2022 Resolution 7.11/22	Legislation amendments, position titles and Support Services contact details

8. Annexures

Annexure A – Hardship Rate Relief Application

Hardship Rate Relief Application

LAST UPDATED 6 January 2022

Date:

PRIVACY NOTIFICATION

Privacy Notification (Privacy and Personal Information Protection Act 1998 – Section 10). The personal information that Gunnedah Shire Council is collecting from you on this application form is personal information for the purposes of the *Privacy and Personal Information Protection Act 1998* ('the Act'). The intended recipients of the personal information are officers within the Council and persons wishing to inspect the application in accordance with the *Local Government Act 1993* or the *Government Information (Public Access) Act 2009*. The supply of information by you is not voluntary and if you cannot provide or do not wish to provide the information sought, the Council will be unable to process your application. You may make application for access or amendment to information held by Council. You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the legislation. Council is to be regarded as the agency that holds the information. Enquiries regarding this matter can be addressed to Council by telephoning 02 6740 2100.

APPLICANT DETAILS

I (full name)

of (address)

Telephone: Mobile:

Email:

wish to apply for rate hardship relief on the basis of financial hardship.

PROPERTY DETAILS

Rates Account No:

Property Address:

The property for which I am claiming has been my sole/principal place of living since / /

APPLICATON

This application is for hardship rate relief for the whole or part of the year commencing 1 July 20.....

What is the cause of financial hardship? (i.e. unemployment, illness)

.....
.....
.....
.....

How long have you been experiencing hardship?

INCOME AND EXPENDITURE (PENSION OR ALLOWANCES)

Do you have a Pensioner Concession Card (PCC) issued by the Commonwealth Government? Yes No

If 'yes', type of pension or benefit:

If 'yes', PCC Number (attach a copy):

Date of Grant:

Have you claimed a Pension Concession on any other property this year in any other local government area?

Yes (Please state the address of the property) No

.....

INCOME AND EXPENDITURE (STATEMENT)

I am liable for the payment of rates and charges on this property, together with others as listed below:

..... (If no others, please write SOLE OWNER)

Name	PCC Holder	Pension Number	Date of Grant	Relationship	Resident	Ownership %
.....	<input type="checkbox"/> Y			.....	
.....	<input type="checkbox"/> N / /	<input type="checkbox"/> Y <input type="checkbox"/> N	.....
.....	<input type="checkbox"/> Y			.....	
.....	<input type="checkbox"/> N / /	<input type="checkbox"/> Y <input type="checkbox"/> N	.....
.....	<input type="checkbox"/> Y			.....	
.....	<input type="checkbox"/> N / /	<input type="checkbox"/> Y <input type="checkbox"/> N	.....
.....	<input type="checkbox"/> Y			.....	
.....	<input type="checkbox"/> N / /	<input type="checkbox"/> Y <input type="checkbox"/> N	.....
.....	<input type="checkbox"/> Y			.....	
.....	<input type="checkbox"/> N / /	<input type="checkbox"/> Y <input type="checkbox"/> N	.....

Do you own (either fully or partially) any other land or buildings? Yes (Please list addresses) No

.....

.....

How many children do you support? State ages:

INCOME AND EXPENDITURE (INCOME FROM ALL SOURCES)

My net weekly income received from all sours is: Total Income \$

Sources of income include:

- 1. Wages Total Income \$
- 2. Pension and benefits Total Income \$
- 3. Compensation, superannuation, insurance or retirement benefits Total Income \$
- 4. Spouses income Total Income \$
- 5. Income of other residents of the property Total Income \$
- 6. Casual/Part-time employment Total Income \$
- 7. Family Allowance Total Income \$
- 8. Interest from Banks, Credit Unions, Building Societies Total Income \$
- 9. Other Total Income \$

INCOME AND EXPENDITURE

Total savings held in Bank, Credit Union or Building Society: Total Savings \$

Please state details of outgoings: Weekly Fortnightly Monthly

Outgoings	Owed To	Amount
Rent/Home Loan	\$
Other Mortgages	\$
Personal Loans/Hire Purchase	\$
Credit Cards	\$
Electricity Costs	\$
Gas Costs	\$
Health Costs	\$
Water/Rates	\$
Other Outgoings (specify)	\$

Income Less Expenditure Total Income: \$

Less Total Expenditure: \$

SUPPORTING DOCUMENTATION

To enable Gunnedah Shire Council to assess your claim, please provide a copy of your latest three (3) payslips together with two (2) of the following;

- | | |
|---|--|
| <input type="checkbox"/> Bank, Credit Union or Building Society Statement/s | <input type="checkbox"/> Credit Card Statement/s |
| <input type="checkbox"/> Child Support Statement | <input type="checkbox"/> Centrelink Statement |
| <input type="checkbox"/> Current Notice of Tax Return | |

Please include any other documentation you feel may assist with the assessment of your application.

CUSTOMER CONSENT (PENSIONER)

For the sole purpose of authorising the Council to confirm with Centrelink whether or not the detail I have provided to the Council matches Centrelink or other Commonwealth portfolio department or agency records in relation to the current status of my Commonwealth Benefit:

I (full name)
authorise Council to confirm with Centrelink the following details: Pension Number, Name, Address, Postcode and that I am a valid concessional card holder. I agree that, unless I revoke my consent, this Customer Consent record is a permanent consent, and may be relied on by the Council until such time as I revoke it. I may revoke this Customer Consent record at any time by giving Gunnedah Shire Council written notice that my consent is revoked. I understand if I revoke this consent, I may not be eligible for the concession given by the Council. I acknowledge I have read and understood this Customer Consent.

Signature: Date:

DECLARATION

I hereby declare that the information provided is true and correct.

(If you make a false statement in an application, you may be guilty of an offence and fined up to \$2,200)

Signature: Date:

INFORMATION FOR APPLICANTS

Council will accept this application if all information sought is provided by you. Additional information that you may have that supports your application can be attached (see checklist below). I have completed:

- | | | | |
|--------------------------------|--------------------------|------------------------------|--------------------------|
| Applicant | <input type="checkbox"/> | Supporting Documentation | <input type="checkbox"/> |
| Property Details | <input type="checkbox"/> | Customer Consent (Pensioner) | <input type="checkbox"/> |
| Application | <input type="checkbox"/> | Declaration | <input type="checkbox"/> |
| Income and Expenditure | <input type="checkbox"/> | Information for Applicants | <input type="checkbox"/> |
| Pension or Allowance Statement | <input type="checkbox"/> | | |
| Income from all sources | <input type="checkbox"/> | | |
| Pay advice | <input type="checkbox"/> | | |
| Savings | <input type="checkbox"/> | | |
| Expenditure | <input type="checkbox"/> | | |
| Income less Expenditure | <input type="checkbox"/> | | |