



Gunnedah
Shire Council

PUBLIC EXHIBITION

DRAFT POLICY – HARDSHIP

The draft Hardship Policy has been placed on public exhibition for a period of 28 days until 19 July 2024.

If you have feedback on a draft plan, policy or item on exhibition, please submit it via one of the methods below:

- Email council@gunnedah.nsw.gov.au with the name of the plan, policy or item in the subject line. Please include your name and contact details.
- Complete an online form on Council's website: www.gunnedah.nsw.gov.au.
- Post your submission to Gunnedah Shire Council, PO Box 63, Gunnedah 2380 or hand it over the counter at Council's Administration Building at 63 Elgin Street, Gunnedah.

Please be aware that if you make a submission, other people may have access to your comments. This may be as a result of a report to a Council meeting or as part of an application under the *Government Information (Public Access) Act 2009*. Further details are available on request from Council.

For more information, speak to our Customer Service team.

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 196 Policy or amendment takes effect June November 2024 2 Policy is due for review (up to 4 years) 16 2017 December June-2024 2 2017 June 16 December-2027 5
Endorsed by	Executive Leadership Team
Approved by	Gunnedah Shire Council, at its Ordinary Meeting of Council held 16 November 2022 16 June 2024. Resolution number: 7.11/22 TBC
Policy Custodian	Manager Finance
Relevant to	The community of the Gunnedah Shire Local Government Area together with all Councillors, Council Staff, Rate Payers Ratepayers and debtors of Council
Superseded Policies	Hardship Policy adopted 18 December 2019 16 November 2022 Resolution number: 29.12/19 7.11/22
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 2024 4 3.06/24TBC
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; andb) 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> .
<u>Hardship Working Group</u>	<u>Consists of the Revenue Team and a representative from the Leadership Team</u>

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 ~~may~~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 for determination.

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.clcnsw.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/nhdh.org.au

Telephone: ~~1300 914 408~~ 1800 007 007

- 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 – ~~Coordinator 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
<u>16 May 2024</u>	<u>V3.010</u>		<u>Wording amendments, position title updates and updated Hardship Rate Relief Application form</u>

8. Annexures

Annexure A – Hardship Rate Relief Application



Hardship Rate Relief Application

LAST UPDATED 19 MARCH 2024

ABOUT THIS FORM

This form is to be completed by ratepayers who are presently suffering financial hardship and wish to receive consideration with regards to the payment of their rates and charges and water accounts. The information provided by completing this form will enable Council to determine the eligibility for financial hardship support under Gunnedah Shire Council's Hardship Policy.

HOW TO COMPLETE THIS FORM

1. Please note that all fields on this form are mandatory and must be completed before submitting the application.
2. Once completed you can submit this form electronically, by mail, or in person. Please refer to the lodgement section for further information.
3. Ensure you include all supporting documentation to support your claim.

PART 1: YOUR INFORMATION

Assessment: Email:

Full name:

Address:

Suburb: State: Post Code:

1. Do you receive any pensions or benefits? Yes No | Type of Pension:

2. Are you currently employed? Yes No

Is this work: Full time Part time Casual: Seasonal Other

3. Advise all other people living at the property:

4. Do you receive any rent or board from any resident at this property? Yes No

If yes, how much do you receive? \$..... per week per fortnight per month

5. How long have you been experiencing hardship?

6. What is the cause of this hardship?

Illness Loss of employment Relationship breakdown

Natural disaster Pensioner Financial over commitment

Death of an immediate family member Other (please specify):

PART 2: FINANCIAL STATEMENT			
Weekly Income			
You		Your Partner	
Employer Name:		Employer Name:	
Net wage/salary (after tax)	\$	Net wage/salary (after tax)	\$
Centrelink benefit	\$	Centrelink benefit	\$
Family Tax A or B	\$	Family Tax A or B	\$
Other	\$	Other	\$
Other	\$	Other	\$

Weekly Expenses			
Mortgage / rent	\$	Health fund contributions	\$
Personal or car loan	\$	School expenses	\$
Credit cards	\$	Hobbies and sports	\$
Food	\$	Pets	\$
Electricity/gas	\$	Entertainment	\$
Telephone/internet	\$	Holidays	\$
TV subscriptions	\$	Alcohol/cigarettes	\$
Motor vehicle running costs	\$	Gambling	\$
Insurance(s)		Other (attached page if required)	\$

<u>ASSETS (WHAT YOU OWN)</u>	MARKET VALUE		MARKET VALUE
House and land (primary res.)	\$	Boat – make/model	\$
Other real estate – address	\$	Motorbikes – make/model	\$
Motor vehicle – make/model	\$	Caravan/trailer – make/model	\$
2 nd motor vehicle – make/model	\$	Shares or investments – details	\$
Household furniture/electrical goods	\$	Other debts (please specify)	\$

<u>LIABILITIES (WHAT YOU OWE)</u>	BALANCE		BALANCE
Mortgage/home loan – lender	\$	Child support	\$
Car loan – lender	\$	HECS debts	\$
Personal/other loan - lender	\$	Payment plans (utilities)	\$
Credit cards (total)	\$	Loans to family/friends	\$
Store cards/Afterpay/Zipay etc)	\$	Other:	\$
Centrelink loan	\$	Other:	\$



PRIVACY AND PERSONAL INFORMATION PROTECTION ACT, 1998

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.

LODGEMENT

To assist Council in determining eligibility, applicants are advised that all parts of the application form must be completed in full. Incomplete application forms will be returned to the applicant. The completed form and supporting documentation can be returned to Council by either:

Post
Credit Control Officer
Gunnedah Shire Council
PO Box 63
GUNNEDAH NSW 2380

In Person
Gunnedah Shire Council
63 Elgin Street
GUNNEDAH NSW 2380

Email
council@gunnedah.nsw.gov.au

OUTCOME – OFFICE USE ONLY

Hardship Committee meeting date held:

Hardship approved? Yes No If no, state reason:

.....

Payment arrangement*: \$.....per week fortnight month

* Subject to review conducted every six (6) months

Endorsed by Committee members:

..... Signed: Date:
..... Signed: Date:
..... Signed: Date:
..... Signed: Date:
..... Signed: Date:

Comments:

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