

Financial Hardship Assistance Policy – Rates and Charges

Date policy was adopted:	27 June 2018
Resolution number:	190/18
Next Policy review date:	September 2021
Reference number:	SF150398/03-08

Name of policy

1. OUTCOMES:

To provide financial assistance to ratepayers experiencing genuine financial hardship and to establish guidelines for assessment of hardship applications by applying the principles of integrity, fairness, respect and compliance to the relevant statutory requirements.

2. POLICY:

Council acknowledges that ratepayers may experience genuine financial hardship with the payment of excessive water usage accounts and Rates and Charges from time to time and as a result, may need assistance to meet their rates and charges payment responsibilities. This policy establishes the circumstances in which financial assistance will be provided and the various types of voluntary financial assistance Council will provide to ratepayers, pursuant to provisions within the LGA.

3. DEFINITIONS

LGA – refers to NSW Local Government Act 1993

Pensioner – an eligible pensioner as defined in Clause 134 of the Local Government (General) Regulations 2005

Application form – Council's financial hardship application form for the purpose of applying for assistance under this policy.

Undetectable Leak – where water has leaked from pipeline breaks or connections in the ground, under slabs or within walls and the leak is not clearly visible by the owner. It does not include leakage from an appliance, water pump, hot water system, irrigation system or rainwater tank.

4. LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS

Sections 564,567 & 601 LGA.

5. CONTENT:

1. Financial Assistance due to Undetectable Water Leaks

Notwithstanding the property owners responsibility for all water infrastructure and water usage at their property, Council may assist by applying a rebate to ratepayers where a undetectable leak has resulted in a significant increase in water use, subject to the following conditions:-

- 5.1.1 Upon application and in accordance with this policy, the General Manager or his/her delegate may waive water usage charges up to a limit of \$1000.00
- 5.1.2 The application must be in writing and/or emailed to rates@qprc.nsw.gov.au
- 5.1.3 The applicant must be the person liable for the water usage charges for the property, or the authorised agent of the premises for which the application applies.
- 5.1.4 The property to which the application applies must be land categorised as Residential for rating purposes in accordance with Section 516 of the Act and must be separately metered.

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- 5.1.5 The application must be received by Council within 30 days of the owner/agent becoming aware of the leak, or within 30 days of the date of a letter issued by Council to the owner advising of higher than normal water usage, or the issue of the Water Usage Account, whichever comes first.
- 5.1.6 The application must provide evidence confirming that immediate and effective action was taken to rectify the water leak as soon as was reasonably possible.
- 5.1.7 The application must be accompanied with an invoice or account from a licenced plumber stating the location of the leak, the repairs that were necessary and a statement that the internal plumbing system has been tested at a minimum test pressure of 800KPa.
- 5.1.8 The leak must have been significant. A leak is determined to be significant if the water usage for the period is greater than 50kl and is at least 1.5 times greater than the average water usage at the property calculated over the previous 3 years, provided the applicant has owned the property for all of that time.
- 5.1.9 In the event that no suitable historical water usage data is available, the estimation table contained in Appendix A may be used to determine an average water usage.
- 5.1.10 The rebate will be calculated by multiplying the numbers of days in the water billing period that the leak was evident, by the average daily usage as calculated in 5.1.8 of this policy. The rebate will be applied as a credit on the water usage account.
- 5.1.11 The maximum rebate shall be equivalent to 1,000 kilolitres of water.
- 5.1.12 A rebate shall not be granted where assistance of this kind has been granted in the previous five (5) years.
- 5.1.13 Water usage that is a result of negligence or misuse is not eligible for assistance.
- 5.1.14 The applicant will be advised in writing of the outcome of the application.

2. Financial Hardship Assistance – Rates and Charges

Council recognises there are cases of genuine financial hardship requiring respect and compassion in special circumstances. This policy establishes guidelines for assessment of hardship applications applying the principles of fairness, integrity, appropriate confidentiality, and compliance with relevant statutory requirements. It applies to all applications for alternative payment arrangements, or writing off of rates, fees, annual charges and interest accrued on such debts.

Assessment of financial hardship to be made internally following a set of guidelines and the completion of Council's 'Financial Hardship Relief Application Form'. Criteria for income and asset values shall be determined in accordance with the Centrelink 'Pensions - Income and Assets Test' as reviewed annually in September.

- 5.2.1 Council may enter into a formal agreement with a ratepayer requesting an extension to pay outstanding amounts by periodical payments. Council or the ratepayer may initiate a proposal for a periodical payment agreement under section 564(1) of the LGA and in accordance with Council's Debt Recovery Policy.

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Council will provide information on the amounts due and payable in writing following the approval of the arrangement.

5.2.2 Council may write off or reduce the accrued interest on rates and charges if the person complies with the periodical agreement in accordance with section 564(2) of the LGA. When assessing the writing off of interest in accordance with section 564(2) the following circumstances should be considered:-

- (a) The ratepayer is experiencing genuine hardship and has completed Council's Financial Hardship Application detailing their income, assets and expenses.
- (b) The ratepayer has previously had a good payment record.
- (c) The ratepayer is a first time owner in Queanbeyan-Palerang Regional Council, and circumstances beyond the ratepayers control resulted in an incorrect address for the service of notices.
- (d) Prolonged or serious illness of the ratepayer, or the immediate family of the ratepayer, the loss of employment, natural disasters or other extraordinary circumstances have led to the Rates and Charges becoming overdue.

If the ratepayer fails to make the periodical payment in accordance with the agreement, the payment plan may be cancelled. Full payment of the amount outstanding will be due immediately, and the recovery of the debt will commence or continue as per Council's Debt Recovery Policy.

5.2.3 Council may write off accrued interest on rates or charges payable by a person under Section 567 of "the Act" and the Local Government (General) Regulation 2005 where:

- (1) the person was unable to pay the rates or charges when they became due for reasons beyond the person's control, or*
- (2) the person is unable to pay accrued interest for reasons beyond the person's control, or*
- (3) payment of the accrued interest would cause the person hardship.*

Applications must be made on the appropriate form, Council's Financial Hardship Application form. Each individual case will be considered by the Council and on its particular merits and circumstances.

Upon application and in accordance with this policy, the General Manager or his/her delegate may waive interest charges up to a limit of \$200.00.

5.2.4 Under section 577 of the LGA, in order to avoid hardship, Council may extend the pensioner concession to ratepayers who jointly occupy a dwelling and are jointly liable for the rates and charges as an eligible pensioner, if it considers it proper to do so.

3. Allowance for Persons Requiring Haemodialysis or any other medical condition which may require a large amount of water usage as a form of therapy.

5.3.1 The allowance will apply to Home Haemodialysis patients whose premises are connected to a Queanbeyan-Palerang Regional Council water supply system. Claims for other medical conditions will require a declaration from the Area Health Service as to the extent of water usage required for the therapy of any such medical condition.

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- 5.3.2 At the end of each financial year the Area Health Service will be asked to supply Council with a list of all the Home Haemodialysis patients in council area, and their principal place of abode.
- 5.3.3 The allowance will be equivalent to 10 kls of the water used in any Water Billing period, as recorded by the water meter connected to the premise. This allowance is above the amount of the estimated volume of water utilised by a dialysis machine for an average haemodialysis patient, as supplied by the Area Health Service, being 25 kls per annum.
- 5.3.4 The allowance will commence in the water billing period in which Council is notified of the haemodialysis machine being installed at the premise.
- 5.3.5 The allowance will cease in the water billing period following the notification of the machine no longer being in use by the nominated patient, or the sale of the property.

PERFORMANCE INDICATOR

Outstanding Rates and Charges and Sundry Debtors accounts are managed and the indebtedness to Council is kept to a level that is acceptable to Council and the Office of Local Government.

Note (delete from template): Confusion always exists regarding what constitutes policy and what constitutes a directive. In preparing a policy it is always useful to remember that the elected body of Council determines policy and any changes would have to be resolved by it and it would not want to be considering policy changes on a very regular basis. Directives are determined at staff level and can be amended more regularly.

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POLICY:-	
Policy No:	
Policy Title:	Financial Hardship and Assistance Policy
Date Policy was adopted by Council:	27 June 2018
Resolution Number:	190/18
Previous Policy Review Date:	
Next Policy Review Date:	September 2021
PROCEDURES/GUIDELINES:-	
Date Procedure/Guideline (if any) was developed:	
RECORDS:-	
Container Reference in TRIM: Policy	SF150398/03-08
Container Reference in TRIM: Procedure	
Other locations of Policy:	Intranet (linked to TRIM Container)
Other locations of Procedures/Guidelines:	Intranet (linked to TRIM Container)
DELEGATION (if any):-	
RESPONSIBILITY:-	
Draft Policy developed by:	Jane Steiger
Committees (if any) consulted in the development of the Draft Policy:	
Responsibility for Implementation:	
Responsibility for Review of Policy:	

INTEGRATED PLANNING FRAMEWORK:	
Community Strategic Plan:	Theme No.
Delivery Program Title:	
Operational Plan:	

Senior Authorising Officer Peter Tegart	Position CEO/General Manager	Signature/Date  27/06/2018
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Name of policy

ACTION	COUNCIL MEETING DATE	RESOLUTION NUMBER	REPORT ITEM NUMBER
NEW/RECONFIRMED/ AMENDED	27 June 2018	190/18	12.1

DATE REVIEWED	REVIEWER POSITION	REVIEWER NAME