

POLICY	ROBY COUNCIL	Responsible Department	Finance
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MUNICIPAL RATES HARDSHIP POLICY

Latest Review Changes	Minor formatting and editorial changes, update to new template.
Previous Council Reviews	30.11.16, 26.06.19

Applicable Legislation

Local Government Act 1999
Roxby Downs (Indenture Ratification) Act 1982 (Indenture)

Related Policies

Customer Complaints Policy

Related Procedures

Reference Documents

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1. INTRODUCTION

- 1.1. Council provides a range of Municipal Services under the provisions of the *Local Government Act 1999 (the Act)* as modified by the provisions of the *Roxby Downs (Indenture Ratification) Act 1982 (Indenture)*. Funding for many of these are provided under the rating provisions contained within *the Act* with rates levied being the responsibility of the property owner.
- 1.2. These rating provisions make it a requirement that fines and interest on late payments are applicable for late payments of rates. These cannot be waived but may be written off if Council is convinced that extreme hardship circumstances apply.
- 1.3. All charges remain a charge on the land and if not paid in normal circumstances are recoverable at the time of the sale of the property. Statutory provisions give Council the authority to sell a property to pay for long outstanding charges, a practice that would only be followed as a last resort when all other avenues of debt recovery have been exhausted.
- 1.4. For the purposes of this policy, ratepayer means a person or entity who owns land in relation to which, under the provisions of the *Local Government Act 1999* are deemed to be the principal ratepayer are legally responsible for the payment of Council rates declared by the Council.

2. PURPOSE

- 2.1. Roxby Council is committed to assisting ratepayers who are experiencing financial hardship, to manage their payments in a manner that best suits the individual ratepayer.
- 2.2. The purpose of this policy is to identify ratepayers who are experiencing payment difficulties due to hardship and assist those to better manage their bills on an ongoing basis.
- 2.3. This policy sets out:
 - a) processes to identify ratepayers experiencing payment difficulties due to hardship, including identification by us, self-identification by a ratepayer, identification by an accredited financial counsellor, or welfare agency, and
 - b) an outline of a range of processes or programs that Council will use, or apply, to assist our ratepayers who have been identified as experiencing payment difficulties.

3. IDENTIFYING RATEPAYERS EXPERIENCING FINANCIAL HARDSHIP

- 3.1. A ratepayer experiencing financial hardship is someone who is identified by themselves, by us, by an accredited financial counsellor, or by a welfare agency as having the intention, but not the financial capacity, to make required payments in accordance with our payment terms.
- 3.2. There are two types of financial hardship: ongoing and temporary. Depending on the type of hardship being experienced, hardship ratepayers will have different needs and will require different solutions.
- 3.3. Ratepayers who are identified as experiencing ongoing hardship are generally those on low or fixed incomes. These ratepayers may require ongoing assistance.
- 3.4. Ratepayers who may be identified as experiencing temporary hardship are those who have experienced a short-term change in circumstances, such as serious illness, disability or death in the family, loss or change in income, separation, divorce or other family crisis, a loss arising from an accident, or some other temporary financial difficulty. These ratepayers generally require flexibility and temporary assistance, such as an extension of time to pay or an alternative payment arrangement.
- 3.5. The extent of hardship will be determined by either our assessment process or by an external body, such as an accredited financial counsellor.
- 3.6. Where Council assess a Ratepayer's eligibility for hardship assistance, we will consider indicators including (but not limited to) whether:

- a) the ratepayer is on a Centrelink income and holds a Pensioner Concession Card or holds a Centrelink Low Income Health Care Card
- b) the ratepayer is eligible for a South Australian Government concession
- c) the ratepayer has been referred by an accredited financial counsellor or welfare agency
- d) the ratepayer advises they have previously applied for emergency relief (irrespective of whether or not their application was successful)
- e) the ratepayer's payment history indicates that they have had difficulty meeting their rates obligations in the past
- f) the ratepayer, through self-assessment, has identified their position regarding their ability to pay.
- g) where the ratepayer is the owner of an investment property the taxable income of that ratepayer.

4. ASSISTING RATEPAYERS WHO ARE EXPERIENCING FINANCIAL HARDSHIP

4.1. Council will inform a Ratepayer of this ratepayer hardship policy where:

- a) it appears to us that non-payment of a rates bill for retail services is due to the ratepayer experiencing payment difficulties due to hardship, or

4.2. Where a ratepayer has been identified as experiencing financial hardship, Council will offer the ratepayer, as soon as is reasonably practicable, flexible and frequent payment options that have regard to the hardship ratepayer's usage, capacity to pay and current financial situation. These options will include the following:

- a) an interest and fee free payment plan consistent with 6, or
- b) other arrangement, under which the ratepayer is given more time to pay a bill or to pay in arrears (including any disconnection or restriction charges),

recognising that some ratepayers have a short-term financial hardship issue that may be resolved in the near to medium-term, where others may require a different type of assistance for ongoing financial issues.

4.3. Council will engage in discussion with the hardship ratepayer to determine a realistic payment option in line with the ratepayer's capacity to pay.

4.4. Council will work with a hardship ratepayer's financial counsellor to determine the payment arrangement and instalment amount that best suits the ratepayer and their individual circumstances.

4.5. Where a hardship ratepayer's circumstances change, Council will work with the ratepayer, and their financial counsellor, to re-negotiate their payment arrangement.

4.6. Council will also offer the hardship ratepayer:

- a) where appropriate, information about the right to have rates redirected to a third person, as long as that third person provides informed consent in writing to that redirection
- b) information about, and referral to, Commonwealth and South Australian Government concessions, rebates, grants and assistance programs
- c) information about, and referral to, accredited financial and other relevant counselling and support services, particularly where a ratepayer is experiencing ongoing financial hardship.

4.7. Where a hardship ratepayer requests information or a redirection of their bills, Council will provide that information or redirection free of charge.

4.8. Council will also explain to the hardship ratepayer that they will be removed from our hardship program, and be returned to our standard collection cycles, including debt recovery, should they cease to make payments according to the agreed payment arrangement or fail to contact us for a period of greater than 90 days.

- 4.9. Council will not take any action to remove a ratepayer from our hardship program until we have sent the ratepayer a written notice, allowing them 10 working days from the date of the notice to contact us to re-negotiate their re-entry into the program.

5. RETAIL SERVICES PROVIDED BY COUNCILS

- 5.1. Council charges are made up of retail services (as defined in this policy) and non-retail services, for example refuse collection.
- 5.2. If you are a ratepayer in receipt of a retail service provided by council and you are experiencing financial hardship, then only the retail service element of the council charges will be subject to the terms of this hardship policy. All or any other sums that are due to the council for non-retail services may be dealt with under the council's existing hardship policies. The council may exercise its discretion to apply this hardship policy to other sums due.

6. PAYMENT PLANS

- 6.1. Our payment plan for a hardship ratepayer will be established having regard to:
 - a) the ratepayer's capacity to pay and current financial situation
 - b) any arrears owing by the ratepayer, and
- 6.2. The payment plan will also include an offer for the hardship ratepayer to pay their rates in advance or in arrears by instalment payments at a frequency agreed with the ratepayer (e.g. weekly, fortnightly, monthly or as otherwise agreed with the ratepayer).
- 6.3. Where a payment plan is offered to a hardship ratepayer, Council will inform the ratepayer in writing, within 10 business days of an agreement being reached, of:
 - a) the duration of the plan
 - b) the amount of each instalment payable under the plan, the frequency of instalments and the date by which each instalment must be paid
 - c) if the ratepayer is in arrears – the number of instalments to pay the arrears, and
 - d) if the ratepayer is to pay in advance – the basis on which instalments are calculated.
- 6.4. Council will waive any fees for late payment of a bill for a hardship ratepayer.
- 6.5. Where a hardship ratepayer is seeking assistance in accordance with this policy but has failed to fulfil their obligations under an existing hardship arrangement, Council will require them to sign up for direct debit deductions.

7. DEBT RECOVERY

- 7.1. Council will suspend debt recovery processes while negotiating a suitable payment arrangement with a hardship ratepayer.
- 7.2. Council will not engage in legal action or commence proceedings for the recovery of a debt relating to a hardship ratepayer if:
 - a) the ratepayer has agreed to a payment arrangement and continues to adhere to the terms of that arrangement, or
 - b) we have failed to comply with the requirements of this ratepayer hardship policy.

8. RIGHTS OF RATEPAYERS EXPERIENCING FINANCIAL HARDSHIP

- 8.1. Every ratepayer experiencing financial hardship has the right to:
 - a) Be treated respectfully on a case-by-case basis, and have their circumstances kept confidential.

- b) Receive information about alternative payment arrangements, this ratepayer hardship policy, and government concessions, rebates, grants and assistance programs.
- c) Negotiate an amount they can afford to pay on a payment plan or other payment arrangement.
- d) Consider various payment methods and receive written confirmation of the agreed payment arrangement within 10 business days.
- e) Renegotiate their payment arrangement if there is a change in their circumstances.
- f) Receive information about free and independent, accredited financial counselling services.
- g) Receive a language interpreter service at no cost to the ratepayer.
- h) Be shielded from legal action and additional debt recovery costs, whilst they continue to make payments according to an agreed payment arrangement.
- i) Not have retail services restricted or disconnected as long as they have agreed to a payment arrangement and continue to make payments according to an agreed plan.

9. GENERAL PROVISIONS

- 9.1. Council will ensure ratepayers have equitable access to this ratepayer hardship policy, and that this policy is applied consistently.
- 9.2. Council will ensure appropriate training of staff dealing with ratepayers in hardship to enable them to treat ratepayers with respect and without making value judgements. Training will also assist staff in the early identification of hardship ratepayers, with establishing payment plans based on a hardship ratepayer's capacity to pay and include processes for referral to an accredited financial counsellor or welfare agency for assistance.
- 9.3. This ratepayer hardship policy is available on our website: <https://www.roxbydowns.sa.gov.au/>
- 9.4. Council will also make a copy of this policy available to a ratepayer, upon request, and at no charge to the ratepayer, as soon as practicable following a request to do so.
- 9.5. This ratepayer hardship policy does not limit or prevent us from waiving any fee, charge or amount of arrears for the provision of retail services to ratepayers who are experiencing financial hardship.

10. CONFIDENTIALITY

- 10.1. Any information disclosed by a ratepayer is confidential and will not be used for any purpose other than the assessment of an application for assistance.

11. COMPLAINTS HANDLING

- 11.1. Our Customer Complaints Policy is available at our website.
- 11.2. A ratepayer experiencing hardship has a right to have any complaint heard and addressed by us, and in the event that their complaint cannot be resolved, the ratepayer has the right to lodge a complaint with the State Ombudsman.

12. DEFINITIONS AND INTERPRETATION

Accredited Financial Counsellor	in South Australia, means a person who holds a Diploma of Community Services (Financial Counselling), and who has worked at least 12 months as a financial counsellor under the supervision of the South Australian Financial Counsellors Association
Ombudsman	means the State Ombudsman
Ratepayer	means a person or legal entity who owns land in relation to which under the provisions of the <i>Local Government Act 1999</i> are deemed to be a Council the ratepayer who is legally responsible for the payment of rates declare by Council.
Ratepayer Hardship Policy	means this policy that has been adopted by Council
Financial Counsellor	means accredited financial counsellor
Financial Hardship	means a circumstance of experiencing a lack of financial means that may be either ongoing or temporary, but does not include circumstances where a person chooses not to meet a liability for an unpaid debt
Hardship	means financial hardship
Hardship Ratepayer	means a residential ratepayer who has been identified under, accepted into, or is eligible for assistance under our hardship program
Hardship Program	means an agreement between us and a hardship ratepayer for payment of outstanding sums due for retail services
Policy	means this ratepayer hardship policy