

Debt Management, Relief and Hardship Policy



Yarriambiack
SHIRE COUNCIL

Table of Contents

1. Objective.....	2
2. Responsibility	2
2.1 Debt Owner.....	2
2.2 Corporate Services Department	2
2.3 Community Member, Property Owner, Rate Payer and Facility/Service User	3
3. Policy Statement and Scope	3
3.1 Scope	3
3.2 General Principles Applicable to All Debts	4
3.3 Payment Terms	4
3.4 Invoicing.....	4
3.5 Reminders and Final Notices.....	4
3.6 Payment Methods	4
3.7 Payment Arrangements	4
3.8 Interest Penalties.....	5
3.9 Continuation of the provision of services where debt is overdue.....	5
3.10 Debt Recovery	6
3.11 Correction of Invoicing and Rating Errors and Issuing of Credit Notes	6
3.12 Refunds	7
3.13 Waiving or Deferment of Fees and Debt.....	7
3.14 Write Off of Bad Debts.....	8
3.15 Write Off of Penalty Interest.....	8
3.16 Provision for Doubtful Debts	8
4. Requirements in Relation to Specific Types of Debtors	9
4.1 Rates	9
4.2 Sale of Land to Recover Unpaid Rates.....	9
4.3 Supplementary Valuations.....	10
4.4 Infringement Notices (Fines)	10
4.5 Leases	10
4.6 Fire Prevention	10
5. Financial Hardship	11
5.1 Eligibility.....	11
5.2 Assessment of Hardship.....	11
5.3 Waivering and Deferment of Rates, Charges, Interest and Fees	12
6. Rate Relief – New Houses	12
7. Reporting	13
8. References	13
9. Consistency with Governance Principles Local Government Act 2020	14

1. Objective

Council generates significant income from rates, charges and fees. This Policy is to ensure:

- a) An equitable approach is implemented to manage the associated debt management and recovery process of Council.
- b) Fee relief is available to encourage investment and growth within the Shire.
- c) Appropriate guidelines are established for assessing applications for financial hardship consideration for the payment of municipal rates, levies, charges and fees associated with services provided. All applications will be considered with fairness, integrity and confidentiality.
- d) That the collection of debt is undertaken fairly, impartially, consistently, efficiently, effectively and in accordance with good governance.
- e) Any person, organisation or company having difficulty in paying an outstanding debt is encouraged to contact Council and make arrangements for a payment plan to pay the debt in a reasonable and manageable timeframe.
- f) That the collection of debt is consistent with the *Local Government Act 1989*, *Local Government Act 2020*, *Local Government Legislation Amendment (Rating and Other Matters) Act 2022*, *Fire Services Property Levies Act 2012*, Regulations, Accounting Standards and recognised financial practices.

2. Responsibility

2.1 Debt Owner

The Department or Business Unit with responsibility for the income stream is known as the debt owner. The Debt Owner has overall responsibility for the management of the related debt.

The debt owner is responsible for:

- a) Ensuring that invoiced amounts are correct.
- b) Providing assistance to the Corporate Services Department to follow up on overdue debts.
- c) Liaising with the Corporate Services Department in terms of the status of debts (e.g. whether it is likely to be recovered).
- d) Documenting any discussions with Debtors in relation to outstanding monies and providing the documentation to the Corporate Services Department.
- e) Ensuring further credit is not given to the Debtor with overdue debts unless there is a specific regulation.
- f) Gaining approval from the relevant Director to escalate approval for a debt write off and advising the Manager Corporate Services accordingly. Before debt write off can occur it must be signed off by the Chief Executive Officer (CEO) and/or Council depending on the value.

2.2 Corporate Services Department

In relation to debt collection, the Corporate Services Department is responsible for:

- a) Sending out invoices (via email, post).
- b) Recording debts in the financial systems.
- c) Recording payments in the financial systems.
- d) Sending reminder letters on overdue debt (except for fines and infringement notices).

Debt Management, Relief and Hardship Policy	This Document is Uncontrolled when Printed	Responsible Officer: Director Business Strategy and Performance	
Version: 2.0	Issue Date: 28/06/2023	Next Review: 28/06/2026	Page 2/ 14

- e) Follow up on overdue debt (with assistance from the debt owner and debt collection agency where applicable).
- f) Determining the level of doubtful debts (with assistance from the debt owner).
- g) Referring debts to a debt collection agency after advice from the debt owner.
- h) Advising Departments on the status of outstanding debts and making recommendations on debt recovery/write off.
- i) Writing off debts in the financial systems after approvals have been received.
- j) Assessing and referring Financial Hardship and Fee Relief applications as they arise.

2.3 Community Member, Property Owner, Rate Payer and Facility/Service User

The parties are required to notify Council if they are experiencing financial hardship and are encouraged to arrange a payment plan with Council.

3. Policy Statement and Scope

3.1 Scope

The purpose of this policy is to ensure effective control over debts owed to Council are established by maximising the collection of outstanding rates and sundry income.

The policy aims to fulfil the statutory requirements of the Local Government Act and associated Local Government Regulations with respect to the recovery of rates, charges and other debts.

This Policy covers:

- The initial establishment of a debt.
- Follow up actions to collect outstanding debts.
- Creation of a provision for doubtful debts.
- The write off of bad debts.
- Financial hardship applications and assessment.
- Fee relief applications and assessment.

This Policy includes but is not limited to:

- Facility hire fees.
- Fines and infringements.
- Fire hazard clearance charges.
- Interest penalties on outstanding fees and charges.
- Lease fees.
- Rates.
- Saleyards fees.
- Special charge scheme debts.
- All miscellaneous fees and charges where a debt is created.

The Policy does not cover:

- Fees and charges where no debt is created (for example, applications fees that should be paid at the time the application is made and for which an invoice is not raised).
- Non-monetary debts and obligations (for example, outstanding conditions on permits).

Debt Management, Relief and Hardship Policy	This Document is Uncontrolled when Printed	Responsible Officer: Director Business Strategy and Performance	
Version: 2.0	Issue Date: 28/06/2023	Next Review: 28/06/2026	Page 3/ 14

3.2 General Principles Applicable to All Debts

The general principles described in this section are applicable to all debts and debtors but they also need to be considered in conjunction with Section 4 (four) of this policy which outlines specific requirements in relation to debt types.

All decisions and approvals in this policy are subject to the conflict of interest provisions in the Employee Code of Conduct and Councillor Code of Conduct.

3.3 Payment Terms

Council's payment terms are 30 days from invoice issue date unless specifically stated elsewhere in legislation or regulations, or specified in Section 4 (four) of this policy.

3.4 Invoicing

A debt is created when the service is provided or when the invoice is created whichever occurs first. (Note: Income is recognised in Council's accounts when the invoice has been raised).

Unless there is regulation or accepted practice to the contrary, an invoice should be produced and payment requested at the time of the service being provided.

This practice reduces the risk of non-payment. However, it is recognised that there will be instances where invoicing and payment in advance is not practicable.

The Corporate Services Department is the only Department with authority to generate a Council invoice. Debtor invoice requests should be made on the [Debtor Request Form](#) and submitted to the Revenue Coordinator (or delegate) for processing.

3.5 Reminders and Final Notices

Outstanding debtor balances will be reviewed at least monthly and the following action initiated to recover the debt (this does not include Rates, this is outlined in Section (4)):

- 30 Days – Statement / Reminder
- 60 Days - Final Notice requesting payment within 14 days. Notification that services will cease if not paid
- 90 Days – Debtors that fail to respond to Council will be referred to Council's nominated debt collection agency for further action as considered appropriate.

Reminder phone calls may be employed by the debt owner or the Corporate Services Department between the 30 day and up to the 100-day collection period.

A record will be kept of all attempts to contact the debtor, whether successful or unsuccessful.

3.6 Payment Methods

Council has available the following payment methods:

- a) B-Pay and BpayView
- b) Payment Plans
- c) Centrepay
- d) Customer Service (Warracknabeal / Gateway BEET) – cheque, cash or eftpos
- e) Australia Post (Bill Pay)

3.7 Payment Arrangements

Any person, organisation or company who is having difficulty in paying a debt is encouraged to contact Council and make a personal payment arrangement to pay off the debt in a reasonable and manageable timeframe.

The Corporate Services Department will consider requests for a debtor and rates personal payment arrangement and may agree upon a payment plan. The payment plan will be a written agreement signed and agreed by both parties established on a Council approved form. Payment plans will include the duration of the payment plan, the amount of each payment plan instalment, the frequency of payment plan instalments and any other terms.

The structure of payment plan agreements will be negotiated with Council and Council's nominated debt collection agency and may consider a number of options (for example, a weekly payment of an agreed amount until the debt is paid in full).

Details of the payment plan must be recorded and payments monitored. Any defaults (payment not made by the agreed date) will be followed up by the Corporate Services Department and debt collection agency (except as described in section 4) and a new payment plan may be made.

If the debtor defaults on the payment plan by missing two or more consecutive payments, debt recovery under section 3.8 of this Policy will commence, unless the debt is governed by regulations that prohibit debt collection.

Local Laws

Payment arrangements for Infringement Notices are available via Fines Victoria upon request by the person issued with the infringement. This information is printed on all infringements as required by law. Payment arrangements may also be made through the Court or Fines Victoria for court issued fines.

3.8 Interest Penalties

Council will charge interest on unpaid rates and charges in accordance with the Local Government Act 1989 and *Fire Services Property Levies Act 2012*.

Per the *Local Government Legislation Amendment (Rating and Other Matters) Act 2022*, the Minister for Local Government must fix a maximum rate of interest that councils may charge on unpaid rates and charges.

Until a new interest rate is set by the Minister for Local Government, the current interest rate as set by the Attorney-General via the *Penalty Interest Rate Act 1983* continues to apply under s.172(2) of the *Local Government Act 1989*.

Council may charge penalty interest on sundry debtors that are overdue by more than 60 days unless the charging of interest is prohibited by legislation or excluded by section 4 of this Policy.

For interest not to be charged, the approval of the Chief Executive Officer or Council is required in accordance with delegation.

3.9 Continuation of the provision of services where debt is overdue

In some cases, specific regulations or funding agreements require Council to continue to supply services regardless of outstanding debts. These cases are outlined in section 4 of this Policy.

Unless specified otherwise in section 4, a Department or Business Unit must not continue to supply service where debts are more than 60 days overdue and no payment arrangement has been agreed.

In these circumstances approval from the relevant Director is required to continue with the provision of services.

3.10 Debt Recovery

Unless there is a specific regulation or other requirements set out in Section 4 or unless a payment plan has been agreed, Council will refer a debt that is overdue by 90 days or more to Council's nominated debt collection agency.

The debtor will be liable for all legal costs incurred by Council in the debt collection process.

The Corporate Services Department will advise the debt owner of the intention to refer the debt to a debt collection agency.

Generally, only debts over \$100 (one hundred dollars) will be referred to the debt collection agency. In the case of debts under \$100, the debt will be written off in accordance with Sections 3.12 and the debtor will be advised that they are no longer eligible to receive the service until such time as the debt is paid.

If the initial action by the debt collection agency does not result in payment of the debt, the Director Business Strategy and Performance will determine if it is beneficial to pursue legal recovery.

Rates and Charges

Before Council commences a proceeding to collect an unpaid rate or charge the following must occur

- Notify in writing the person liable to pay the rate or charge of the arrears
- Advise the person in writing of the payment options available including deferrals and payment plans
- At least 24 months have passed since the person was notified and advised of the above two points and the person has not deferred payment, entered a payment plan or used any other available payment option.

Section 180A(4) of the *Local Government Act* prevents Council from commencing a proceeding to recover an unpaid rate or charge that was subject to a payment plan unless it has been at least 24 months since the payment plan was cancelled.

Local Laws

Depending on the nature of the infringement Council will either refer outstanding Fines and Infringements to:

- a) Council Lawyers once the debt is seven days overdue and no payment plan has been evoked. The Council's nominated Lawyers will peruse payment through the Court system or;
- b) To Fines Victoria for perusal and collection.

3.11 Correction of Invoicing and Rating Errors and Issuing of Credit Notes

In the event that it is discovered that an error has been made and a rate payer or debtor has been incorrectly undercharged, Council will correct the error immediately for future billing periods and invoices and Council will not attempt to apply the correct fee or charge retrospectively. This excludes supplementary valuations (refer to section 4.3).

In the event that it is discovered that an error has been made and a ratepayer or debtor has been incorrectly overcharged, Council will correct the error immediately for current and future billing periods and invoices and Council will apply the correct fee or charge retrospectively to 1 July of the financial year in which the error was discovered.

The maximum period for a retrospective adjustment is one years.

A record that can withhold internal and external audit scrutiny is to support the correction adjustments and issuing of credit notes.

Debt Management, Relief and Hardship Policy	This Document is Uncontrolled when Printed	Responsible Officer: Director Business Strategy and Performance	
Version: 2.0	Issue Date: 28/06/2023	Next Review: 28/06/2026	Page 6/ 14

Rate Payers

- a) A rate payer must notify the Council in writing if they believe an error or incorrect charge has been allocated to their valuation notice.
- b) The Revenue Coordinator will make a preliminary assessment and make a recommendation to the Manager Corporate Services on the proposed action to resolve the matter.
- c) If an error has occurred and/or an overcharge, an adjustment will be made.
- d) Adjustments/credit notes to rates valuations less than \$500 (five hundred dollars) can be approved by the Manager Corporate Services.
- e) Adjustments/credit notes to rates valuations equal to or greater than \$500 (five hundred dollars) are to be approved by the Chief Executive Officer.

Debtors

- a) A debtor or the applicable Business Unit or Department in which the debt has been incurred is to notify Council, preferably in writing if they believe an error or incorrect charge has been allocated to a debtor account.
- b) The Revenue Coordinator will make a preliminary assessment and where an error has occurred or an incorrect charge allocated to an account, the Revenue Coordinator will process the adjustment/credit note. Such transactions will be approved by the Debt Owner (applicable Manager) in accordance with the financial delegations set in the Procurement Policy.

3.12 Refunds

There may be circumstances where refunds may be warranted because:

- a) The service was not provided or the service was provided in an unsatisfactory manner.
- b) A debtor / rate payer has over paid their account and wishes to have the funds reimbursed.

Where a Rate Payer / Debtor requests a refund on an overpayment of Rates and Charges, the Manager Corporate Services can approve such refunds, in accordance with the financial delegations set in the Procurement Policy.

Where a service has not been provided and there is evidence to support such claim from the Debt Owner, the Manager Corporate Services can approve such refunds in accordance with the financial delegations set in the Procurement Policy.

Where a service was provided in an unsatisfactory manner and a refund is requested, the applicable Director is to approve such refunds in accordance with the financial delegations set in the Procurement Policy.

3.13 Waiving or Deferment of Fees and Debt

There may be special circumstances where Council may waive a debt or fee as a goodwill gesture. An example may be where a debtor has suffered severe personal hardship (refer to Financial Hardship, section 5). In such a circumstance the debt or fee may be waived and/or deferred as follows:

- a) A fee or debt regardless of the amount may be waived (excluding rates and charges) only if approved by the Chief Executive Officer. The power to defer or waive payments is included in s142 of the *Local Government Act 1989*. The person (applicant) must meet the criteria outlined in section 5, Financial Hardship of this policy.
- b) Rates and charges may be deferred in accordance with s170 of the *Local Government Act 1989*, if an application is made to Council where the person

demonstrates that the payment would cause hardship to the person (refer to Financial Hardship section 5).

- c) Council may waiver whole or part of any rate or charge or interest in accordance with s171 of the *Local Government Act 1989*. As per 3.11 (b) the applicant must meet the criteria as stated above.

3.14 Write Off of Bad Debts

This section does not apply to rates and charges.

A bad debt is a legitimate amount owing that Council has been unable to collect. After all avenues to collect the debt have been exhausted approval may be sought to write off a bad debt.

The Manager Corporate Services will refer all bad debts over one-year-old to the relevant Director for approval to write off, before receiving final approval from the Chief Executive Officer to process.

All approved write-offs will be recorded in accordance with the Accounting Standards and legislation. All applicable records will be governed by the Corporate Services Department.

If a debt is written off and a client seeks to have further service provided at a future date, the written off debt will be reinstated and the client will be required to pay the debt before the service recommences (subject to provisions in Section 4).

3.15 Write Off of Penalty Interest

Penalty interest is only applicable to Rates and Charges.

A penalty interest is a legitimate amount owing that Council has the right to collect.

If a request is received to write off penalty interest that has been applied to rates and charges, this must be assessed in accordance with the Financial Hardship section of this policy.

All approved penalty interest write-offs will be recorded in accordance with the Accounting Standards and legislation. All applicable records will be governed by the Corporate Services Department.

3.16 Provision for Doubtful Debts

This section does not apply to rates and charges. This section is only relevant to the Corporate Services Department.

A provision for doubtful debts is a liability to reflect debt that is likely never to be collected and hence is expected to be written off in future periods. The provision for doubtful debts is disclosed in the annual financial statements.

The Corporate Services Department will maintain a provision for doubtful debts based on the following method:

- a) For debts over \$1,000, an individual assessment will be undertaken to determine whether a debt is doubtful. All debt assessed as doubtful will be included in the provision.
- b) For debts under \$1,000 a weighted average based on historic debt write offs will be applied using the age of the debt as the basis for determining the doubtful debts. The aged debt categories that will be reviewed are as follows:
 - less than 30 days
 - 30-90 days
 - 90 -150 days

- 150 days +

This methodology is in accordance with Australian Accounting Standards Board, AASB 9 Financial Instruments.

4. Requirements in Relation to Specific Types of Debtors

4.1 Rates

Section 180 and section 181 of the *Local Government Act 1989* outlines Council's powers in relation to overdue rates and charges. A Rate Notice is sent on or around 1 September each year.

Rates are payable in either:

- Full payment by 15 February; or
- Four separate instalments due 30 September, 30 November, 28 February and 31 May.

Full Payment - A Final Notice will be sent in March each year. If the rate debt is still outstanding on or about 30 April the debt will be referred to Council's debt collection agency.

Instalments - Reminder notices will be issued 30 days prior to due date, which will identify total balance owing at that instalment date (including unpaid amounts from previous periods and interest payable). If the rate debt is still outstanding on or about 15 June the debt will be referred to Council's debt collection agency.

Council may instruct the agency or the agency's solicitors or its own solicitors to take the following steps to collect the debt:

- Debt collection agency urgent letter will be issued.
- Debt collection agency final notice will be issued.
- Debt collection agency to follow up and exhaust all other avenues prior to complaint stage.
- Application will be made to the Magistrates Court for a Complaint to be issued.
- Pre-Judgement warning letter will be sent to the Ratepayer.
- Application will be made to the Magistrates Court for Judgement.
- Pre-Warrant warning letter sent to the Rates Debtor.
- Application will be made to the Magistrates Court for a Warrant to be issued.
- Matter referred to Supreme Court - if required.

The *Local Government Legislation Amendment (Rating and Other Matters) Act 2022* limits the use of Magistrate's Court orders for recovering unpaid rates to situations where rates or charges have not been paid for twenty-four months or longer.

Debt Collection is an expensive process and the full cost of any action is passed onto the Ratepayer and becomes a charge against the property.

Under the *Local Government Act 1989* unpaid rates remain as a charge against the property and they must be paid first when a property is sold. Therefore, there are no doubtful debts or debt write offs in relation to Rates.

4.2 Sale of Land to Recover Unpaid Rates

Under Section 181 of the *Local Government Act 1989*, Council has the power to sell land to recover unpaid rates and charges, if the rates and charges have been unpaid for more than three years.

The benefit of selling the land is that Council will be able to recover all monies owed to it and furthermore, the property becomes a revenue producing property again, that is, the new owner is a new ratepayer.

Council will not exercise the power it has under section 181 of the Act:

- a) Until all other relevant requirements of this Policy (to recover the unpaid rates and charges, on the land in question) have been taken.
- b) If the land is land to which a payment plan is currently in place with the Ratepayer.
- c) If an Application has been made and granted under section five of this policy in relation to Financial Hardship.

By instrument of delegation Council has delegated to the Chief Executive Officer all powers and authorities in respect of Section 181 of the Act relevant to the sale of land to recover unpaid rates and charges. In turn, the Chief Executive Officer has delegated that power and authority to the Manager Corporate Services. Prior to any action being undertaken by Council Officers in relation to Section 181, approval must be obtained from the Manager Corporate Services.

4.3 Supplementary Valuations

If a supplementary valuation has taken place, the ratepayer will be sent a letter and a supplementary valuation rates notice which outlines the reason for the supplementary valuation, the change in the capital improved value (CIV) of the property and the adjustment to rates.

If works were completed in the current financial year, the supplementary valuation will be backdated to the date of certificate of occupancy or the last date the property was sold (which ever date occurs last).

If the works were undertaken in the previous financial year(s), the supplementary valuation will be backdated no further than 1 July of the current financial year.

4.4 Infringement Notices (Fines)

Infringement Notices are managed in accordance with the framework set out in the *Infringements Act 2006* and the *Fines Reform Act 2014*, which set out how fines are issued and enforced. Penalty Reminder Notices are sent out by Council for unpaid infringements that are not paid by the due date. Unpaid fines are lodged with Fines Victoria for collection. Added fees for administration and enforcement of late and unpaid fines are set by legislation.

Further information is available through Fines Victoria <https://online.fines.vic.gov.au/>

4.5 Leases

Each individual lease agreement should be assessed to establish if the provisions for invoicing, payment terms and conditions are outlined in the agreement. If the provisions vary from this policy, the principles of this policy in relation to the process for debt collection should be adopted.

If the lease agreement is silent on payment terms and debt collection, then the provisions within this policy are to be adopted.

4.6 Fire Prevention

Where Council has undertaken fire prevention activities and has incurred the costs to clean up a property due to the land owner's failure to comply with legislation, the Revenue Coordinator will ensure that the clearing costs are secured against the land so that they can be recouped if or when the property is eventually sold.

5. Financial Hardship

5.1 Eligibility

Yarriambiack Shire Council recognises there are cases of genuine financial hardship requiring respect and compassion in special circumstances. This policy establishes the guidelines for assessment of hardship application based on the principles of fairness, integrity, confidentiality and compliance with statutory requirements. As outlined in section 3.11 a person may make an application to Council to defer or waiver part of or the whole of their debt.

In accordance with section 171A of the *Local Government Act 1989* a "Waiver by Application – Financial Hardship" can be granted to a person who:

- a) Is suffering financial hardship; or
- b) Would suffer financial hardship if that person paid the full amount of a rate or charge for which he or she is liable, may apply to a Council for a waiver of the whole or part of any rate or charge or of any interest imposed for late payment.

The Council may require the applicant:

- a) To give further particulars or
- b) To verify particulars.

In accordance with s142 of the *Local Government Act 1989*, a Council may waive the payment by a person for the whole or part of any money payable (excludes rates and charges), if the Council considers that the payment of the money would cause hardship to the person.

If a debt has already been referred to Council's nominated Debt Collection Agency, a person cannot apply for Financial Hardship in relation to that debt. The person must negotiate payment terms with the nominated Debt Collection Agency.

5.2 Assessment of Hardship

Rates and Charges

Councils Annual Rate and Valuation notice and all subsequent instalment notices will advise that any ratepayer experiencing difficulties in paying their rates and charges should contact the Revenue Coordinator to discuss alternative payment options.

- a) A ratepayer may request a deferment of payment, a waiver of interest accruals, rates and/or charges. The request will be based on meeting the criteria as outlined in section 5.3 of this policy. The request for Financial Hardship must be made in writing only, on an approved Council application form, and submitted to the Revenue Coordinator. This should be accompanied by sufficient evidence to support the hardship claim.
- c) Council may refer the applicant to an accredited financial counsellor for further financial assistance.
- d) Waiver or deferment will only be granted for a period of 12 months from the date of hardship application. A person will be required to re-apply if they wish to claim for further Financial Hardship.
- e) The Chief Executive Officer or Council in accordance with Financial Delegation outlined in the Procurement Policy is responsible for approving hardship applications.

Debtors

A debtor may request a deferment or waiver of payment as outlined in section 3.11. The request must be made in writing only, on an approved Council application form and submitted to the Revenue Coordinator. The application must meet the criteria of

Debt Management, Relief and Hardship Policy	This Document is Uncontrolled when Printed	Responsible Officer: Director Business Strategy and Performance	
Version: 2.0	Issue Date: 28/06/2023	Next Review: 28/06/2026	Page 11/ 14

Financial Hardship as outlined in 5.3 of this policy. The application must be accompanied by sufficient evidence to support the claim.

Section 5.2 item (c), (d) and (e) apply to debtor applications.

5.3 Waiving and Deferment of Rates, Charges, Interest and Fees

Financial Hardship

Financial Hardship arises in an array of circumstances and include:

- Unemployment
- Serious sickness or injury
- Family dissolution
- Low income (due to extreme circumstances such as fire, flood, drought)

Waiving of Interest, Rates, Charges, Fees and Deferment

Ratepayers and/or Debtors may have interest, rates, charges and fees waived subject to meeting the following conditions:

- The ratepayer and/or debtor must be able to demonstrate they are experiencing financial hardship.
- The ratepayer must enter into an agreement with Council on a payment plan and keep to such agreement.
- The ratepayer must be the owner occupier of the residential property on which financial hardship provisions are to be applied.

It should be noted that the waiver of rates and chargers based on Financial Hardship would only occur under exceptional circumstances. Council will consider other options in the first instance such as:

- Payment Plan.
- Waiver of part or all of interest accrued.
- Deferment of Payment, with a Payment Plan established.

Administrative Waiver

In the event of an administrative error ratepayers may have interest only waived in the event of an administrative issue, error or omissions which caused or significantly contributed to the failure to pay rates in a timely manner.

6. Rate Relief – New Houses

Council encourages and provides incentives for the construction of new (or relocated) residential housing developments within this Shire which include sustainable water and energy initiatives.

The freezing of municipal rates for new residential housing developments for a period of three years assists owners with reduced rates for this period. The new housing developments may be in a rural or urban area.

Council will base its rate calculation on the following:

Capital Improved Value – Value of New Residential Housing Development = Rate Reduction

This rate calculation will be applied for a period of three years after the date of issue of Certificate of Occupancy for the new residential housing development.

At the end of the three-year period the annual rate charge will be based on Council's Capital Improved Value, which will include the new housing development.

The municipal rate relief does not apply to temporary housing or sheds. The rate reduction is only applicable to the annual rate charge. All other charges associated with

Debt Management, Relief and Hardship Policy	This Document is Uncontrolled when Printed	Responsible Officer: Director Business Strategy and Performance	
Version: 2.0	Issue Date: 28/06/2023	Next Review: 28/06/2026	Page 12/ 14

the property (ie garbage service and recycling charges) will be as stated in Council's Annual Rate Declaration.

The residence must comply with three of the five requirements listed below, with the first one being compulsory to be eligible for municipal rate relief under this policy.

- a) Provision of a rain water tank with a minimum capacity of 13,000 litres with the entire residence to be plumbed to have the option of rain water or town supply (dual plumbing).
- b) Residence to be fitted with a solar hot water service or a heat pump hot water system.
- c) An EPA approved aerated wastewater treatment system for reuse to be installed.
- d) Residence to be fitted with photo voltaic panels of minimum 1kw capacity with connection to state power grid.
- e) Residence to be fitted with approved grey water reuse and irrigation system.
- f) Achieve a 7 star energy rating in accordance with provisions of Building Code of Australia Part 3.12.

7. Reporting

The Revenue Coordinator is to provide a detailed report to the Director Business Strategy and Performance on a monthly basis which will outline the Accounts Receivable listing and status of outstanding debts.

The Revenue Coordinator will prepare a quarterly report to Council on the Aged Creditor listing balances and status report on the collection of outstanding debt.

8. References

- Rating Strategy 2023 - 2027
- Information Privacy Policy
- Rate Relief Request Application Form
- Payment Agreement Request Form
- Financial Hardship Application Form
- *Local Government Act 1989*
- *Local Government Act 2020*
- *Local Government Legislation Amendment (Rating and Other Matters) Act 2022*
- *Penalty Interest Rates Act 1983*
- *Infringements Act 2006*
- *Fines Reform Act 2014* *Fire Services Property Levies Act 2012*

9. Consistency with Governance Principles Local Government Act 2020

Governance Principle	Section of policy where covered
(a) Council decisions are to be made and actions taken in accordance with the relevant law;	Section 8 -References
(b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;	Section 1 - Objective
(c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;	Section 1 – Objective, Section 3 Policy Statement and Scope, Section 4- Requirements in Relation to Specific Types of Debtors
(d) the municipal community is to be engaged in strategic planning and strategic decision making;	Section 3 Policy Statement and Scope
(e) innovation and continuous improvement is to be pursued;	Section 4- Requirements in Relation to Specific Types of Debtors
(f) collaboration with other Councils and Governments and statutory bodies is to be sought;	Section 4.6 – Infringement Notices (Fines)
(g) the ongoing financial viability of the Council is to be ensured;	Section 3 – Policy Statement and Scope
(h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making;	Section 8 -References
(i) the transparency of Council decisions, actions and information is to be ensured.	Section 5 – Financial Hardship

Council Approved Policy

Policy Adopted:	Ordinary Meeting 27 May 2020	Minute Book Page 301	
Policy Reviewed:	Ordinary Meeting 28 June 2023	Minute Book Page 34	