

- (1) A Council may defer in whole or in part the payment by a person of any rate or charge which is due and payable for a specified period and subject to any conditions determined by the Council if it considers that an application by that person shows that the payment would cause hardship to the person.

S171A Waiver by application – financial hardship

- (1) 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 the waiver of the whole or part of any rate or charge or of any interest imposed for late payment.
- (2) The Council may require the applicant –
(a) to give further particulars; or
(b) to verify particulars
in relation to the application.
- (3) The Council may grant an application if the Council is satisfied that the applicant is a person who is suffering financial hardship if that person paid the full amount of the rate or charge for which he or she is liable.
- (4) A person who –
(a) gives to a Council any information which is false or misleading, in any material particular, in respect of an application under this section, or

(b) fails to notify a Council of any change in circumstances which is relevant to an application or to a waiver under this section
is guilty of an offence

Penalty: 10 penalty Units

1. Scope

This Policy applies to those ratepayers and other debtors who are suffering financial hardship or would suffer financial hardship if they paid the full amount of rates and charges or other debts for which they are liable.

This Policy applies to those ratepayers and other debtors who make an application for a deferment of payment or the waiver of rates, charges and/or interest in accordance with sections 170 and 171A of the Local Government Act.

This Policy does not apply to those ratepayers and other debtors who have been unable to pay their rates by the normal instalment due dates and therefore require a payment plan for full payment of their Rates and charges within a short period of time, that is, less than 12 months. In these situations the matter is dealt with by the Finance Department under the Debt Management Policy.

2. Delegated authority

In accordance with sections 170 and 171A of the Local Government Act, the Victorian Parliament has given local councils the authority to:

- defer payment of rates and charges due to financial hardship; and
- waive rates and charges and interest due to financial hardship.

Council has delegated its authority under sections 170 and 171A of the Local Government Act to its Director Corporate Services to (1) defer payment of any rate or charge where the Applicant shows or would suffer financial hardship, and (2) waive rates, charges and/or interest where the Applicant shows or would suffer financial hardship.

3. Objectives

To provide ratepayers and other debtors with the opportunity to apply for a deferment of payment or waiver of rates, charges, fees and/or interest on the grounds they are suffering financial hardship or would suffer financial hardship if they paid the full amount of rates and charges or other debts for which they are liable.

4. Application for a deferment of payment or the waiver of rates, charges, other debts and/or interest.

- 4.1 Ratepayers or debtors who need to seek a deferment of payment or the waiver of rates, charges, debts or interest must apply in writing and provide relevant information to substantiate their request.
- 4.2 Ratepayers and debtors may be required to provide further information.
- 4.3 Ratepayers and debtors may be required to verify the information provided.

5. Process for dealing with applications made under section 4 of this policy

- 5.1 When an application is received it will be acknowledged in writing by the Rates & Debtors Coordinator.

- 5.2 Applications for deferment of payment shall be assessed on the basis that the payment would cause financial hardship.
- 5.3 Applications for waiver of rates, debts, charges and/or interest shall be assessed on the basis that the ratepayer or debtor is suffering or would suffer financial hardship if the ratepayer or debtor paid the full amount for which they are liable.
- 5.4 If the application is for an amount of less than \$500 the application shall be assessed and processed by the Rates & Debtors Coordinator and the Manager Finance. Otherwise, in all other cases, the Rates & Debtors Coordinator will ask the ratepayer or debtor to contact a financial counsellor for assessment.
- 5.5 The financial counsellor will assess the application and also determine the level of financial hardship the applicant is experiencing or is likely to experience if the application is not granted. A number of financial counsellors provide a free service, if there is a cost it may be borne by Council if it is agreed in advance.
- 5.6 If the financial counsellor assesses that a client is suffering from financial hardship, they will provide advice to Council with a formal request to waive all or part of the debt owed. The advice will not include details of personal financial information. The applicant will be provided with a copy of the advice provided. The Manager Finance and Rates & Debtors Coordinator will review the report and make a recommendation to the Director Corporate Services.
All decisions, recommendations and approvals in this policy are subject to the conflict of interest provisions in the Staff Code of Conduct.
- 5.7 The recommendations referred to in clauses 5.4 and 5.5 may include any of the following (or any combination of) options:-
- (a) payment plan for full payment, with or without an interest charge, within a specified timeframe but not exceeding two years;
 - (b) defer payment, with or without interest charge, to an agreed date in the future but no later than two years;
 - (c) defer payments with or without interest charge but such rates and charges that are unpaid shall remain as a "first charge on the land" in accordance with section 156 (6) of the Local Government Act;
 - (d) waive interest charge on unpaid rates, debts and charges (for a specified timeframe but not exceeding two years);
 - (e) waive rates, debts and charges, in full or in part, and waive interest charge (for a specified timeframe but not exceeding two years).
- 5.8 Except for clause 5.7 (c) the recommendation and subsequent decision must refer to the time period for which the decision will apply. At the expiration of the time period, the decision is to be reviewed and the Rates & Debtors Coordinator may require the Applicant to submit a new application to be considered in accordance with this Policy.

6. Review of decision

If the applicant is aggrieved by the decision of the Director Corporate Services they may seek a review of the decision by the Chief Executive Officer.

If the applicant is still aggrieved by the decision of the Chief Executive Officer they may refer the matter to the Victorian State Ombudsman.