

# Attachment 7A: Financial Assistance (Hardship) Rates and Charges

**POLICY NAME:** Financial Assistance (Hardship)  
Rates and Charges

**POLICY REF:** F08

**MEETING ADOPTED:** 14 December 2017  
Resolution No. 141217/22

**POLICY HISTORY:** 261115/20; 220911/19; 230311/23; 260804/052



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## TABLE OF CONTENTS

<b>OBJECTIVE</b> .....	<b>1</b>
<b>POLICY</b> .....	<b>1</b>
1. Periodical Payment Arrangements – Section 564 .....	2
2. Writing Off Accrued Interest – Section 564 and 567 .....	2
3. Deferral of the general rate following a revaluation – Section 601 .....	2
4. Other Ratepayer Assistance .....	3
<b>BACKGROUND</b> .....	<b>3</b>
<b>SCOPE OF POLICY</b> .....	<b>4</b>
<b>RELATED DOCUMENTATION</b> .....	<b>4</b>
<b>REVIEW</b> .....	<b>4</b>

## OBJECTIVE

To provide financial assistance to ratepayers who are experiencing genuine and significant financial difficulties in paying their rates and charges.

To provide a decision making framework for the consistent and equitable determination of all financial hardship applications.

## POLICY

Any ratepayer who cannot pay their rates and charges due to genuine financial hardship can apply to Council for assistance.

Rates and charges are deemed to consist of those rates and charges listed on a ratepayer's Rates and Charges Notice.

Each individual case will be considered on its merits.

To be eligible for consideration of hardship rate relief, a ratepayer must complete the Hardship Rate Relief Application Form (those applying for a periodical payment arrangement are not required to complete a Hardship Rate Relief Application Form).

The Hardship Rate Relief Application Form is available for download on Council's website [www.ballina.nsw.gov.au](http://www.ballina.nsw.gov.au).

The completed form is to be returned to Council including details of income, expenditure, assets, liabilities, and such other information required for the Council to make an informed decision.

The criteria for assessment will include, but not be limited to the following:

- The applicant must be the owner of the property and must be liable for the payment of rates and charges on the property.
- The property for which the hardship application is made must be the applicant/s principal place of residence.
- The applicant must not own any other property either within or outside the Council area.
- The property must be categorised residential or farmland for rating purposes.
- The Hardship Rate Relief Application must be accompanied with supporting documentation which may include, but is not limited to:
  - Details of income and expenditure, assets and liabilities.
  - Copies of most recent bank statements.
  - A letter supporting the application outlining the reason for applying for financial hardship and the period of time for which the hardship relief sought may apply.

All applications for hardship rate relief will be assessed by an internal Hardship Committee. The Hardship Committee will consist of three Council officers appointed by the General Manager.

The Hardship Committee is to make recommendations to the General Manager for approval of payment terms exceeding 24 months or write-offs less than \$1,000.

The Hardship Committee, through the General Manager, is to make recommendations to Council for write-offs greater than \$1,000 or other assistance as considered appropriate under extenuating circumstances.

The hardship assistance provisions offered are as follows:

**1. Periodical Payment Arrangements – Section 564**

Council may enter into payment arrangements with ratepayers who may not meet the criteria outlined in this policy, but are still facing financial difficulties in meeting their normal instalment payments as provided by the LGA.

Authorised Council staff can accept over the phone payment arrangements for weekly, fortnightly or monthly payments that are within a 24 month timeframe. Any requests for periodical payment arrangements greater than 24 months need to be authorised by the General Manager.

Such agreements will continue to be subject to interest charges as per the interest rate for overdue rates and charges detailed in Council's Fees and Charges.

**2. Writing Off Accrued Interest – Section 564 and 567**

Council may write off accrued interest charges payable by a ratepayer where if, in its opinion, payment of accrued interest would cause the person hardship.

Eligibility for such assistance is to be based on the criteria stated in this policy and the completion of Council's Hardship Rate Relief Application.

The following assistance is only to be granted providing a payment arrangement is made by Direct Debit and full payment is received by the end of the arrangement period.

If eligible, the following two options are provided:

**Option 1:**

That an interest free period be granted if the full amount (including current rates and charges) is finalised within 12 months of the application. The interest free period will apply from the date of approval.

**Option 2:**

That interest charges up to a maximum of 50% be written off if the full amount (including current rates and charges) is finalised in full within 13 to 36 months from the date of approval. The write off will apply from the date of approval and will be granted upon successful completion of the arrangement.

**3. Deferral of the general rate following a revaluation – Section 601**

Council may defer payment of the whole of the increase of the ordinary rate due, to the following rating year.

This is subject to one quarter of the amount of the increase being added to each instalment due in the following rating year. Interest is not charged on the deferred amount, unless it remains unpaid when the following rate instalment it was added to, becomes overdue.

The additional criteria used to determine eligibility is as follows:

- The percentage increase in land value must be greater than the residential shire wide average increase.

This option is only available in the first year that new land values are used to levy rates.

#### **4. Other Ratepayer Assistance**

In addition to the above, Council may determine other applications for assistance which are to be submitted to Council on an individual basis for consideration.

#### **5. Cancellation of Hardship Assistance**

Hardship assistance may be cancelled as a result of the following:

- Defaulting on a payment arrangement
- The ratepayer no longer owns the land
- The ratepayer advises Council that financial hardship no longer applies
- Council receives information that the financial hardship no longer exists.

Such cancellation will be at the discretion of the General Manager.

### **BACKGROUND**

Council recognises that, at times, certain ratepayers may have difficulty in paying their rates and charges. This policy outlines the options Council will provide to cases of genuine financial hardship and also the process to be followed in providing such assistance.

The Local Government Act, 1993, (LGA) allows Council to provide assistance to ratepayers under the following sections of the Act.

- a) **Section 564** of the LGA provides Council with the option to accept payment of rates and charges due and payable by a person in accordance with a periodical payment arrangement and to write off or reduce interest accrued on rates and charges if the person complies with the agreement.
- b) **Section 567** of the LGA provides for Council to write off accrued interest on rates and charges payable by a ratepayer if, in Council's opinion the reasons that the ratepayer was unable to pay the rates and charges when they became payable were beyond the ratepayer's control, or; that the ratepayer is unable to pay the accrued interest for reasons beyond that ratepayer's control, or; that the payment of the accrued interest would cause the ratepayer hardship.
- c) **Section 601** of the LGA provides for ratepayers who incur a rate increase in the first year following a General Revaluation of land values to apply to Council for rate relief if the increase in the amount of rates payable will cause them substantial financial hardship.

**SCOPE OF POLICY**

This policy applies to:

- Ratepayers of Ballina Shire

**RELATED DOCUMENTATION**

Related documents, policies and legislation:

- Local Government Act 1993
- Rates and Charges Debt Recovery Policy
- Hardship Rate Relief Application Form
- Fees and Charges

**REVIEW**

This policy is to be reviewed every four years.

# Attachment 7B: Pensioner Concessions - Rates and Charges

**POLICY NAME:** PENSIONER CONCESSIONS – RATES AND CHARGES

**POLICY REF:** P10

**MEETING ADOPTED:** 24 April 2014  
Resolution No. 240414/27

**POLICY HISTORY:** 220710/15



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## TABLE OF CONTENTS

OBJECTIVE .....	1
BACKGROUND.....	1
DEFINITIONS.....	1
SCOPE OF POLICY.....	1
RELATED DOCUMENTATION .....	2
POLICY .....	2
REVIEW .....	3

## **OBJECTIVE**

To provide clear and equitable guidelines for the granting of pensioner concessions on Council rates and charges in conjunction with relevant sections of the Local Government Act 1993 (LGA) and Local Government (General) Regulation 2005 (LGR).

To provide clear guidelines for charging interest and taking debt recovery action for overdue rates and charges on properties owned by pensioners.

## **BACKGROUND**

In accordance with Sections 575 and 577 of the LGA, Council provides a mandatory pensioner concession to eligible pensioners who own and occupy their property.

The maximum concessions for specific rates and charges are outlined below;

- Ordinary Rate and domestic waste charges – 50% of total up to a maximum of \$250.00 per annum.
- Water Charges (consumption and access) – 50% of total up to a maximum of \$87.50 per annum.
- Wastewater Charges – 50% of total up to a maximum of \$87.50 per annum.

Pensioner concessions are usually granted annually in advance and reversed on a quarterly basis if eligibility ceases.

The State Government provides Council with a reimbursement of 55% of the total mandatory pensioner concessions granted by Council.

This policy provides guidelines that Council will follow when considering an application for pensioner concession on rates and charges in cases where the LGA and LGR are silent.

This policy also confirms Council's previous procedure not to exclude pensioners from interest charges or from debt recovery action on overdue rates and charges.

## **DEFINITIONS**

### **Immediate Family :**

- a spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the person; or
- a child, parent, grandparent or sibling of a spouse or de facto partner of the person.

## **SCOPE OF POLICY**

This policy applies to:

- Ratepayers that are eligible pensioners for purpose of receiving a concession on their rates and charges.

## RELATED DOCUMENTATION

Related documents, policies and legislation:

- Local Government Act 1993
- Local Government (General) Regulation 2005
- Division of Local Government Publication - "Council Rating and Revenue Raising Manual - 2007"
- Internal pensioner concession processing procedure

## POLICY

1. An application for a pensioner concession on rates and charges must be made by an eligible pensioner as defined by the LGA or LGR, by submitting a completed prescribed application form and producing a current pensioner concession card issued by Centrelink or the Department of Veteran Affairs. Council will also confirm through the card issuer, that the pensioner concession card is still current at the time the application is made.
2. Council will adjust rates and charges for an approved pensioner concession application for levies made in the current rating year in which the application was received and the previous rating year only OR from the effective date of eligibility in accordance with the LGA or LGR, whichever is later.

A ratepayer may request Council to review a retrospective pensioner concession for any previous year/s providing that sufficient evidence of eligibility is produced and that substantive reasons are provided for not lodging an application in the subject rating year/s. The General Manager will consider and determine such applications on a case by case basis and the decision will be final. Reasons for the determination will be provided to the applicant in writing.

3. Pensioner concessions for water charges will be allocated to annual water access charges in the first instance. Any remaining allowable pensioner concession amounts for the specific rating year will be allocated equally to quarterly water consumption charge billing periods. This quarterly amount becomes the maximum allowable pensioner concession for water consumption charges per quarter, and any unused concessions in previous water billing quarters are not transferrable to future quarters.
4. The effective date of eligibility commencement for a pensioner concession granted on quarterly water consumption charges will be determined by the pensioner's eligibility status on the date the water meter was read for the commencement of that quarterly billing period.
5. Council will confirm a ratepayer's current eligibility to a pensioner concession with Centrelink and/or the Department of Veteran Affairs at least annually. Any pensioner's that are reported back to Council as ineligible will be deactivated and advised in writing that their pensioner concession on rates and charges has been discontinued or reduced depending upon the pensioner status of other owner/s of the property. Retrospective adjustments as a result of the conformation process will not be made.



6. If an eligible pensioner is temporarily required to leave their principal place of living due to a medical reason (i.e. nursing home or hospital) with an intention to return, Council will continue to grant a pensioner concession on the property's rates and charges for a maximum period of up to 6 months. This is providing that the property is not privately leased or occupied during that period by anyone other than the pensioner's immediate family.
7. Properties owned or part owned by an eligible pensioner are not exempt from interest charges on overdue rates and charges made in accordance with the LGA and Council's adopted annual fees and charges.
8. Properties owned or part owned by an eligible pensioner are not exempt from debt recovery action to recover overdue rates and charges in accordance with the LGA, Council policies and other relevant legislation.

## **REVIEW**

This policy is to be reviewed every four years.

**POLICY NAME:** DONATIONS – RATES AND CHARGES  
**POLICY REF:** D03  
**MEETING REVIEWED:** 23 July 2015 | Resolution No 230715/13  
**POLICY HISTORY:** 260913/30; 250713/17; 240311/21;  
270111/14; 270308/20A; 260707/14;  
280906/042; 190106/034;



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**TABLE OF CONTENTS**

**OBJECTIVE** ..... 1  
**BACKGROUND** ..... 1  
**POLICY** ..... 1  
**REVIEW** ..... 4

## **OBJECTIVE**

The objective of this policy is to provide guidelines for the management of recurring donations by Council for rates and charges.

## **BACKGROUND**

In accordance with Section 356 of the Local Government Act Ballina Shire Council annually donates rates and charges to a range of community groups. This policy provides a framework to explain how Council allocates that assistance. Section 356 of the Local Government Act also requires a council resolution for each donation. Therefore the policy provides a framework for the donation but not the authority to donate.

## **POLICY**

Council will annually donate a range of rates and Council charges (eg. water, sewer, etc) to assist organisations in providing community based services to the Ballina local government area. This assistance is provided as Council recognises that many community based organisations have limited resources and by providing this donation Council can assist these organisations in providing those services.

Details of the assistance provided are as follows:

### ***Guidelines for Selection:***

- The recipient organisation must be not for profit and provide a community service within the Ballina Local Government area.
- The organisation will typically be located on community owned or controlled land, being either Council or crown land.

### ***Strategies:***

1. Council has identified broad categories of service providers that provide community services within the Ballina Shire and where community organisations fit into those categories they will be eligible for the donations listed in the following table (refer to next page)

Category/ Organisation	Rates	Water		Sewer		Waste	Storm water	On Site Septic
		Access	Consumed	Access	Usage			
<b>Category A (donation of all rates and charges)</b>								
Surf Life Saving Clubs	100%	100%	100%	100%	100%	100%	100%	100%
CWA Hall (1)	100%	100%	100%	100%	100%	100%	100%	100%
Volunteer Marine Rescue NSW	100%	100%	100%	100%	100%	100%	100%	100%
<b>Category B (donation of rates and any other fixed charges not directly related to a measurable "user pays" charge)</b>								
Pre-schools Playgroups	100%	100%	Nil	100%	Nil	Nil	100%	100%
Scouts and Girl Guides	100%	100%	Nil	100%	Nil	Nil	100%	100%
Agricultural Societies	100%	100%	Nil	100%	Nil	Nil	100%	100%
Public Halls	100%	100%	Nil	100%	Nil	Nil	100%	100%
Surf Life Saving Clubs - Jet Boat Rescue Service	100%	100%	Nil	100%	Nil	Nil	100%	100%
<b>Category C (as per other Council policies)</b>								
Backlog Sewer Program Policy	Nil	Nil	Nil	100%	100%	Nil	N/A	N/A

(i) Donated in accordance with lease conditions

2. Details of the organisations included in categories A and B of the previous table, as at the date of the last review of this policy, are as follows.

<p><b>Category A</b></p> <p><b>Surf Life Saving Clubs</b></p> <p>Ballina/Lismore Jnr SLSC            Lennox/Alstonville SLSC            Ballina/Lismore SLSC            Volunteer Marine Rescue NSW Tower</p> <p><b>CWA Buildings</b></p> <p>CWA of NSW - Ballina (99 lease)</p> <p><b>Category B</b></p> <p><b>Pre-schools and Playgroups</b></p> <p>Biala Special School            Fox Street Pre-School            Ballina Playgroup            River Street Pre-School            Lennox Head Pre-School            Sugartown Pre-School            Alstonville Playgroup            Wollongbar Pre-School            Rainbow/Early intervention            Lennox Head Playgroup</p> <p><b>Agricultural Societies</b></p> <p>Alstonville Agricultural Society</p>	<p><b>Public Halls</b></p> <p>Lennox Head Hall            Meerschaum Vale Hall            McLeans Ridges Hall            Newrybar Hall            Northlakes Community Centre            Pearces Creek Hall            Pimlico Hall            Rous Mill Hall            Tintenbar School of Arts            Wardell War Memorial Hall            Wigmore Hall            Wollongbar Hall            RSL Sub Branch Hall (13 Bugden Ave A'ville)</p> <p><b>Girl Guide and Boy Scout Associations</b></p> <p>Lennox Scouts            Ballina Scouts            Ballina Girl Guides</p>
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3. Backlog Sewer Program and Policy

Council also has adopted a backlog sewer program, (refer to Council Policy titled "Backlog Sewer Program Policy") that aims to provide sewer infrastructure to environmentally sensitive properties located on the urban fringes. Under this policy Council has agreed to provide an 80% subsidy for the costs of reticulation and associated infrastructure for residential properties.

Council will recoup the costs of the 20% that is payable by residential and 100% due by non-residential property owners via the imposition of a higher annual sewer charge over a five year period for residential and ten year period for eligible non-residential properties. (refer to Backlog Policy).

For the properties in the next table Council resolved (Resolution 270308/20A) to waive the individual sewer charge for a period until the cumulative financial assistance granted matches the backlog sewer charge as they are not operated on a commercial basis.

Australian Seabird Rescue Inc	264 North Creek Road, Ballina
**Ballina Christian Education Association Ltd	7 Gallans Road, Ballina
Ballina Congregation of Jehovah's Witness	105 Smith Drive, Ballina

\*\*The final Council donation for this property was made on 12 July 2013 (water billing period 4 of 2013).

## **REVIEW**

This policy is to be reviewed at least every four years.