



RATES REVENUE POLICY

(Incorporating Rates, Debt Recovery, Pensioner & Hardship policies)

Adopted: 29 August 2018

TRIM: 218999.2018



RATE REVENUE POLICY

1. LEGISLATIVE REQUIREMENTS

Local Government Act 1993
Local Government (General) Regulation 2005
Valuation of Land Act 1916
Civil Procedure Act 2005
Commonwealth Social Security Act 1991
Privacy and Personal information Protection Act 1998

2. PURPOSE/OBJECTIVES

This policy seeks to:

- 2.1. Outline the principles and guidelines that apply to the recovery and management of overdue rates and charges.
- 2.2. Ensure compliance with the Local Government Act and other applicable legislation in relation to the recovery of outstanding rates and charges.
- 2.3. Provide a fair and equitable approach to recovering overdue rates and charges.
- 2.4. To provide eligible pensioners with statutory pensioner concessions in relation to the provisions of Sections 575 and 582 of the Local Government Act 1993.
- 2.5. Provide guidelines to Council staff in the administration and processing of pensioner concessions in accordance with the provisions of the Local Government Act 1993.
- 2.6. Provide assistance to ratepayers who are experiencing genuine difficulties with the payment of their rates and charges.
- 2.7. Provide a process for the appropriate assessment of all financial hardship applications for rates and charges.

3. POLICY STATEMENT

3.1. Rates and Annual Charges

- 3.1.1 Rates and annual charges will be levied annually each year during the month of July for the full financial year.
- 3.1.2 Rates and annual charges may be paid by a single instalment or by quarterly instalments.
 - a. If the payments are made by quarterly instalments, the due dates are 31 August, 30 November, 28 February and 31 May of each year, or
 - b. If the payment is made by a single instalment the payment is due by 31 August each year.

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- 3.1.3 Rates and instalment notices will be issued by Council at least thirty (30) days before the relevant due date.
- 3.1.4 In instances where supplementary rates and charges are issued after July due to newly created properties, the amount payable will be apportioned across the remaining instalments in accordance with section 562 (4) of the Local Government Act (the Act).
- 3.1.5 Proposed rates and charges will be detailed each year in Council's annual Revenue Policy.
- 3.1.6 Council will levy an annual Domestic Waste Management charge for each rateable parcel of land for which a service is available (sec 496).
- 3.1.7 Council will levy an annual Stormwater Management Charge as determined by the regulations to both residential and business properties, subject to approved exemptions (sec 496a)
- 3.1.8 There are no discounts for early payment of rates and charges.
- 3.1.9 Interest will be charged on overdue rates and charges (sec 566) at the rate set by the Minister for Local Government.
- 3.1.10 Exemptions from ordinary rates will apply in accordance the Act (sec 554-559).

3.2. Concessions – Eligible Pensioners

- 3.2.1. The Local Government (General) Regulations 2005 and the Local Government Act dictionary prescribe the definition of an 'eligible pensioner' as the person, being the holder of a current pension concession card issued by Centrelink, solely liable, or jointly liable for a rate or charge levied on land on which a dwelling is situated and who occupies that dwelling as their sole or principle place of living.
- 3.2.2. Applications for pensioner concessions must be made by completing the prescribed pensioner concession application form and signed by the applicant(s).
- 3.2.3. The property must be the applicant's sole or principle place of residence.
- 3.2.4. A mandatory rebate from rates and charges (including domestic waste management charges) to the maximum amount as specified in section 575 (3) (a) of the Act, currently \$250.00, will apply to all eligible pensioners, subject to ownership.
- 3.2.5. In accordance with section 582 of the Act, Council can extend concessions to eligible pensioners. An additional rebate of \$100.00 will apply to all existing eligible pensioners on Councils records as at the 30 June 2005, subject to ownership.
- 3.2.6. New rate rebates granted to 'eligible pensioners' will generally be limited to the current rating year and the rating year prior to the application only. In exceptional circumstances owners can request in writing a review for years prior to this.
- 3.2.7. Where an owner becomes an eligible pensioner after the commencement of a quarterly instalment period, the rebate will commence from the start of the next quarterly instalment period. (Sec 575 (4)).

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- 3.2.8. Where an owner ceases to qualify as an eligible pensioner, or sells the property to which the rebate applies or is deceased, the rebate will cease at the end of the current instalment quarter. (Sec 584 (1)).
- 3.2.9. If an 'eligible pensioner' currently receiving a pension rebate on the property considered to be their sole or principal place of abode and is then required to enter an aged care facility for health or care reasons, the pension rebate will continue to apply as long as the property is not being rented or occupied.
- 3.2.10. Council will from time to time, but at least once per year, will confirm the eligibility of all pensioners with Centrelink.
- 3.2.11. Council will not commence recovery action against any eligible pensioner for the recovery of outstanding rates and charges.

3.3. Debt Recovery

- 3.3.1. For the purpose of this policy, overdue rates and charges refer to any amounts not paid by the due dates, are at least two (2) instalments in arrears and exceeding \$800.00
- 3.3.2. Council will always maintain a fair and reasonable approach to the collection of outstanding rates and charges.
- 3.3.3. Council may utilise the services of legal agents where required.
- 3.3.4. Where rates and charges are overdue as in accordance with this policy and a suitable arrangement has not been made, Council or its agent may issue a final letter of demand requesting payment or that a suitable arrangement is made.
- 3.3.5. Where rates and charges remain overdue and no payment or arrangement has been made by the ratepayer after the required time as specified by the letter of demand, Council or its agent may proceed to recover rates and charges in accordance with section 712 of the Local Government Act 1993.
- 3.3.6. Initial legal recovery action may include the issue of a demand letter followed by a Statement of Claim against the ratepayer(s) in accordance with the Civil Procedure Act
- 3.3.7. Any subsequent recovery or enforcement action after the statement of claim will be in accordance with the provisions of the Civil Procedure Act 2005, Local Government Act 1993 and relevant staff delegations. This may include but is not limited to judgement, writ, garnishee orders, bankruptcy, winding up in cases of corporations or sale of land where rates remain unpaid for more than 5 years.
- 3.3.8. In the case of sale of land for unpaid rates and charges, Council will apply the relevant provisions of the Act (Sec 713-726).
- 3.3.9. Any legal or other expenses incurred by Council from the recovery of overdue rates and charges will be charged against the ratepayer in accordance with section 550 and 605 of the Local Government Act 1993 and form part of the debt.

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- 3.3.10. Costs or any legal expenses incurred associated with the recovery of outstanding rates and charges will not be waived or reduced unless the Court determines the action unlawful or Council is in error in instigating the relevant proceedings.
- 3.3.11. Interest is charged on a daily basis on overdue rates and charges in accordance with section 566 of the Local Government Act 1993.
- 3.3.12. Ratepayers may enter into a mutually acceptable arrangement at any time before or during proceedings, except where the account is subject to the provisions of section 713 of the Local Government Act 1993.
- 3.3.13. No recovery action will be taken against ratepayers who have an existing agreed arrangement to relinquish the debt.
- 3.3.14. No recovery action as specified in this policy will be taken against eligible pensioners who reside at the property where rates and charges are overdue.
- 3.3.15. Council will endeavour where possible to collect all rates and charges by the end of each rating year.
- 3.3.16. Council will attempt to maintain the outstanding rates and charges ratio below 5% at 30 June of each rating year.

3.4. Hardship

- 3.4.1. Due to exceptional circumstances, ratepayers may at times experience difficulty in paying rates and charges. The policy provides the framework to be followed in providing assistance to those ratepayers who are suffering genuine financial hardship.
- 3.4.2. The Local Government Act 1993 allows Council to provide assistance to those 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 in accordance with an agreement made with the person and also to write off or reduce interest accrued on rates and charges if the ratepayer 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 person if, in council's opinion the reasons that the person was unable to pay the rates and charges when they became payable were beyond the person's control, or; that the person is unable to pay the accrued interest for reasons beyond that person'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.
- 3.4.3. Applications for hardship relief must be made on the appropriate form.

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3.4.4. The applicant must meet the following criteria:

3.4.4.1. The applicant must be the owner of the property and must be liable for the payment of the rates and charges for the property.

3.4.4.2. The property for which the hardship application is made must be the principle place of residence of the applicant.

3.4.4.3. The property for which the hardship application applies must be categorised as "Residential" for rating.

3.4.4.4. Genuine financial hardship can be displayed.

3.4.5. The application for hardship must be accompanied with supporting documentation which may include, but is not limited to:

3.4.5.1. Details of monthly income and expenditure.

3.4.5.2. Copies of 6 months of bank and loan statements.

3.4.5.3. 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.

3.4.6. The Chief Executive Officer has the delegated authority to assess all applications in accordance with this policy. In the first instance the application will be reviewed by a Hardship Committee delegated by the Chief Executive.

3.4.7. The Hardship Committee will consist of three (3) members from Council, being the Rates Co-ordinator, Manager of Financial Services and a representative from Council's Community Services.

3.4.8. The Hardship Committee will review the application and recommend to the Chief Executive Officer any offer of assistance as provided by the Local Government Act 1993, having regard to the circumstances of the applicant.

3.4.9. The Chief Executive Officer will make a final determination in consultation with the recommendation of the Hardship committee.

3.4.10. The Applicant will be informed of Council's decision in writing.

3.5. Procedures for writing off rates and charges

3.5.1. Clause 131 of the Local Government Act (General) Regulation 2005 details procedures for writing off rates and charges only in certain circumstances.

3.5.2. Council must from time to time fix the amount of rates and charges above which any individual rate or charge may be written off only by resolution of Council.

3.5.3. An amount of rates or charges below that amount can be written off either by resolution of Council or by order in writing of Council's Chief Executive Officer.

RATE REVENUE POLICY

AUTHORISED BY

Chief Executive Officer

EFFECTIVE FROM

1 September 2018.

DEPARTMENT RESPONSIBLE

Rates Department, Customer Experience, City Corporate

REVIEW DATE

1 September 2020.

VERSIONS

Version	Amended by	Changes made	Date	TRIM Number
3	David Grasso		13 August 2018	218999.2018

THIS POLICY HAS BEEN DEVELOPED IN CONSULTATION WITH

Rates Department
Financial Services
Western Sydney Rating Professionals

ATTACHMENTS

Hardship application form.

HARDSHIP RATE RELIEF APPLICATION FORM

Approved by the Director General of the Department of Local Government, in accordance with clause 135 of the Local Government (General) Regulation 2005 under the *Local Government Act 1993*.

APPLICATION FOR HARDSHIP RATE RELIEF FOR THE WHOLE OR PART OF THE YEAR COMMENCING 1 JULY 200_

**please answer all questions relevant to you using block letters and ticking appropriate boxes.*

Assessment No. _____

I, _____
(Full name in block letters)

of _____
(Address)

telephone number _____ apply for a concession on the basis of financial hardship.

Property Description (Lot/Plan) _____
(office use only)

(1) Do you receive any pensions or benefits? Yes No

If Yes, please provide type of pension and amount received per fortnight.

Pension: _____ Amount: _____

(2) Do you have a current Pensioner Concession Card issued by the Commonwealth Government? Yes No

PCC No. _____ Date of Grant _____

(3) Have you claimed a pensioner concession on any other property this year? Yes No

If Yes, state the address of the other property _____

(4) Is this property your sole or principal place of living? Yes No

The property for which I am claiming has been my sole/principal place of living since _____

(5) I am liable for the payment of rates and charges on this property, together with others as listed below. (If no others, write "SOLE OWNER") _____

Please provide details of all "other" persons indicated in Question 5. **(ALL OWNERS other than the applicant should be listed, including your spouse):**

Name	PCC Holder Y/N	Pension No	Date of Grant	Relationship to me (eg: spouse, father, co-owner etc)	Resident of Property Y/N	% of ownership

Evidence of joint ownership is attached/has been provided to council previously (circle whichever is applicable).

(6) Is the property owned as shares in a company title? Yes No
 If you do not own or rent the property, please explain why you are liable to pay the rates _____

(7) Are there people living at the property other than those listed at Question 5? Yes No

(8) Please indicate who these people are?

- Self
- Spouse
- Children (State ages _____)
- Boarders
- Relatives
- Other (please specify)

(9) Do you own (either fully or partially) any other land or buildings?

Yes No

If yes, list addresses.

(10) How many children do you support? _____ State ages _____

(11) What is the cause of financial hardship? _____

(12) How long have you been experiencing hardship? _____

(13) Please state gross weekly amount received in dollars and cents from the following sources of income:

a) Pensions and benefits \$ _____

b) Compensation, superannuation insurance
or retirement benefits \$ _____

c) Spouse's income \$ _____

d) Income of other residents of the property \$ _____

e) Casual/part-time employment \$ _____

f) Family allowance \$ _____

g) Interest from banks/credit unions/building
societies \$ _____

(14) Please provide name and current balance of all bank, credit union or building society accounts held by you.

(15) Please state details of fortnightly outgoings.

Outgoing	Owed to	Amount
Rent/Home Loan		
Other mortgages		
Personal loans/Hire purchase		
Health Costs		
Council rates and charges		

Please attach a separate page with any other relevant information you feel may assist your application.

I hereby declare that the information provided is true and correct. **If you make a false statement in an application you may be guilty of an offence and fined up to \$2,200.**

Signature: _____ Date: _____

IMPORTANT NOTICE

CUSTOMER CONSENT

For the sole purpose of authorising the council to confirm with Centrelink whether or not the detail I have provided to the council matches Centrelink or other Commonwealth portfolio department or agency records in relation to the current status of my Commonwealth Benefit:

I _____ (full name) authorise the council to confirm with Centrelink the following details:

- Pension No.
- Name
- Address
- Postcode, and
- That I am a valid concessional card holder

I agree that, unless I revoke my consent, this Customer Consent record is a permanent consent, and may be relied on by the council until such time as I revoke it.

I may revoke this Customer Consent record at any time by giving the council **written** notice that my consent is revoked. I understand if I revoke this consent, I may not be eligible for the concession given by the council.

I acknowledge I have read and understood this Customer Consent record.

Signature: _____ Date: _____

PRIVACY AND PERSONAL INFORMATION PROTECTION ACT 1998 Compliance with Section 10

The information contained in this application form and any information requested for the purpose of assessing eligibility for a pensioner concession is required under the Local Government Act 1993 and the Local Government (General) Regulation 2005.

This information is required before your application for a pensioner concession can be processed. The information is private and confidential and council must not disclose the information to any person or body if it is not directly related to the purpose for which the information was collected.

If you have a complaint about the use of your personal information, contact the council's Public Officer. The information contained or referred to in this application form may be corrected and updated by you, by contacting the council.

PURPOSE OF THIS FORM

This form is to be completed by ratepayers wishing to receive a concession on council rates. Eligible ratepayers are entitled to receive up to:

- \$250.00 on ordinary rates and charges for domestic waste management services
- \$87.50 off their annual water rates and charges
- \$87.50 of their annual sewerage rates and charges

Generally, the concessions are available to eligible pensioners, however concessions may be granted to ratepayers suffering financial hardship in certain circumstances.

The information provided by completing this form will enable council to determine eligibility to receive a concession and the level of concession the ratepayer is entitled to.

الغرض من هذا النموذج

يجب إكمال هذا النموذج بواسطة دافعي الرسوم البلدية، والراغبين في استلام تخفيض على رسوم المجلس البلدي. ويحق لدافعي الرسوم المؤهلين استلام مبالغ تصل إلى:

- \$ 250,00 على الرسوم العادية والتكاليف لخدمات إدارة النفايات المنزلية
- \$ 87,50 من الرسوم السنوية وتكاليف السماء
- \$ 87,50 من الرسوم السنوية وتكاليف تصريف مياه المجاري

بصفة عامة، فإن التخفيضات متاحة للمتقاعدين المؤهلين، ومع ذلك فقد تُمنح التخفيضات لدافعي الرسوم الذين يعانون متاعب مالية في حالات خاصة.

المعلومات المتوفرة بإكمال هذا النموذج سوف تجعل المجلس البلدي قادرا على تحديد الأهلية لاستلام تخفيض، ومستوى التخفيض الذي يستحقه دافع الرسوم.

此表格的用途

此表格供希望獲得市政稅優惠的納稅人填寫。符合資格的納稅人最高可獲得以下減價優惠：

普通市政稅及垃圾管理費減價250.00澳元
年度水費及管理費減價87.50澳元
年度廢水處理稅及管理費減價87.50澳元

符合資格的福利金領取者一般可獲得這些減價優惠。但是在某些情況下，有經濟困難的納稅人也可獲得這些優惠。

在此表格內填寫的訊息可協助市政會決定該納稅人是否有資格獲得減價優惠，以及優惠的等級。

A cosa serve questo modulo

Questo modulo deve essere riempito dai contribuenti che desiderano ricevere riduzioni sulle imposte comunali. I contribuenti che soddisfano i requisiti necessari possono ricevere le seguenti riduzioni:

- fino a \$250.00 sulle imposte comunali ordinarie e sulla bolletta per l'asporto dei rifiuti domestici;
- fino a \$87.50 sulla imposta annuale e bolletta dell'acqua;
- fino a \$87.50 sulla imposta annuale e bolletta delle fognature.

In linea generale le riduzioni vengono concesse solo ai pensionati aventine diritto ma, in alcune circostanze, possono essere estese anche ai contribuenti che si trovino in difficili situazioni economiche.

Le informazioni fornite riempiendo questo modulo consentiranno al Comune di determinare se il contribuente ha diritto alle riduzioni d'imposta e l'ammontare delle riduzioni stesse.

OBJETIVO DE ESTE FORMULARIO

Los contribuyentes que deseen recibir una rebaja en las contribuciones municipales deben responder a este formulario. Quienes reúnan los requisitos podrán recibir hasta:

- \$250,00 en contribuciones y tarifas ordinarias por servicios de administración de desechos domésticos.
- \$87,50 de rebaja anual en las contribuciones y tarifas por agua potable.
- \$87,50 de rebaja anual en las contribuciones y tarifas por alcantarillado.

En general, las rebajas están a disposición de los pensionados que reúnan los requisitos. Sin embargo, se podrán conceder rebajas a los contribuyentes que pasen por privaciones económicas en ciertas circunstancias.

La información que se proporcione respondiendo a este formulario permitirá al municipio determinar tanto si el contribuyente reúne los requisitos para recibir una rebaja como el monto de la rebaja a la cual tendrá derecho el contribuyente.

MỤC ĐÍCH CỦA ĐƠN NÀY

Đơn này cho những người đóng thuế địa phương muốn xin giảm thuế và lệ phí. Những người đóng thuế và lệ phí địa phương có thể được giảm đến:

- \$250 cho thuế địa phương thường và lệ phí cho dịch vụ đổ rác
- \$87.50 cho tiền nước và lệ phí hàng năm
- \$87.50 tiền cống rãnh và lệ phí hàng năm

Nói chung, những người hội đủ điều kiện để lãnh trợ cấp xã hội được giảm thuế và lệ phí địa phương, tuy nhiên trong một số trường hợp, những người gặp khó khăn về tiền bạc cũng có thể được giảm thuế và lệ phí.

Những chi tiết điền trong đơn này sẽ giúp hội đồng thành phố (council) ấn định xem quý vị có hội đủ điều kiện hay không và mức độ được giảm thuế và lệ phí.