



KIAMA MUNICIPAL COUNCIL
your council, your community

Hardship Policy



RESPECT



INNOVATION



INTEGRITY



TEAMWORK



EXCELLENCE

Date adopted	15 June 2021
Resolution number	21/137OC
Previously adopted	21 April 2009 19 March 2019
Next review due	1 April 2023
Department	Corporate and Commercial Services
Responsible Officer	Rates Officer
TRIM reference	21/84920
Attachments	Application for hardship rate relief Debt recovery policy

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Hardship Policy

1.0 Purpose

- 1.1 To maintain or reduce the amount/percentage of outstanding debts with Council through a formal customer assistance program and monitor the number of successfully completed applications within the scope of this policy

2.0 Objectives

- 2.1 The objectives of this policy are to provide financial relief to customers of Council experiencing difficulties in meeting their commitments in rates, debtors and other fees and charges.

3.0 Scope

- 3.1 This policy will be available to all ratepayers and organisations within the Local Government Area. It is however anticipated to have a direct impact on less than 100 individuals at any given time.

4.0 References

- 4.1 This document should be read in conjunction with:
- Application for Hardship Rate Relief
 - Local Government Act 1993 – ss 564, 566, 567, 601, 610E
 - Debt Recovery Policy.

5.0 Definitions

For the purpose of this document the following definitions apply:

Date of debt	the amount due to Council on the day an application is made including arrears and current annual instalments in any given year.
Penalty interest	interest raised in accordance with the Local Government Act, 1993 and as adopted by Council within its Management Plan
Rateable valuation	land value used for rating purposes, ie net of allowances allowed by Valuation of Land Act, 1916 and Local Government Act, 1993 - Section 585
Administration fees	standard flat fee as adopted by Council in annual fees and charges

6.0 Policy

- 6.1 Assessment of financial hardship will be made by Council following the completion of the Financial Hardship Relief Application Form – refer Appendix 1.

6.2 The criteria for income and asset values shall be determined in accordance with Centrelink's Pensions - Income and Assets Test as reviewed annually in September.

7.0 Rates

7.1 The following relief provided for rates is limited to the single property owned and occupied (jointly or not) by the applicant. It must be the principal place of abode:

- write-off of interest charges accrued over a period of twelve months from the date of debt, subject to the debt being paid in the agreed period
- reduce penalty interest by one half over a period of eighteen months on ratepayer accounts where financial hardship has resulted due to significant changes in the rateable valuation of their land.

8.0 Debtors

8.1 The following relief provided for debtors is as follows:

- write-off of administration fees for debts paid within a structured payment plan geared to clear the debt within a maximum twelve-month period.

9.0 Fees and charges

9.1 The following relief provided for waste collection charges is limited to the single property owned and occupied (jointly or not) by the applicant which must be the principal place of abode:

- write off interest charges accrued over a period of twelve months from the date of debt, subject to the debt being paid in this period
- limited to the single property owned and occupied (jointly or not) by the applicant. It must be the principal place of abode.

10.0 Other fees and charges

10.1 Due to the nature of the adopted fees and charges, any reduction or abandonment of a fee due to financial hardship being incurred shall be determined on an individual basis subject to Council resolution.

10.2 Council must be satisfied that the case falls within a category of hardship, alternatively fees and charges must not be reduced unless public notice is given over a twenty-eight day exhibition period.

11.0 Principles and responsibilities

11.1 The Rates Officer will be responsible for administering the principles and that appropriate steps are taken to maintain a level of confidentiality with data supplied for the purposes of conducting a fair and equitable assessment.

11.2 The Rates Officer may delegate their responsibility to the Chief Financial Officer to ensure proper procedural documentation is maintained at a level satisfactory to Council and relevant legislation.

11.3 All applications will be reviewed in consultation with the Chief Executive Officer.

12.0 Attachments

- Appendix 1 – Application for hardship rate relief

13.0 Responsibility

13.1 The Rates Officer is responsible to ensure proper procedural documentation is maintained at a level satisfactory to Council and relevant legislation.

14.0 Policy review

14.1 This Policy was originally adopted on 21 April 2009.

14.2 A review of this Policy was undertaken in May 2021 and adopted by Council on 15 June 2021.

14.3 This Policy will next be reviewed in April 2023 however the Hardship Policy may also be changed as a result of legislative or process driven requirements. Any amendment to the Policy must be by way of Council resolution.

15.0 Document control

Date reviewed	Date adopted	Amendment
May 2021	15 June 2021	Change in delegation to review applications to be approved by CEO and the addition of clause 11.2
February 2019	19 March 2019	Changed to new format, no change to content
	21 April 2009	New Policy

16.0 Signature

Name: Jane Stroud Chief Executive Officer	Date: 31 August 2021
Signature: 	

Hardship rate relief application

Section 567 (c) and Clause 135 of the Local Government Act 1993 and the Local Government (General) Regulation 2005.

All sections/questions must be answered/completed.

Council has the option of writing-off interest on Rates and Charges under the Local Government Act 1993. The following are factors, grounds, and reasons for this to occur:

1. Payment of such accounts in full is made difficult because of reasons beyond the ratepayers control
2. Payment of such accounts in full would cause the person hardship
3. The property concerned is the applicant/s primary place of residence
4. The completion in full of this application form
5. Provision of proof of income/expenses
6. Suitable arrangements for regular payments on the account

Industrial or commercial property will not normally be considered

Privacy Notification

The personal details requested on this form are required for Hardship Relief purposes under the Local Government Act 1993 and will only be used in connection with the requirements of this legislation. Access to this information is restricted to Kiama Council officers and other people authorised under the Act. Council is to be regarded as the agency that holds the information. You may make application for access or amendment to information held by Council. You may also request Council to suppress your personal information from a public register.

I/We wish to apply to make payment of \$ _____ per week / fortnight / month toward reduction of the outstanding account

Declared at _____ (place)
On _____ (date)
Before _____ (Justice of the Peace)
Signed _____
Applicant's signature

You should ensure you contact Council promptly if your circumstances change. This will ensure that Council does not take action to recover the amount outstanding if you do not adhere to the arrangement. Additionally you may not be entitled to relief under the new circumstances.

Hardship rate relief application

Assessment number:	
Name:	
Address:	
Postal address:	
Telephone	Mobile: Work: Home:
Email:	
Property Address: (if different to above address)	

Do you own the property?	<input type="checkbox"/> By yourself <input type="checkbox"/> With another person/s (spouse, etc) <input type="checkbox"/> Other – please indicate
Are there other people living at the property other than those listed as owner/s?	

Is the property?	<input type="checkbox"/> a residential home <input type="checkbox"/> vacant land <input type="checkbox"/> rural land <input type="checkbox"/> your sole or principal place of living – since: _____ <input type="checkbox"/> Other – please indicate
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Hardship rate relief application

Value of property	Value of house / land: _____ Mortgage: _____
Do you have an interest in any other properties? (Details including any rental collected)	
Are you currently employed?	<input type="checkbox"/> No. ➡ Go to next question <input type="checkbox"/> Full time <input type="checkbox"/> Part time / casual – hours per week _____ Name of employer: _____
Do you receive a pension or benefit?	<input type="checkbox"/> No. ➡ Go to next question <input type="checkbox"/> Yes Pension number: _____ Pension type: _____ Amount received per week: \$ _____
Do you have a health benefits card?	<input type="checkbox"/> No. ➡ Go to next question <input type="checkbox"/> Yes Card number: _____
How many children do you support?	Number of children: _____ Ages: _____

Hardship rate relief application

Table A: Income details	\$ per week
Wages / salary after tax	\$
Pension / benefit	\$
Income (spouse)	\$
Pension / benefit (spouse)	\$
Maintenance received	\$
Family allowance	\$
Other (give details)	\$ \$
Table A Total	\$

Table B: Regular expenses details	\$ per week
Mortgage repayments	\$
Rent / board	\$
Food	\$
Electricity	\$
Water rates	\$
Council rates	\$
Credit card repayments	\$
Vehicle expenses including petrol	\$
Private medical insurance	\$

Hardship rate relief application

Telephone	\$
Maintenance payments	\$
School expenses	\$
Insurance / superannuation	\$
Other	\$ \$ \$
Table B Total	\$

Table A Total:	
Less Table B Total:	
Surplus / Deficit	

Bank / Building Society Accounts	Balance
Name of Bank / Branch:	\$ \$
Name of Building Society / Branch:	\$ \$
Total	\$

How to contact Council

Post

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Kiama Municipal Council
PO Box 75
Kiama NSW 2533

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+61 (02) 4232 0444

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+61 (02) 4232 0555

Online

Email: council@kiama.nsw.gov.au
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Office hours

Our Administration Building located at
11 Manning Street Kiama is open 8.45 am to 4.15 pm
Monday to Friday (excluding public holidays)



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