

	CENTRAL HIGHLANDS REGIONAL COUNCIL POLICY	
	Financial Hardship Policy	POLICY REF NO CHRCP: 0034

1.0 Policy Purpose

The purpose of this Financial Hardship Policy ("Policy") is to provide for the eligibility criteria and application process by which Central Highland Regional Council ("Council") may grant certain concessions or provide other assistance to ratepayers and customers experiencing difficulty in paying Rates and Charges or other fees. The concessions granted and assistance provided in accordance with this Policy are designed to provide ratepayers and customers with time to seek advice and address the causes of their financial hardship.

2.0 Policy Statement

Section 120(1)(c) of the Regulation allows Council to provide concessions to ratepayer(s) where the payment of Rates and Charges will cause hardship to the ratepayer(s).

Consistent with:

- section 5 of the Revenue Policy; and
- Council's 2022-2027 Corporate Plan which sets out Council's values including accountability and transparency, and Council's value proposition of community support and inclusion, Council has also elected to grant concessions and financial support to certain customers of Council services who meet the criteria set out in section 4(c) of this Policy (Category 3 - Other Fees and Charges - Financial Hardship).

This Policy sets out Council's criteria for the assessment of requests for relief of Rates and Charges or other fees due to financial or other hardship experienced by the ratepayer or customer.

3.0 Application

This Policy applies to ratepayers and/or customers experiencing financial or other hardship, including ratepayers and customers who intend to pay outstanding balances but do not have the financial capacity to make payment in full by the due date.

4.0 Categories of Concessions and Assistance

(a) Category 1 – Rates and Charges Financial Hardship

Eligibility

To be eligible for assistance under this category the ratepayer must meet the following criteria:

- the ratepayer is experiencing financial hardship that has arisen from unexpected or unforeseeable events (including but not limited to significant fraud loss, the death of a close family member, family breakdown, serious illness, sudden loss of primary job or income);
- the ratepayer is responsible for the payment of the Rates and Charges;
- the payment of the Rates and Charges will cause financial hardship to the ratepayer;

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- the Rates and Charges are levied on property or land located in the Council local government area and subject to the payment of Rates and Charges; and
- the property is not vacant land;

Types of Assistance

Council may, at its sole discretion and under sections 120 and 121 of the Regulation, offer any combination of the following concessions or assistance to eligible ratepayers:

- an agreement to defer payment of interest charges;
- an agreement to defer payment of current half-year Rates and Charges for a maximum period of six (6) months to pay all outstanding Rates and Charges with no loss of discount if paid by the deferred due date;
- a rebate of all or part of the Rates and Charges; or
- an agreement to accept a transfer of unencumbered land in full or part payment of the Rates and Charges.

The support provided to the ratepayer should be appropriate and commensurate with the level of financial hardship experienced by the ratepayer.

Information Required to Assess Applications

The ratepayer will be required to provide a statutory declaration detailing:

- estimated income and expenditure from all sources for the current financial year;
- current balances of all bank accounts and, if applicable, investment accounts;
- details of any property owned and their estimated value, including information on the listing of any property for sale;
- details of any other assets (i.e. shares, boats, cars, livestock etc.) and estimated value;
- details of all debts (e.g. personal loans, mortgages, credit cards) including descriptions, interest rates, balances and whether or not the ratepayer is in arrears;
- details of any refusal of loans or credit arrangements that have been sought to assist in paying the debts;
- details of all superannuation fund balances and if an early release has been sought to assist in paying the debts;
- details of any insurance payouts, Government grants, or other Government assistance received in the past twelve months; and
- any other information that is relevant to the ratepayer's current financial situation.

Applications may also be supported by information provided by financial counselling services authorised to act on behalf of the ratepayer.

(b) Category 2 – Rates and Charges Concessions – Other Hardship

Eligibility

To be eligible for assistance under this category the ratepayer must meet the following criteria:

- the ratepayer is experiencing hardship that has arisen from unexpected or unforeseeable events (including but not limited to domestic violence, family breakdown, severe accident or injury), or due to the effects of a Government declared natural disaster (such as drought, flood, fire, or pandemic), or other event outside the control of the ratepayer;
- the ratepayer is responsible for the payment of the Rates and Charges;
- the Rates and Charges are levied on property or land located in the Council local government area and subject to the payment of Rates and Charges;
- the property is not vacant land;

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- the Rates and Charges impose a significant, appreciable hardship to the ratepayer when compared the 'general body' of ratepayers with the same or similar Rates and Charges.

Types of Assistance

Council may, at its sole discretion and under sections 120 and 121 of the Regulation, offer any combination of the following types of assistance or concessions to eligible property owners:

- o an agreement to defer payment of interest charges;
- o an agreement to defer payment of Rates and for a maximum period of six (6) months to pay all the current Rates and Charges with no loss of discount if paid by the deferred due date;
- o a rebate of all or part of the Rates and Charges; or
- o an agreement to accept a transfer of unencumbered land in full or part payment of the Rates and Charges.

The support provided to the ratepayer should be appropriate and commensurate with the level of hardship experienced by the ratepayer.

Information Required to Assess Applications – Other Hardship

The ratepayer will be required to provide a statutory declaration detailing their:

- reasons and justifications of why they believe that the Rates and Charges impose a significant hardship to them compared to other ratepayers;
- details of any insurance payouts, Government grants, or other Government assistance received in the past twelve months;
- what type of concession the ratepayer feels would be fair to eliminate or mitigate the hardship; and
- any other information that is relevant to the ratepayer's situation.

Applications may also be supported by information provided by external services authorised to act on behalf of the ratepayer.

(c) Category 3 – Other Fees and Charges – Financial Hardship

Eligibility

To be eligible for assistance under this category the customer must meet the following criteria:

- o the customer is experiencing financial hardship that has arisen from unexpected or unforeseeable events. (including but not limited to the death of a close family member, serious illness, family breakdown, or sudden and unexpected loss of primary job or income), or hardship due to the effects of a Government declared natural disaster such as drought, flood, fire, or pandemic;
- o the customer has a balance owing to Council in relation to other fees and charges that are not Rates and Charges;
- o the balance owing is not in dispute.

Types of Assistance

Council may, at its sole discretion, offer any combination of the following assistance to eligible customers:

- o an agreement to defer payment of the current outstanding fees or charges for a period of up to six (6) months;
- o waiving of all or part of the fees or charges.

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Information Required to Assess Applications

The customer will be required to provide a statutory declaration detailing:

- a. estimated income and expenditure from all sources for the current financial year;
- b. current balances of all bank accounts and, if applicable, investment accounts;
- c. details of any property owned and their estimated value, including information on the listing of any property for sale;
- d. details of any other assets (i.e. shares, boats, cars, livestock etc.) and estimated value;
- e. details of all debts (e.g. personal loans, mortgages, credit cards) including descriptions, interest rates, balances and whether or not the customer is in arrears;
- f. details of any insurance payouts, Government grants, or other Government assistance received in the past twelve months;
- g. evidence of situation if not a declared natural disaster or pandemic; and
- h. any other information that is relevant to the customer's current financial situation.

Applications may also be supported by information provided by financial counselling services authorised to act on behalf of the customer.

5.0 Assessment and Approval of Applications

Unless provided for under a general concession included in the Revenue Statement, applications under Categories 1 or 2 will be assessed by Council staff with a report prepared for consideration at a Council Meeting in closed session, under section 254J(3)(d) of the Regulation, to ensure maintenance of confidentiality of the application details. Approval of any concession can only be made by Council resolution under section 122 of the Regulation.

Applications under Category 3 will be assessed by Council staff with a report prepared for consideration and approval:

1. for short-term payment extensions or instalment plan approval, by the Manager Finance.
2. for the waiving of all or part of the fees, charges, or billed reimbursements, at a Council Meeting with the details of the debtor and the debtor's circumstances anonymised to the extent reasonably possible to do so.

Each application will be assessed confidentially and on merit.

Council may recommence its standard debt recovery action, including the application of interest, and legal charges where applicable, including at the end of an agreement to defer payments of Rates and Charges and on any new outstanding balances.

6.0 Review of Circumstances

Prior to the expiry of any assistance being provided under this Policy, the ratepayer or customer may request a review to take into consideration changes to their circumstances.

7.0 Failure to Comply

Any offer of an agreement under this Policy will be withdrawn if the ratepayer or customer does not accept Council's offer within 30 days of the date of the offer.

If an offer is withdrawn, or an agreement under this Policy is terminated, Council may continue with its normal debt recovery action and charging of interest on overdue Rates and Charges, with interest back dated to the date the Rates and Charges became overdue. The ratepayer or customer will be contacted prior to commencement of any debt recovery action.

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8.0 Definitions

CEO:	The person appointed to the position of Chief Executive Officer under section 194 of the Act and anyone acting in that position under section 195 of the Act.
Council:	Central Highlands Regional Council.
Financial Hardship:	Where a ratepayer or other customer is unable to meet their financial obligations to council due to unexpected events or unforeseen changes resulting in them being unable to meet basic requirements including food, clothing, medicine, housing and other necessities.
Hardship:	A significant, appreciable detriment to a ratepayer when compared the 'general body' of ratepayers with the same or similar Rates and Charges. The detriment must transcend mere inconvenience or annoyance or a sense of 'injustice.' It must be a real and atypical burden imposed on the ratepayer.
Payment Arrangement:	A formal, agreement between Council and the ratepayer made under the Rates and Charges Collection Policy for the regular repayment of a portion of the outstanding Rates and Charges balance at agreed intervals until the debt is paid in full.
Rates and Charges:	levies that Council imposes on land; and for a service, facility or activity that is supplied or undertaken by Council or someone acting on behalf of Council as per section 91(2) of <i>The Act</i> . This includes: <ul style="list-style-type: none"> (a) general rates (including differential general rates), separate rates and charges, special rates and charges, and utility charges (<i>section 92(1) of the Act</i>); and (b) interest accrued on overdue rates and charges (<i>section 132(1)(d) of the Regulation</i>); and (c) legal costs to take a ratepayer to court to recover overdue rates and charges, subject to a court order in Council's favour (<i>section 132(1)(b) of the Regulation</i>); and (d) if the Council decides to sell land under section 140 of the Regulation and the land is not sold within one year after Council gives the registered owner a notice of intention to sell — the expenses incurred by Council in relation to selling the land (<i>section 132(1)(c) of the Regulation</i>).
The Act:	The Queensland <i>Local Government Act 2009</i> .
The Regulation:	The Queensland <i>Local Government Regulation 2012</i> .

For terms not specified above, any term used in this Policy that is defined in the *Local Government Act 2009* or *Local Government Regulation 2012* has that definition.

Strategic Link	<i>Local Government Regulation 2012</i>
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Lead Business Unit	CFO Office
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