

**NUMBER:** STRAT0094

**ACT:** *Local Government Regulation 2012*

**POLICY TITLE:** Rates & Charges Hardship Policy

**POLICY**

**1. PURPOSE AND SCOPE**

- 1.1. The purpose of this policy is to facilitate a consistent approach to assist property owners who may have trouble paying their rates due to hardship, and to encourage people experiencing hardship to access earlier support services. Hardship is not a long-term solution, the support under this policy is to provide the property owner with time to seek advice and address the reasons for their hardship.
- 1.2. This policy applies to all property owners of residential properties in the Charters Towers Regional Council area, where the property is their principal place of residence.

**2. COMMENCEMENT OF POLICY**

- 2.1. This Policy will commence from 15 February 2023.

**3. APPLICATION OF POLICY**

- 3.1. The policy informs the public that Council recognises financial hardship exists in relation to Rates & Charges and is willing to consider applications from property owners for relief in accordance with accepted and resolved parameters.

**4. DEFINITIONS**

Term	Definition
Chronic Illness	An illness that is permanent or lasts longer than three (3) months
Death of a Partner	The death of a member of a couple (married, registered relationship or de-facto relationship)
Financial hardship	An inability to meet minimum living expenses including food, clothing, medicine, mortgage payments, and children’s education due to circumstances beyond the property owner’s control. This hardship may occur due as a result of chronic illness, personal financial crisis or costs and/or loss of income associated with the death of a partner
Hardship	Financial hardship or other hardship as defined
Property owner	The owner of the land as defined under the <i>Local Government Act 2009</i>
Residential property	Property that has as its primary use, use for residential purposes as per Council’s land use classification

## 5. POLICY PROVISIONS

### 5.1. Background

- 5.1.1. Council will provide support to property owners who are experiencing hardship and are unable to meet a realistic payment commitment for the rates and charges levied against a property.
- 5.1.2. Where a property owner can show that maintaining a realistic payment commitment would entail hardship, Council seeks to provide a framework for relief deemed appropriate to the circumstances experienced.
- 5.1.3. Hardship relief provided under this policy does not forgo Council's normal debt recovery action, including Council's ability to sell land for arrears of rates, with the exception of approved relief as described in '5.3 Types of relief' which may be applied.

### 5.2. Criteria for providing relief

Council will only consider an application for rates and charges relief under this policy on a residential property where:

- it is the property owner's principal place of residence.
- no commercial benefit is derived from the property.
- net assets in cash investments, shares, other property, etc. is less than \$10,000.
- the property owner is unable to maintain payment commitments in accordance with Council's Rates & Charges Hardship Policy.
- the property owner is experiencing hardship such as:
  - less than two weeks of available funds equivalent to the maximum rate of income support payment provided by Services Australia for Crisis Payments (evidence must be provided by the Services Australia); or
  - suffering from a chronic or terminal illness which prevents them from seeking employment and reduces their income (evidence must be provided from medical practitioner or hospital facility); or
  - unexpected expenses incurred and reduction or loss of family income as a result of the death of a partner.
- An application is made to Council for the relief of rates and charges by the property owner.
- The application must demonstrate severe and/or unusual hardship.

The applicant should seek independent financial advice and submit a budget from a registered financial counsellor on the approved form, demonstrating they are in hardship (except in the case of chronic or terminal illness). The National Debt Helpline provide a free service that property owners may wish to utilise.

### 5.3. Types of relief which may be applied:

- The Chief Executive Officer, or delegate stated in '5.5 Assessment and Approval of Application', may approve a hardship relief period to a property owner:
  - for time to make payment;
  - free of interest charges; and
  - free from active debt recovery action.

The hardship relief period will be determined on a case-by-case basis, dependent on the circumstances of the hardship, and generally within the next due date period.

- Council may grant a concession if it is satisfied that the payment of rates or charges will cause hardship to the property owner. Council has determined it will grant such a concession for rates and charges relief as set out in this policy.

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Council will continue with normal debt recovery action, including the application of interest, and legal charges where applicable, at the end of the hardship relief period for debts outstanding.

Relief is also provided where a property owner experiences an undetectable and unexpected water leak as per Council's Concealed Leak Policy.

#### 5.4. Lodging a Request for Relief

The property owner must complete and submit an application form which will include details and reason for financial hardship, the actions which the property owner has taken to alleviate the situation and evidence where assistance has been sought.

#### 5.5. Assessment and Approval of Application

Any application made for a rates and charges relief due to hardship may be assessed by the Rates Coordinator and if eligible approved by the Chief Executive Officer, Executive Manager Organisational Services or Chief Financial Officer and concession granted by Council resolution.

#### 5.6. Dispute or Failure to Comply

If a property owner is unsatisfied with the outcome of their application under this policy, they may seek a review of the decision in writing, addressed to the Chief Executive Officer – by post or online from [Complaints Management – Charters Towers Regional Council](#)

### 6. VARIATIONS

6.1. CTRC reserves the right to vary, replace or terminate this Policy from time to time.

#### ASSOCIATED DOCUMENTS

- F0561 Hardship Application Form
- D0137 Rates and Charges Hardship Procedures
- STRAT0053 Rates and Charges Debt Recovery Policy
- S0002 Revenue Policy
- S0003 Revenue Statement
- S0050 Concealed Leak Policy

**DOCUMENT REVIEW**

The document is to be reviewed upon changes to relevant legislation, or every two years if no changes have been required to be enacted.

Document Adopted: Council Meeting 15 February 2023  
Resolution Number 3544

Document Contact: Chief Financial Officer

Document Authorised: Chief Executive Officer

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