

PURPOSE

The purpose of this policy is to help ratepayers and members of the community who are suffering financial hardship by providing relief from the requirement to pay Council rates, fees and charges.

SCOPE

This policy applies to a person, business, not-for-profit or community group who is responsible for the payment of rates, fees or charges.

This policy applies to rates payable for a ratepayer's principal place of residence or commercial or industrial properties. It also applies to Council fees and charges other than rates such as dog registration fees, fines, or application fees.

STATUTORY REQUIREMENTS

The *Local Government Act 1993* (the Act) sets out the circumstances in which a Council can consider an application for postponement or remission of rates, fees and charges. This Policy must be read in conjunction with the relevant sections of the Act and does not take precedence over them.

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| Acts | <i>Local Government Act 1993</i> (Tas) <i>Valuation of Land Act 2001</i> (Tas) |
| Regulations | N/A |
| Australian/International Standards | Rates and Charges Policy |

DEFINITIONS

'Application fees' includes any fees charged by council to initiate a transaction for services with a payer.

'Fees and charges' include dog registration fees, various application fees (excluding statutory and advertising fees), fines and other Council charges that do not appear on a Rates Notice.

'Genuine financial hardship' is when the Payer is genuinely unable to pay their bills or meet other financial obligations.

'Payer' means a person, business, not-for-profit or community group who is responsible for the payment of rates, fees or charges imposed by Glenorchy City Council. This includes the owner of a property or a person renting the property if the rental agreement requires that person to pay the rates.

'Rate' under this policy means any charge that appears on a Rates Notice. This includes:

- general rate (the 'cents in the dollar' amount charged for a property),

- the service charges that Council levies to pay for garbage, recycling and FOGO bin collection, and
- any interest or penalties that Council can charge if the rates are not paid on time (including any costs that Council would charge for the recovery of overdue rates).

‘Remission’ means a full or partial cancellation of rates, a fee or penalty that has been imposed by council.

‘Relief’ means a full or partial reduction of rates, a fee or penalty that has been imposed by council.

POLICY STATEMENT

Introduction

Council imposes rates, fees and charges to ensure it can provide services to the community and comply with its obligations under the Act. However, Council recognises that sometimes financial circumstances mean that it is appropriate for Council to grant that Payer’s relief from the payment of rates, fees and charges.

In determining when it is appropriate to grant relief from payment of rates, fees and charges, Council must balance the requirement to raise enough revenue to provide services to the community with its need and desire to show compassion to its community members and ensure that everyone can access Council’s services, irrespective of their financial position.

Who does this policy apply to?

This Policy applies to a Payer who is responsible for the payment of rates, fees and charges and makes an application for assistance under this Policy.

How does Council determine ‘genuine financial hardship’?

Council will only consider granting rate relief under this policy to the Payer who is found to be suffering genuine financial hardship.

The Payer will not be in genuine financial hardship if it is simply inconvenient for them to pay their rates, fees or charges or other bills.

What types of help can Council provide?

Rates (S 90 & S 93 LGA)

A Payer of Council rates who believes they are suffering genuine financial hardship can apply to Council for either:

- postponement of the payment of rates (i.e. paying rates after they would normally be due),
- remission of rates, in-part (i.e. not being required to pay some of the rates bill), or
- remission of interest, penalties and legal charges invoiced in respect of a rates bill, in-part or in-full (i.e. not being required to pay any extra fees that Council may have charged for the rates not being paid on time).

A Payer responsible for Council rates can apply for one or more of the above types of relief when making an application.

Council fees and charges (S 205 LGA)

A Payer of Council fees and charges who believes they are suffering genuine financial hardship, or meets the criteria specified below, can apply to Council for:

- postponement of the payment of the fees and charges after they would normally be due, or
- remission (either fully or partially) of the payment of fees and charges.

A Payer responsible for payment of fees and charges can apply for one or more of the above types of relief when making an application.

Criteria for eligibility for the remission of fees and charges

Fees and charges may be remitted (either fully or partially) if at least one of the following circumstances applies:

- where the remission of the fee or charge is requested by a not-for-profit or community group in connection with a community purpose in the municipality (for example, the fee for using a Council facility to host a charitable event). Organisations/groups that are fully funded by government or derive revenue from commercial operations will generally not be considered for remission,
- to rectify a processing or administrative error made by Council,
- to take action to reduce or mitigate a potential liability of the Council that arises from a planning, building or plumbing application,
- to resolve a situation where Council has caused or contributed inadvertently to fees or charges or related costs being unnecessarily incurred by the Payer.

Fees and charges that should be reasonably expected in the usual operation of the individual's or organisation's activities will generally not be considered for remission.

How to make an application?

The Payer seeking relief under this Policy can apply to Council by completing an application form and describing why they are in genuine financial hardship for rates relief, or how they meet the criteria for the remission of non-rate fees and charges.

The application form is available on Council's website (www.gcc.tas.gov.au) and can also be collected in person from Council's Chambers.

The forms can be submitted to Council by email to: gccmail@gcc.tas.gov.au or can be given to our Customer Service Staff at Council's Chambers.

Applications for the remission of fees and charges that relate to a planning, building or plumbing application can be made retrospectively for a maximum of 30 days after the application fees have been paid.

Council staff will contact the applicant once an application is received to advise how long it will take to assess, and if there is any other information required.

Evidence of genuine financial hardship

If a Payer makes an application for relief under this policy, Council may ask the Payer to provide evidence that they are suffering from genuine financial hardship.

Evidence that Council may ask for may include:

- documents which show that the Payer responsible for the payment of rates, fees and charges has sought help from a financial counsellor (such as a receipt from a booking with a financial counsellor),
- a statutory declaration from an someone who is familiar with the Payer's circumstances (family doctor, bank officer etc), or
- bank statements, medical certificates, or other documentary evidence that demonstrates the circumstances that have caused or are symptomatic of the Payer's genuine financial hardship.

If Council staff need more evidence to support an application by the Payer, they will explain what they require and why they need it to decide an application.

How will applications be decided by Council?

When deciding whether to approve an application for Rate relief, Council officers will consider:

- the information about the Payer's financial circumstances that has been provided on the application form,
- any supporting evidence that has provided by the Payer, and
- any other relevant information or circumstances.

Council may refer an application to for assessment by an independent accredited financial counsellor if it deems this to be necessary.

When deciding whether to remit fees or charges Council officers will consider:

- whether the remission is for a purpose permitted under this policy,
- the merits of the request,
- the amount of fees or charges to be remitted and consequent impact on Council's revenue,
- the administrative processing costs already borne by Council,
- the precedent which might be set if the fees or charges are remitted, and
- the likely liability consequences for Council if the fees or charges are not remitted or rebated.

Delegations

s.22(2) of the *Local Government Act 1993* provides that the General Manager may not sub-delegate the postponement of rates and charges or remission of fees, rates or charges. Therefore, all delegate decisions under the Policy are required to be made by the General Manager.

What happens if an application is approved?

If an application for relief from an ongoing fee or charge under this policy is approved (e.g. rates or dog registration), it will be valid for a maximum period of 12 months.

At the end of the 12 months, a new application will need to be submitted showing the Payer is still suffering genuine financial hardship.

If an application for relief from a one-off fee or charge under this policy is approved (e.g. a venue hire or application fee), it will only be valid for that one-off fee or charge.

Help with applications

Council staff will make every effort to assist a Payer who wishes to make an application to complete the application form and provide any information that is required for the application to be decided.

Other help for Payers

The Payer can seek help with managing their financial circumstances from the following services:

- the Australian Securities and Investment Commission (ASIC) has developed a 'MoneySmart' website which provides financial guidance: <https://moneysmart.gov.au/managing-debt/problems-paying-your-bills-and-fines>.
- Financial Counselling Australia (FCA) is the peak body for financial counsellors in Australia. FCA can help affected persons find a financial counsellor – please visit: www.financialcounsellingaustralia.org.au for more information.
- The National Debt Helpline is a not-for-profit service that helps people in Australia tackle their debt problems. This is a government service providing free, confidential counselling for people experiencing financial difficulty. Visit www.ndh.org.au or call 1800 007 007 for more information.
- The Salvation Army provides a range of support options to help with financial difficulties, depending on the nature of your problems. Visit: <https://www.salvationarmy.org.au/ryde/need-help/financial-assistance/>

Background

Council recognises that some members of its community (such as the vulnerable or disadvantaged) may suffer from hardship or otherwise have other circumstances which make it difficult to pay rates, fees and charges.

Council intends to be compassionate and work with its vulnerable community members to ensure that they are not further disadvantaged because of their rates, fees or charges obligations. A policy is required to ensure the consistent application of principles to determine when it is appropriate to grant relief from rates, fees or charges to a person suffering genuine financial hardship.

DOCUMENT CONTROL

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|--------------------------------|--|--------------------|-------------------------|--------------------------|-----------------------|
| Version: | 3.0 | Adopted | 24 June 2024 | Commencement Date | 26 June 2024 |
| Minutes Reference | Council Meeting (24 June 2024), Item 13 | | | Review Period | 4 Years from adoption |
| Previous Versions: | V 1.0 adopted 17 June 2019 (Council meeting, Item 6) V 2.0 adopted 28 November 2022 (Council meeting, Item 8) | | | | |
| Responsible Directorate | Corporate Services | Controller: | Chief Financial Officer | | |
| ECM Document No.: | Policies | | | | |

Application for Waiver/ Remission of Fees and Charges

Local Government Act 1993, S. 207

Applicant information:

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| Name: | |
| Address: | |
| Phone: | |
| Email: | |
| Date: | |

Request to have fee waived/remitted:

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|--|----|
| Fee or Charge to be waived/remitted: (ie. License, Permit) | |
| Receipt number (if payment received): | |
| Amount to be waived/remitted: | \$ |
| Reason for waiver/remission: (attach a separate sheet/s if necessary) | |
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Office use:

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| Account number for which fee/charge would have been recorded: | |
| Recommended by (Name/Position) | |
| Authorised by | |
| Date | |
| Signature | |

By signing I authorise Glenorchy City Council to update my details listed within this form.

Please provide a copy of the signed form to Corporate Governance



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| General Information |
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Who is authorised to waive fees and charges?

Only the General Manager has the powers to waive or remit fees or charges.

PRIVACY NOTICE:

Council collects personal information to carry out its operations as a Tasmanian Local Government. This personal information may be used for other purposes permitted by law. The information may be shared with contractors and agents of the Council for this purpose, law enforcement agencies, courts and other organisations.

You do not have to provide your personal information but if full information is not provided the Council may be unable to action your application or request.

You can find out more about how the Council manages personal information and how you can request access or corrections to it in the Council's Privacy Policy available on the Council website or on request.