

STRATEGIC OUTCOME SUPPORTED: 2 - A safe and healthy community.

1. OBJECTIVE

- 1.1. To give effect to our commitment to support the whole community to meet the challenges arising from the COVID-19 pandemic, the Shire of Donnybrook Balingup recognises that these challenges will result in financial hardship for our ratepayers.
- 1.2. This policy is intended to ensure we offer fair, equitable, consistent and dignified support to ratepayers suffering hardship, while treating all members of the community with respect and understanding at this difficult time.

2. SCOPE

- 2.1. This policy applies to:
 - a. Outstanding rates and service charges as at the date of adoption of this policy;
 - b. Rates and service charges levied for the 2020/21 financial year; and
 - c. Subsequent financial years as outlined in clause 3 of the *Local Government (COVID-19 Response) Order 2020* inclusive of future amendments.
- 2.2. As we deal with the effects of the pandemic that those with the capacity to pay rates will continue to do so. For this reason, the Policy is not intended to provide rate relief to ratepayers who are not able to evidence financial hardship and the statutory provisions of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* will apply.

3. DEFINITIONS

- 3.1. **Act** means *Local Government Act 1995*
- 3.2. **CEO** means Chief Executive Officer, Shire of Donnybrook Balingup
- 3.3. **Excluded Person** means a person who is a residential ratepayer or small business ratepayer of a local government; and is considered by the local government to be suffering financial hardship as a consequence of the COVID-19 pandemic.

4. POLICY STATEMENT

Payment difficulties, hardship and vulnerability¹

- 4.1. Payment difficulties, or short-term financial hardship, occur where a change in a person's circumstances result in an inability to pay a rates or service charge debt.

- 4.2. Financial hardship occurs where a person is unable to pay rates and service charges without affecting their ability to meet their basic living needs, or the basic living needs of their dependants. The Shire of Donnybrook Balingup recognises the likelihood that COVID-19 will increase the occurrence of payment difficulties, financial hardship and vulnerability in our community. This policy is intended to apply to all ratepayers experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner etc.

¹Adapted from the Ombudsman Western Australia publication, Local government collection of overdue rates for people in situations of vulnerability: Good Practice Guidance:
<http://www.ombudsman.wa.gov.au/>

Anticipated Financial Hardship due to COVID-19

- 4.3. We recognise that many ratepayers are already experiencing financial hardship due to COVID-19. We respect and anticipate the probability that additional financial difficulties will arise when their rates are received.
- 4.4. We will write to ratepayers at the time their account falls into arrears, to advise them of the terms of this policy and encourage eligible ratepayers to apply for hardship consideration. Where possible and appropriate, we will also provide contact information for a recognised financial counsellor and/or other relevant support services.

Financial Hardship Criteria

- 4.5. The ratepayer must provide evidence to be considered as an “excluded person” as defined in the *Local Government (COVID-19 Response) Order 2020*.
- 4.6. While evidence of hardship will be required, we recognise that not all circumstances are alike. We will take a flexible approach to a range of individual circumstances including, but not limited to, the following situations:
- a. Recent unemployment or under-employment;
 - b. Sickness or recovery from sickness;
 - c. Low income or loss of income; or
 - d. Unanticipated circumstances such as caring for and supporting extended family.
- 4.7. Ratepayers are encouraged to provide any information about their individual circumstances that may be relevant for assessment. This may include demonstrating a capacity to make some payment and where possible, entering into a payment proposal. We will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying our statutory responsibilities.
- 4.8. A ratepayer that meets the Financial Hardship Criteria must re-apply on 1 July each year with current evidence about their individual circumstances

that may be relevant for assessment, to receive continuation of concessions applied under the Policy.

Payment Arrangements

- 4.9. Payment arrangements facilitated in accordance with Section 6.49 of the Act are of an agreed frequency and amount. These arrangements will consider the following:
- a. That a ratepayer has made genuine effort to meet rate and service charge obligations in the past;
 - b. The payment arrangement will establish a known end date that is realistic and achievable;
 - c. The ratepayer will be responsible for informing the Shire of Donnybrook Balingup of any change in circumstance that jeopardises the agreed payment schedule.
- 4.10. In the case of severe financial hardship, we reserve the right to consider waiving additional charges or interest (excluding the late payment interest applicable to the Emergency Services Levy).

Interest Charges

- 4.11. A ratepayer that meets the Financial Hardship Criteria and enters into a payment arrangement may request a suspension or waiver of interest charges. Applications will be assessed on a case-by-case basis.
- 4.12. Approved suspension or waiver of interest charges will be applied from the date of application.

Deferment of Rates

- 4.13. Deferment of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or Seniors Card and Commonwealth Seniors Health Care Card registered on their property. The deferred rates balance:
- a. remains as a debt on the property until paid;
 - b. becomes payable in full upon the passing of the pensioner or if the property is sold or if the pensioner ceases to reside in the property;
 - c. may be paid at any time, BUT the concession will not apply when the rates debt is subsequently paid (deferral forfeits the right to any concession entitlement); and
 - d. does not incur penalty interest charges.

Debt Recovery

- 4.14. We will suspend our debt recovery processes whilst negotiating a suitable payment arrangement with a debtor. Where a debtor is unable to make payments in accordance with the agreed payment plan and the debtor advises us and makes an alternative plan before defaulting on the 3rd due payment, then we will continue to suspend debt recovery processes.

COUNCIL POLICY FIN/CP-1 COVID 19 FINANCIAL HARDSHIP



- 4.15. Where a ratepayer has not reasonably adhered to the agreed payment plan, then for any Rates and Service Charge debts that remain outstanding on 30 June of the financial year they were raised, we will offer the ratepayer one further opportunity of adhering to a payment plan that will clear the total debt by the end of the following financial year.
- 4.16. Rates and service charge debts that remain outstanding at the end of the following financial year after being raised, will then be subject to the rates debt recovery procedures prescribed in the Local Government Act 1995.

Review

- 4.17. We will establish a mechanism for review of decisions made under this policy and advise the applicant of their right to seek review and the procedure to be followed.

Communication and Confidentiality

- 4.18. We will maintain confidential communications at all times, and we undertake to communicate with a nominated support person or other third party at your request.
- 4.19. We will advise ratepayers of this policy and its application, when communicating in any format (i.e., verbal or written) with a ratepayer that has an outstanding rates or service charge debt.
- 4.20. We recognise that applicants for hardship consideration are experiencing additional stressors and may have complex needs. We will provide additional time to respond to communication and will communicate in alternative formats where appropriate. We will ensure all communication with applicants is clear and respectful.

5. DELEGATION AND AUTHORISATION

- 5.1. 1.2.22 Defer, Grant Discounts, Waive or Write Off Debts

6. LEGISLATION

- 6.1. *Local Government Act 1995*
- 6.2. *Local Government (Financial Management) Regulations 1996*

7. POLICY VERSION

Related Policies:	N/A		
Related Procedure:	N/A		
Responsible Department:	Corporate Services		
Reviewer:	Director Corporate Community		
Review Frequency:	Triennial	Next Due:	March 2025

COUNCIL POLICY FIN/CP-1 COVID 19 FINANCIAL HARDSHIP



Shire of
Donnybrook Balingup

Version Date:	22/06/22	Synergy #:	NPP8695	Decision Reference:	83/22
Version Synopsis:	To allow for the financial hardship concessions on rates and service charges levied for the 2021/2022 and subsequent financial years. The criteria have been refined to ensure that this policy applies to only those ratepayers that are suffering hardship as a consequence of the COVID-19 pandemic.				
Policy Version Details					
Initial Adoption Date:	14/04/2020	Decision Reference:	50/20		
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Version Synopsis:	No review done - Only renumbered from EM/CP-11 - COVID19 Financial Hardship Policy				