



CHIEF EXECUTIVE OFFICER ATTACHMENTS
ORDINARY MEETING OF COUNCIL
WEDNESDAY 15 APRIL 2020

REPORT NUMBER	REPORT TITLE AND ATTACHMENT DESCRIPTION	PAGE NUMBER(S)
9.4.2	<p>Policy Register Update: Financial Hardship – Collection of Rates and Service Charges</p> <p>Attachments</p> <ol style="list-style-type: none">1. “DRAFT” Finance Policy 2.17 Financial Hardship – Collection of Rates and Service Charges2. DA18 Rates and Service Charges Agreement	1 – 4
9.4.3	<p>Financial Management Review Requirement</p> <p>Attachments</p> <ol style="list-style-type: none">1. ** CONFIDENTIAL – NOT FOR PUBLIC DISCLOSURE **	N/A



2.17 Financial Hardship – Collection of Rates and Service Charges Policy

Policy Owner:	Corporate Services
Person Responsible:	Chief Executive Officer
Date of Approval:	xxx
Amended:	xxx

The Financial Hardship – Collection of Rates and Services Charges Policy outlines how the Shire will assist ratepayers experiencing financial hardship.

This purpose of this policy is to allow flexibility for payment of overdue rates and charges to find an appropriate payment solution that is effective and sustainable. This policy ensures all ratepayers are treated with respect, dignity, fairness, equity and confidentiality.

Financial Hardship Criteria

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:

- Recent unemployment or under-employment
- Sickness or recovery from sickness
- Low income or loss of income
- Unanticipated circumstances such as caring for and supporting extended family

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.

Payment Arrangements

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:

- That a ratepayer has made genuine effort to meet rate and service charge obligations in the past;
- The payment arrangement will establish a known end date that is realistic and achievable;
- The ratepayer will be responsible for informing the Shire of Chittering of any change in circumstance that jeopardises the agreed payment schedule.



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

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.

Debt recovery

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 third due payment, then we will continue to suspend debt recovery processes.

Where a ratepayer has not reasonably adhered to the agreed payment plan, then for any Rates and Service Charge debts that remain outstanding, we will offer the ratepayer one further opportunity of adhering to a payment plan that will clear the total debt.

Rates and service charge debts that remain outstanding, will then be subject to the rates debt recovery procedures prescribed in the *Local Government Act 1995*.

Financial Counselling

Financial counselling is a free service that assists people in financial difficulty. It helps people work through any problems they may be having with money – this may include managing a household budget and/or negotiating outstanding bills.

Financial counsellors provide information, support and advocacy and offer sound advice and support to anyone struggling to make ends meet. They have extensive knowledge of law and policy, including consumer credit law, debt enforcement practices, the bankruptcy regime, industry hardship policies and government concession frameworks.

Anyone can contact the Financial Counselling Helpline, 1800 007 007. This is a free confidential service for all Western Australians with financial issues. It provides information, strategies and guidance to assist those experiencing financial difficulties.

More information can be found on the [Financial Counsellors website](#).

The [Moneysmart website](#) also offers helpful advice, tools and information to assist in making sensible financial decisions.

Financial Counselling Contact Numbers

- Financial Counselling Australia - 1800 007 007
- The Spiers Centre - 9405 9507
- Anglicare Joondalup Financial Counselling – 1300 11 44 46

Implications (Strategic, Financial, Human Resources)

Consideration is to be given to the following for all requests:-

- Financial Implications to be considered with each case.
- *Local Government (Financial Management) Regulations 1996*
- Section 6.51 of the *Local Government Act 1995* (the Act)
- Section 6.12 of the Act
- Delegated Authority Register

Dispute Resolution

All disputes in regard to this policy will be referred to Executive Manager Corporate Services in the first instance. In the event that an agreement cannot be reached, the matter will be submitted to the Chief Executive Officer for a ruling.

DA18 Agreement as to Payment of Rates and Service Charges

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
Council Conditions on this Delegation:	Subject to: (a) The arrangements agreed on the basis that the total debt outstanding to be extinguished 12 months from the date of the arrangement in accordance with the criteria determined by the Executive Manager Corporate Services in the relevant management procedure; or (b) If the Financial Hardship – Collection of Rates and Service Charges Policy applies, the arrangements agreed to being on the basis that the total debt outstanding will be extinguished three years from the date of the arrangement.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Decision under Condition (b) above are only to be exercised by the Chief Executive Officer as detailed in the Financial Hardship – Collection of Rates and Service Charges Policy.

Compliance Links:	Council Policy 2.18 Financial Hardship – Collection of Rates and Service Charges Policy
Record Keeping:	The full details of the determination to be recorded in the appropriate rate record. <i>Financial Interests Returns Required - Yes</i>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	