

Policy Name:	Rates Financial Hardship
Classification:	Public – Council Policy
Adopted:	28 November 2023
Frequency of Review:	Biennial
Last Review:	September 2023
Next Review Due:	September 2025
Responsible Officer(s):	Manager Finance & Corporate Services
Policy and Code of Practice Manual File Ref:	CC10/2601
Council File Reference:	CR23/61672
Legislation Authority:	Local Government Act 1999
Related Policies and Codes:	Debtor Management Policy
Related Procedures:	Nil

1. BACKGROUND / INTRODUCTION

- 1.1 The Town of Gawler (the “Council”) is committed to assisting all ratepayers to sustainably manage their rate payments in a manner that best suits the customer whilst during times of financial hardship.
- 1.2 This Rates Financial Hardship Policy (the “policy”) provides a framework to identify ratepayers who are experiencing payment difficulties due to hardship and assist those ratepayers to better manage their expenses on an ongoing basis.
- 1.3 This policy sets out:
 - processes to identify ratepayers experiencing payment difficulties due to hardship as duly verified, including identification by Council, self-identification by a ratepayer or identification by an accredited financial counsellor or welfare agency; and
 - a range of processes or programs that Council will use or apply, to assist ratepayers who have been identified as experiencing payment difficulties.

2. SCOPE

- 2.1 This Policy will apply to all rateable assessments within the Council area.
- 2.2 This Policy does not limit or prevent Council officers from using their delegated powers to waive any fee, charge or amount of arrears relating to the provision of services for those ratepayers who are experiencing financial hardship.

3. IDENTIFYING RATEPAYERS EXPERIENCING FINANCIAL HARDSHIP

- 3.1 A ratepayer experiencing financial hardship can be identified by Council, themselves, or by an accredited financial counsellor or welfare agency as having the intention, but not the ongoing financial capacity, to make required payments in accordance with regulated payment terms.
- 3.2 Ratepayers who are identified as experiencing ongoing hardship are generally those on low or fixed incomes. These ratepayers may require ongoing assistance.
- 3.3 Ratepayers who may be identified as experiencing financial difficulty rather than financial hardship generally require flexibility and temporary assistance, such as an extension of time to pay or an alternative payment arrangement. These ratepayers are not covered by this policy. Ratepayers identified as experiencing financial difficulty will be subject to the provisions of Council's Debtor Management Policy for debt recovery.
- 3.4 All claims for and the extent of hardship will be determined by either Council's assessment process or by an external body, such as an accredited financial counsellor.
- 3.5 Where Council assesses a ratepayer's eligibility for hardship assistance, Council will consider indicators including (but not limited to) whether:
 - the ratepayer is on a Centrelink income and holds a Pensioner Concession Card or holds a Centrelink Low Income Health Care Card;
 - the ratepayer is eligible for a South Australian Government concession;
 - the ratepayer has been referred by an accredited financial counsellor or welfare agency;
 - the ratepayer advises they have previously applied for emergency relief (irrespective of whether or not their application was successful);
 - the ratepayer's payment history indicates that they have had difficulty meeting their rates obligation in the past; and
 - the ratepayer through self-assessment, has identified their position regarding their ability to pay.
- 3.6 Council will inform a ratepayer of this Ratepayer Hardship Policy where it appears that non-payment of rates is due to the ratepayer experiencing payment difficulties due to hardship.

4. ASSISTING RATEPAYERS WHO ARE EXPERIENCING FINANCIAL HARDSHIP

- 4.1 Where a ratepayer has been identified as experiencing financial hardship, Council will offer the ratepayer, as soon as is reasonably practicable, flexible and frequent payment options that have regard to the ratepayer's capacity to pay, payment method and current financial situation. These options will include the following:
 - an interest and fee free payment plan that complies with the appropriate clauses in the process document; or
 - use of Centrelink's Centrepay service (where available); or
 - other arrangement, under which the ratepayer is given more time to pay.
- 4.2 Council will engage in discussion with the ratepayer to determine a realistic payment option in line with the ratepayer's capacity to pay.

RATES FINANCIAL HARDSHIP POLICY

- 4.3 Council will work with a ratepayer's financial counsellor to determine the payment arrangement and instalment amount that best suits the ratepayer and their individual circumstances.
- 4.4 Where a ratepayer's circumstances change, Council will work with the ratepayer and their financial counsellor, to re-negotiate their payment arrangement.
- 4.5 Council will also offer the ratepayer:
- where appropriate, information about the right to have their rate notices redirected to a third person, so long as that third person consents in writing to that redirection;
 - information about, and referral to, Commonwealth and South Australian Government concessions, rebates, grants and assistance programs;
 - Information about, and referral to, accredited financial and other relevant counselling and support services, particularly where a ratepayer is experiencing ongoing financial hardship.
- 4.6 Council will not take any action to remove a ratepayer from our hardship program until Council has sent the ratepayer a written notice, allowing them 10 working days from the date of the notice to contact us to re-negotiate their re-entry into the program.

5. RIGHTS OF RATEPAYERS EXPERIENCING FINANCIAL HARDSHIP

Every ratepayer experiencing financial hardship has the right to:

- be treated respectfully on a case-by-case basis and have their circumstances kept confidential;
- receive information about alternative payment arrangements, the ratepayer hardship process and government concessions, rebates, grants and assistance programs.
- negotiate an amount they can afford to pay on a payment plan or other payment arrangement;
- consider various payment methods and receive written confirmation of the agreed payment arrangement within 10 business days;
- renegotiate their payment arrangement if there is a change in their circumstances;
- receive information about free and independent, accredited financial counselling services;
- receive a language interpreter service at no cost to the ratepayer; and
- be shielded from legal action and additional debt recovery costs, whilst they continue to make payments according to an agreed payment arrangement.

6. GENERAL PROVISIONS

Council will ensure ratepayers have equitable access to this ratepayer hardship process, and that this process is applied consistently. This policy is available on Council website: www.gawler.sa.gov.au.

7. CONFIDENTIALITY

Any information disclosed by a ratepayer is confidential and will not be used for any purpose other than the assessment of an application for assistance.

8. COMPLAINTS HANDLING

Details of our ratepayer complaints and dispute resolution process are available at our Council website www.gawler.sa.gov.au.

A ratepayer experiencing hardship has a right to have any complaint heard and addressed by Council and in the event that their complaint cannot be resolved, the right to escalate their complaint to the external dispute resolution body approved by the Essential Services Commission of South Australia.

10. REVIEW AND EVALUATION

The effectiveness of this Policy will be reviewed on a biennial basis unless a need arises due to a pandemic event. The Chief Executive Officer will report to Council on the outcome of the evaluation and if relevant make recommendations for amendments, alteration or substitution of a new Policy.

The Policy will not be altered or substituted so as to affect a process already commenced.

11. FURTHER INFORMATION

Further information about this Policy can be obtained by:

Telephone: (08) 8522 9211

Email: council@gawler.sa.gov.au

Appointment: Town of Gawler Administration Centre, 43 High Street, Gawler East.

Letter: PO Box 130, Gawler SA 5118

12. AVAILABILITY OF POLICY

The Policy is available to be downloaded, free of charge, from Council's website at www.gawler.sa.gov.au.

A printed copy may be purchased on request from the Council's Administration Centre.