



FINANCIAL HARDSHIP POLICY RATES AND CHARGES

03/04/2024



Please consider
the environment
before printing



Consider carefully how
the information in this
document is transmitted

Contents

Contents.....	2
Tables	2
Purpose.....	3
Policy.....	3
A. Pensioner Rebate	3
B. Payment Plans.....	3
C. Deferred Payments.....	4
D. Waiver of Interest and Legal Charges.....	4
E. Waiver of Rates and Charges	5
F. Support for Applications	6
Legislation.....	7
Annexure 1 - Definitions	9
Annexure 2 - Responsibilities / Delegated Authorities.....	10
Annexure 3 - Policy governance	11

Tables

Table 1: Definitions of terms	9
Table 2: Responsibilities of roles	10

Purpose

The purpose of this Policy is to ensure clear and consistent approach to assessing and providing support in relation to the payment of rates and associated charges to ratepayers in financial hardship.

Policy

Where ratepayers experience financial hardship, Council Officers will assist ratepayers to meet their rate and charges obligations to Council in accordance with the following prioritised assistance (subject to eligibility):

A. Pensioner Rebate

Pensioners who qualify for the State Concession Rebate are able to apply for an annual additional pensioner rebate, as determined by Council in the annual budget process. The rebate set for 2024/25 is \$220.

B. Payment Plans

Ratepayers experiencing financial difficulties and unable to pay outstanding rates and charges via the standard payment options may apply for a payment plan, subject to compliance with the following conditions:

- The ratepayer must be able to demonstrate they are experiencing Financial Hardship.
- A payment plan request must be confirmed in writing, by email or through the appropriate form on Council's website, specifying the proposed payment dates and amounts.
- Late payment penalty interest will be placed on hold until 30 June 2025 for all approved payment plans. The ratepayer accepts that interest will be levied at the rate set by the Attorney General (*Penalty Interest Rates Act 1983*) on any outstanding amounts after 30 June 2025.
- The payment plan will have a limited life of not greater than twelve (12) months following the end of the financial year the arrangement was entered into.
- Any default in the payment plan may end the arrangement and result in the commencement of collection activities which may incur interest and costs associated with the collection of the debt.
- Administration of applications to commence a payment plan shall be the responsibility of the Coordinator Revenue and Valuations.

C. Deferred Payments

An eligible ratepayer who owns a property in the City of Port Phillip that is the applicant’s sole or principal place of residence, will be able to request a deferral of rates and charges as follows:

Category	Deferral period	Interest
Eligible Pensioners / Self-funded retirees		
Age Pension recipients / Seniors Card holders	Deferred Indefinitely - until property is sold / estate settled	Interest will accrue annually on the deferred rates, charges, and interest at 50% of the rate set by the <i>Penalty Interest Rates Act 1983 - Section 2</i> , until the account is paid in full
Eligible Concession Card Holders		
Pensioner Concession Card - issued by Centrelink or Department of Veterans’ Affairs Department of Veterans’ Affairs Gold Card - War Widow (WW) Department of Veterans’ Affairs Gold Card -Totally and Permanently Incapacitated (TPI)	Deferral until 30 June of each financial year (Must reapply yearly – Maximum consecutive deferral period – 2 years)	Interest will accrue annually on the deferred rates, charges, and interest at 50% of the rate set by the <i>Penalty Interest Rates Act 1983 - Section 2</i> , until the account is paid in full
Unemployed / Other		
Long Term – Health Care Card	Deferral until 30 June of each financial year (Must reapply yearly – Maximum consecutive deferral period – 2 years)	Interest will accrue annually on the deferred rates, charges, and interest at 50% of the rate set by the <i>Penalty Interest Rates Act 1983 - Section 2</i> , until the account is paid in full

Successful applicants are not obliged to but may make payments at any time to reduce the deferred debt. Deferred payments will only be recommended where the financial hardship is expected to exceed one year.

Withdrawal of rate deferment

An approved deferral will be withdrawn in any of the following circumstances:

- The ratepayer’s circumstances have changed and payment of the debt would no longer cause hardship.
- The ratepayer no longer owns or occupies the property.
- The ratepayer has defaulted in any agreement associated with the deferral.

D. Waiver of Interest and Legal Charges

Council may waive interest and or costs (whole or part) where the ratepayer has demonstrated compassionate grounds for a payment being late. Acceptable compassionate grounds would generally relate to financial hardship, family breakdown, domestic violence, serious illness, or family tragedy.

If approval has been provided for penalty interest and or costs to be waived (whole or part thereof), the applicant must attend to the immediate settlement of the outstanding rates and

charges and or by the date specified by the Chief Financial Officer (CFO) or Coordinator Revenue and Valuations.

The waiver of penalty interest and costs will generally apply on a once only basis unless resulting from an administrative error.

E. Waiver of Rates and Charges

Ratepayers who are in arrears with their rates and charges are encouraged to enter into a payment plan (refer section B above) or deferral of rates and charges (refer section C above)

However, in the event that a ratepayer is unable to pay their rates due to a temporary financial crisis they may apply for a **one-off waiver**. The waiver is up to 50% of the Rates and Charges less Rebates, capped at a maximum of \$750 for the principal place of residence.

To ensure the maximum remains relative over time, the maximum amount will be indexed annually by the average combined increase in rates and waste charges for current ratepayers.

For the purpose of calculating the total rebate available, the following items in your rates notice will be included:

- General Rates
- Waste Charges
 - Default waste charge
 - Kerbside Food Organic Garden Organic Collection charge
 - 240 litre waste bin service charge
 - All rebates relating to waste:
 - 80 litre bin rebate
 - residential private collection rebate
 - residential one-occupancy rebate (car parks and or storage areas)
 - commercial one-occupancy waste rebate for car park space (not applicable to commercial car park operators).
- Council funded Pensioner Rebate
- Victoria Government funded Pensioner Rebate

The following items in your rates notice will **not** be included for waiver calculations:

- Fire Service Levy is set and payable to the Victorian Government, therefore Council will **not** include Fire Service Levy in the waiver calculation.
- Annual Garbage Charge for non-rateable tenements will not be included. Non-rateable properties do not pay general rates, so it is fair and appropriate that they contribute towards the cost of waste services.

The amount of the waiver depends on your total rates and the reasons outlined in the application for support.

The number of applications and the number and quantum of waivers provided will be reported each month in the CEO Report.

Eligibility conditions

Eligibility for a waiver of rates and charges will apply where Residential ratepayers are experiencing severe financial hardship and they demonstrate they are current recipients of the Victorian Government Utilities Relief Hardship Scheme.

Very low-income earners that do not meet automatic eligibility requirements may still be eligible for support. You must show that you have no way of paying the account without assistance, **and** you must meet **one** of the following criteria:

- You or someone in your house has experienced family violence.
- You have had a recent decrease in income, for example, lost your job.
- You have had high unexpected costs for essential items.
- The cost of shelter is more than 30% of your household income.

The General Manager and/or the CFO have discretion to consider eligibility outside of the above due to technicalities which would otherwise have resulted in eligibility. This will be used sparingly.

Council does not currently offer any waivers to recipients of an eligible concession or a class of persons determined by Council, on the grounds of financial hardship, other than as listed in this Policy.

F. Support for Applications

An applicant will be required to submit evidence in support of their application as required by Council in writing, by email or using an electronic application form nominated by Council appearing on Council's website.

Unless an applicant is automatically eligible given they are current recipients of Victorian Government Utilities Relief Hardship Scheme, Council may request that they provide some or all of the the following information on a confidential basis:

- a) Confirmation that the ratepayer is currently unemployed, stood down, working significantly reduced hours or receiving government assistance related to a scheme to support employees.
- b) Evidence of personal circumstances unrelated to employment (family tragedy, serious illness, domestic violence, or other serious and difficult unplanned circumstances) that has impacted the applicant's ability to pay their rates and charges.
- c) A current statement of assets and liabilities, including cash resources (or similar) available to meet ongoing living expenses. This may include related entities of the ratepayer.
- d) Copies of ratepayer's tax returns for the last 3 years.
- e) Details of any dependents.

The amount of information requested will depend on the type and level of support being requested and individual circumstances. Lower levels of information will be required for payment plans versus waivers or where evidence of hardship is proven through receipt of support for other layers of Government.

G. Appeal Process

If an applicant disagrees with the decision in accordance with this policy, they can submit an appeal in writing with the General Manager - Operations and Infrastructure, within 14 days.

H. Recovery of Rates and Charges

Where Council has informed a ratepayer of unpaid rates and charges and the options available, and a payment plan, deferral or waiver has not been approved, Council may recover the amount owing in the Magistrates' Court or by suing for debt.

In the event that Council's judgement debt remains outstanding, Council may seek the sale of land to meet payment of the outstanding debt. Approval from Council will be sought prior to commencement of this process in accordance with the sale of land process.

Legislation

Council is empowered to defer or waive rates, charges and interest based on the following legislative provisions of the *Local Government Act 1989*.

Section 170 (Deferred Payment)

"A Council may defer in whole or in part the payment by a person of any rate or charge which is due and payable for a specified period and subject to any conditions determined by the Council if it considers that an application by that person shows that the payment would cause hardship to the person."

Section 171/171A (Waiver)

"Council may waive the whole or part of any rate or charge or interest in relation to

- (a) an eligible recipient under subsection (4)*
- (b) any other class of persons determined by Council for the purpose of waiving rates or charges on the grounds of financial hardship."*

Section 171B (Payment plans for unpaid rates or charges)

" Council may enter into a plan with the person for the payment of a rate or charge (including interest charged under section 172."

Other Relevant Regulation/Legislation/Documents

Council Plan & Budget 2021-31

Local Government Act 1989

*Local Government Legislation Amendment
(Rating and Other Matters) Bill 2022*

State Concessions Act 2004

*Victorian Charter of Human Rights and
Responsibilities Act 2006 (the Charter Act)*

*[https://www.ombudsman.vic.gov.au/our-
impact/news/ombudsman-urges-greater-
protection-for-ratepayers-in-financial-hardship/](https://www.ombudsman.vic.gov.au/our-impact/news/ombudsman-urges-greater-protection-for-ratepayers-in-financial-hardship/)*

Council Rating Strategy

Valuation of Land Act 1960

Fire Services Property Levy Act 2012

Privacy and Data Protection Act 2014

*[https://services.dffh.vic.gov.au/utility-relief-
grant-scheme](https://services.dffh.vic.gov.au/utility-relief-grant-scheme)*

Annexure 1 - Definitions

Table 1: Definitions of terms

Term	Definition
Compassionate Grounds	Means circumstances of a compassionate nature including Financial Hardship, illness or death.
Severe Financial Hardship	<p>An owner of a residential property may experience severe financial hardship if they:</p> <ol style="list-style-type: none"> 1. experience a loss of employment or loss of income and the owner is currently receiving financial assistance from the State or Federal Government and/or qualifies for Victorian Government Utilities Relief Hardship Scheme; or, 2. have recently experienced: <ul style="list-style-type: none"> • family tragedy; • serious illness; • impacts of natural disaster; • other serious and difficult unplanned circumstances. <p>An owner is considered to be in severe hardship when they would be left unable to provide for themselves, their family or other dependents the following:</p> <ul style="list-style-type: none"> • food or clothing • accommodation • medical treatment • education • other basic necessities
Pensioner	Refers to a ratepayer who is currently eligible to receive the municipal rates concession under the provisions of the <i>State Concessions Act 2004</i>
Waiver	A “waiver” is a one-off abandonment, which removes the liability to pay, and may be offered to include the whole or part of any interest and costs. In extreme circumstances rates may be waived at the capped amount of \$750.

Annexure 2 - Responsibilities / Delegated Authorities

Table 2: Responsibilities of roles

Officer	Responsibility
Chief Executive Officer	For ensuring the policy and procedures are in place
General Manager Operations and Infrastructure	For ensuring the policy and procedures are implemented and assessing and considering appeals.
Chief Financial Officer	For receiving, assessing, and approving applications submitted for financial hardship. Reporting to Council where necessary
Coordinator Revenue & Valuations	For considering and determining applications for financial hardship, payment arrangements. Administration in relation to applications

DELEGATION OF DUTIES

Rate and Charges waivers can be authorised in accordance with the delegations table below:

Authoriser	Amount
Chief Financial Officer	Up to \$750*
General Manager Operations & Infrastructure	Up to \$750*

* The delegation amount will be updated annually as per Section E above.

Rate and Charges payment plans and deferred payments can be authorised in accordance with the delegations table below:

Authoriser	Amount
Coordinator Revenue & Valuations	Up to \$50,000
Chief Financial Officer	Up to \$200,000
General Manager Operations & Infrastructure	Up to \$500,000
Chief Executive Officer (as recommended by the Chief Financial Officer)	Above \$500,000

Annexure 3 - Policy governance

Responsible Service/Department:

Chief Financial Officer

Adoption Authorised:

Council Meeting

Date of Adoption:

17 April 2024

Date Effective From:

17 April 2024

ECM Content Manager folder:

Council Policy

ECM Content Manager file #:

7956127

Endorsed CEO or ELT member or department manager to make or approve document editorial amendments:

CFO via delegation from the CEO

Annual Desktop Review date:

March

Review date:

This Policy will be reviewed prior to August 2025

Completion date:

Valid until rescinded

Version number:

V5

Stakeholder review and engagement:

ELT and Council

Relevant Legislation:

Local Government Act 1989 including proposed amendments

Associated Strategic Direction:

Council Plan 2021-31 “Inclusive Governed Port Phillip”

Associated Instruments:

Finance related policies and procedures: Rating Strategy

<https://www.portphillip.vic.gov.au/council-services/rates-and-valuations/rates-concessions-and-hardship-relief>

Supersedes:

Financial Hardship Policy – Rates and Charges V4

Review History:

Name	Content Manager File Reference	Date	Description of Edits
Financial Hardship Policy – Rates and Charges V1	E42605/18	06/2011	Including Emergency relief – implementation policy and procedures
Financial Hardship Policy Rates and Charges V2	E53547/20	02/08/2020	Updated to reflect Council decision 25 March 2020
Financial Hardship Policy Rates and Charges V3	6584354	31/8/2021	As per Council Plan & Budget 2021-31 (Year 1)
Financial Hardship Policy Rates and Charges V4	6584446	3/8/2022	Clarifications and minor edits
Financial Hardship Policy Rates and Charges V5	7956127	17/4/2024	Conformance with State Government Guidelines & restriction to Principal Place of Residence in accordance with decision of Council