

10.10 Policy (Review) - Financial Assistance - Rates, Charges and Fees

POLICY NAME: DRAFT REVIEW
FINANCIAL ASSISTANCE - RATES, ANNUAL CHARGES
AND FEES

POLICY REF: F08

MEETING ADOPTED:

POLICY HISTORY: 230311/23; 260804 (052)



TABLE OF CONTENTS

OBJECTIVE.....	1
BACKGROUND.....	1
DEFINITIONS.....	1
SCOPE OF POLICY.....	1
RELATED DOCUMENTATION.....	1
POLICY	2
1. Deferral of the general rate when new land values are used.....	2
2. Deferral of rates and charges against the estate	2
3. Other Ratepayer Assistance	3
4. Ranger associated Fees & Charges.....	3
REVIEW	4

OBJECTIVE

To provide rate relief to those ratepayers who are experiencing genuine and significant financial difficulties in paying their rates, charges and fees.

To provide financial relief for residents experiencing genuine and significant financial difficulties in paying animal surrender, impounding and sustenance fees that Council imposes.

BACKGROUND

Council recognises that, at times, certain ratepayers may have difficulty in paying their property rates, charges and fees. Council is willing to provide financial assistance to ratepayers in these situations.

The Local Government Act 1993 allows Council to provide a range of assistance measures. This policy outlines the options Council will provide to cases of genuine financial hardship.

Additionally Council also recognises that residents may have difficulty meeting Council imposed ranger fees associated with animal surrender, impounding and sustenance. Council cannot alter the registration fees set by the Companion Animals Regulation 2008.

DEFINITIONS

Land value unimproved land value provided to Council by the Valuer General for the purpose of levying ordinary land rates.

Ranger fees & charges fees associated with animal surrender, impounding and substance fees.

companion animal means each of the following:
(a) a dog
(b) a cat
(c) any other animal that is prescribed by the regulations as a companion animal.

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SCOPE OF POLICY

This policy applies to:

- Ratepayers of Ballina Shire
- Residents of Ballina Shire who own or surrender a companion animal

RELATED DOCUMENTATION

Related documents, policies and legislation:

- Local Government Act 1993
- Council's rates and charges debt recovery procedure

- Companion Animals Act 1998
- Companion Animals Act Regulation 2008
- Companion Animals Act (DLG Guidelines - February 2010)
- Council's Companion Animals Management Plan

POLICY

Council will provide assistance for ratepayers facing genuine and significant financial hardship in the payment of their rates and charges. Rates, charges and fees are deemed to include all rates, charges and fees listed on a ratepayers' Rates & Charges Notice.

This policy also covers waiver, deferment or reduction provisions for residents experiencing genuine and significant financial hardship in the payment of Council imposed Ranger fees associated with the surrender, impounding and sustenance of companion animals. These subsidies may be treated as a community service obligation and reflected in Council's general income stream. Council cannot alter the registration fees set by the Companion Animals Regulation 2008. Council must remit the full fee set for each category of registration to the Division of Local Government.

The hardship assistance provisions offered are as follows:

1. Deferral of the general rate when new land values are used

In accordance with Section 601 of the Local Government Act 1993, if a property owner is eligible, Council will defer payment of the whole of the increase of the ordinary rate due, to the following rating year.

This is subject to one quarter of the amount of the increase being added to each instalment due in the following rating year. Interest is not charged on the deferred amount, unless it remains unpaid when the following rate instalment it was added to, becomes overdue.

The criteria used to determine eligibility is as follows:

- The property must be categorised residential or farmland for rating purposes
- The increase in land value must be greater than the residential shire wide average increase
- The ratepayer must own the property and also occupy the property as their principal place of abode
- The ratio of ordinary rates payable to gross household income must be greater than 3.5%
- The ratepayer will suffer substantial financial hardship if required to pay rates and charges when they fall due. The ratepayer must provide details of their income and expenses, with supporting evidence as required by Council
- This option is only available in the first year that new land values are used to levy rates.

2. Deferral of rates and charges against the estate

This option is offered in accordance with section 564 of the Local Government Act 1993. This option is only available to aged pensioners and self-funded retirees that satisfy the eligibility criteria to defer payment of part or all of their rates and charges against their estate.

Interest charges for approved applicants will be charged at the reserve bank cash rate. This interest rate will be reviewed annually on 1 July. This rate will then be effective for the entire financial year.

The criteria to be used to determine eligibility is as follows:

- The aged pensioner or self-funded retiree would suffer substantial financial hardship if required to pay rates and charges when they fall due. The applicant must provide details of their income and expenses, with supporting evidence as required by Council
- The property must be categorised residential or farmland for rating purposes
- The applicant must have owned the property for at least five years
- The applicant must occupy the property as their principal place of abode
- The applicant must apply annually and their circumstances must remain unchanged from the previous year
- If circumstances change and the applicant no longer qualifies, Council will negotiate a repayment plan for accrued arrears
- All applications for this type of assistance must be approved by the elected Council

3. Other Ratepayer Assistance

In addition to the options outlined Council will provide financial arrangements for ratepayers, who may not meet the criteria outlined in this policy, but are still facing financial difficulties, to pay their outstanding rates, charges and fees.

These agreements, which will be authorised by the General Manager, will generally allow the ratepayer an extended period of time to pay their account. Such agreements will be subject to interest charges as per the interest rate for overdue rates and charges detailed in Council's Schedule of Fees and Charges.

4. Ranger associated Fees & Charges

The General Manager, or delegate, may consider hardship matters relating to animal surrender, impounding and sustenance fees. Assistance may be provided in the form of allowing additional time to pay or waiving fees in cases of hardship. Council will not consider hardship applications in relation to animal registration fees or the costs of microchipping.

In cases of hardship the Council Rangers will have the discretion to waive animal surrender fees where there are animal welfare concerns and/or obvious community benefit. Where the Rangers exercise this discretion a report must be provided to the Group Manager of Regulatory Services detailing the amount waived, customer name and address, the circumstances of the case and the reason for the decision.

The following heads of consideration will be used to determine applications under this section:

- The presence of financial hardship – the applicant is a recipient of a pension, government payment or is undergoing some other form of financial hardship (i.e. due to a serious medical condition),
- Track record – the past behaviour of the applicant and their animal in relation to compliance with the Companion Animals Act,
- Public safety and risk – the animal has acted in an aggressive or dangerous manner and may present a risk to public health and safety,

- Confinement – the adequacy of confinement measures (i.e. fences) to contain the animal onto the property of the applicant.

REVIEW

This policy is to be reviewed every four years.