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|  | COUNCIL POLICY | |
| | Rates Relief Policy | |
| | POLICY NO.: | 016 |
| | DEPARTMENT: | ORGANISATIONAL SERVICES |
| | PROGRAM: | FINANCIAL SERVICES |
| | ENDORSED BY COUNCIL: | 24 JUNE 2020 (ORD-2020-142) |

1.0 Scope

This policy applies to those ratepayers who are experiencing serious financial hardship and as a result are unable to pay their rates and charges. The policy will only apply to non-profit community organisations and residential properties where the property is the ratepayers' principal place of residence and no commercial benefit is derived from the property.

2.0 Purpose

The objective of this policy is to establish a decision making framework to support an independent tribunal of a majority of appointed community representatives, who will make recommendations to Council as an advisory body regarding the most appropriate assistance to be offered to ratepayers who are experiencing genuine financial hardship.

3.0 Reference

- *Local Government Regulation 2012*
- *Local Government Act 2009*

4.0 Definitions

To assist in interpretation the following definitions shall apply:

Application Form shall mean Council's Rates Relief Application Form for the purpose of applying for assistance under this policy.

Council shall mean the Mayor and Councillors of Mackay Regional Council.

Hardship shall mean unable to meet basic requirements, including food, clothing, medicine, accommodation and children's education.

Human Rights Complaint shall mean a complaint about an alleged contravention of section 58-1 by a public entity in relation to an act or decision of the public entity.

MRC shall mean Mackay Regional Council.

Tribunal shall mean Rates Payment Review Tribunal, a committee delegated by Council to review hardship applications.

5.0 Background

In accordance with the provisions of the *Local Government Act 2009*, Council has resolved to implement a process to provide relief to residential ratepayers and non-profit community organisations experiencing hardship. Council recognises that circumstances may arise which negatively impact on a ratepayer's ability to meet their financial obligations.

Where a ratepayer can show that the payment of the full amount of rates and charges owed in the time required would entail "serious hardship" because of a loss the ratepayer has suffered, Council seeks to provide a framework for assistance deemed appropriate to the circumstances experienced.

Financial hardship exists when ratepayers are unable to meet basic requirements, including food, clothing, medicine, accommodation and children's education. This hardship may occur as a result of illness, long-term unemployment or death of a partner.

Human Rights have been considered when preparing this Policy.

6.0 Policy Statement

6.1 Role of the Rate Payment Review Tribunal

The Tribunal's role is to recommend to Council the most appropriate form of assistance that Council should provide to ratepayers who make application to the Tribunal and whom the Tribunal consider are experiencing serious financial hardship beyond their control.

6.2 Composition of the Tribunal

- The Tribunal consists of a minimum of three voluntary members and two current Councillors.
- Voluntary appointees may come from a number of backgrounds, however a financial background will be considered beneficial. When a vacancy arises on the Tribunal, Council may, at its discretion, appoint Tribunal members as nominated by various interest groups, Councillors or other Tribunal members.
- Council will reaffirm Tribunal membership each year.
- The voluntary community members will not be salaried or wage employees of Council.
- The Tribunal chair will be appointed by Council each year from the three external members appointed to the Tribunal.
- A quorum will consist of the Chair and three (3) of the other members of which one must be a Councillor. In the event of a split decision the Chair will carry the vote.
- Should the Chairperson not be present at the meeting, then the meeting shall elect a Chair from those present at that meeting.
- Secretarial and support services suitable to the Tribunal's needs shall be provided from within the Organisational Services department. However no other staff will have access to the applications put before the Tribunal.

6.3 Administration of the Tribunal

- The Tribunal shall meet on an 'as required' basis, dependent on applications.
- Due to the sensitive nature of an applicant's financial affairs, the Tribunal hearings will not be open to the public.
- The Tribunal will endeavor to schedule appointments to avoid any embarrassment to the applicant.
- The hearings will be conducted on a 'without prejudice' basis.
- The Tribunal will act as an Advisory Committee to Council.

6.4 Funding of Recommended Decisions

The Council shall make a specific budget allocation annually from which the relief or other assistance recommended by the Tribunal, and subsequently resolved by Council, will be funded. The Tribunal will be expected to operate within the budgetary limits allocated by Council.

All recommendations made by the Tribunal to Council shall be accompanied by a statement of actual expenses versus budget allocation.

Where the Council agrees to full or partial relief from interest charges for some period in the future, the costs of the interest foregone will be considered as part of the assistance funded by the Council from the allocated budget in that year.

6.5 Monitoring and Data Collection

Council will monitor assistance under this policy by including:

- register of application
- reasons for applications
- report on shortfall in Council income as a result of assistance provided.

6.6 Forms of Assistance that can be provided

Within the limitations of the specific assistance detailed in "Table A", the Tribunal can consider structuring the assistance as one or more of the following:

- repayment plans that are outside of the current Debt Recovery Policy
- interest costs either as a direct reimbursement for interest already charged or for interest that may accrue between the Tribunal's decision and satisfactory completion of an agreed repayment plan
- court costs or other related legal expenses already charged to the ratepayer for recovery of outstanding rates and charges
- actual financial assistance to a ratepayer to meet either rates and/or service charges levied
- assistance to ratepayers in meeting other charges that are attached to the land (e.g. unpaid noxious weed charges or some outstanding costs which MRC is entitled to attach to the land).

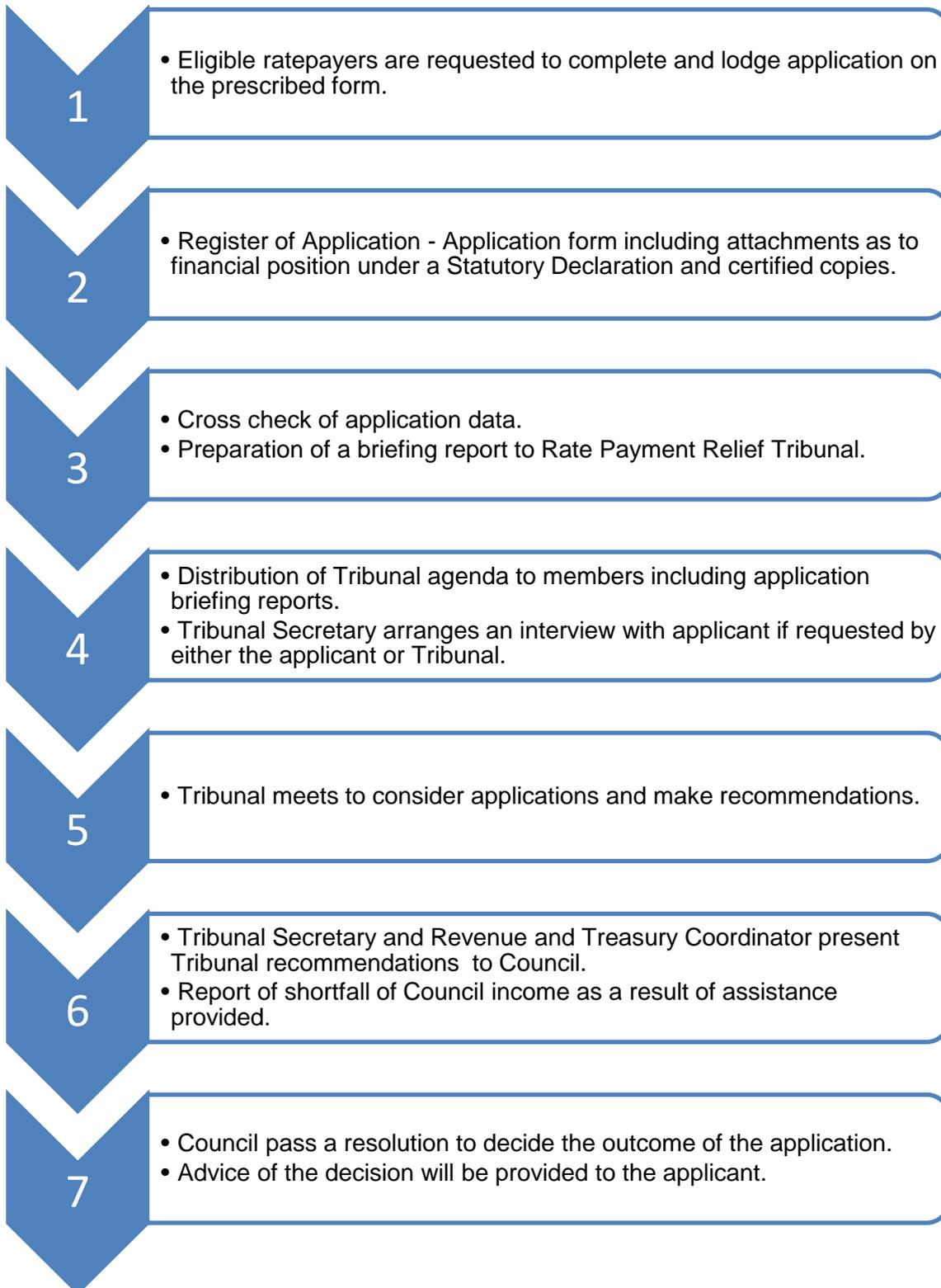
The Tribunal can recommend the following ranges of assistance for the listed categories of ratepayers:

"Table A"

| Categories of ratepayers | Assistance that can be recommended |
|--|--|
| <p>Residential ratepayers</p> <p>i) With six months or more in arrears; OR</p> <p>ii) Who have suffered a recent adverse incident leaving them unable to meet these basic needs; OR</p> <p>iii) Ratepayers experiencing serious hardship where the payment of the rates and charges would leave the ratepayer unable to meet reasonable needs for food, clothing, medicine, accommodation, education for children and other basic requirements.</p> | <ul style="list-style-type: none"> - The ratepayers may be eligible for assistance with interest, rates and charges, and/or payment terms outside the scope of the normal Debt Recovery Policy. |
| <p>Aged Pensioners and Self-funded Retirees</p> <p>i) Endeavouring to meet their rate account by regular instalments; OR</p> <p>ii) Part owner of the property they reside in and because of extreme hardship are unable to pay rates and/or do not qualify for full pensioner remission; OR</p> <p>iii) In serious financial hardship.</p> | <ul style="list-style-type: none"> - The ratepayer may be eligible for assistance with interest, rates and charges, and/or payment terms outside the scope of the normal Debt Recovery Policy. - Review the circumstances of applicants and make recommendations as to whether certain pensioners and self-funded retirees, otherwise ineligible due to policy reasons, should be entitled to assistance as though they were a Council pensioner. - The Tribunal may recommend the deferral of payment of the rates and charges for the lifetime of a pensioner or self-funded retiree experiencing hardship under Section 125 of Local Government Regulation 2012 with the rates and charges to remain a charge on the land. |
| <p>Non-profit Community Organisations</p> <p>i) That are already receiving rates based financial assistance or would be eligible if they did not have rates outstanding.</p> | <ul style="list-style-type: none"> - May be eligible for assistance with interest, rates and charges, and/or payment terms outside the scope of the normal Debt Recovery Policy. |

6.7 Process for an Application

The process for application to the Tribunal will remain simple and accessible as possible in recognition that at the very least, the ratepayers are experiencing financial difficulties. All applications are assessed confidentially and on merit.



6.8 Process if Ratepayers don't accept or comply with Tribunal Decisions

- If a ratepayer doesn't respond to the Tribunal's offer of assistance, MRC's billing services will continue with normal recovery action and provide a report to the next meeting of the Tribunal.
- If a ratepayer fails to completely comply with the Tribunal's offer of assistance, the billing services will report to the next meeting of the Tribunal, with their recommendation for action.

6.9 Communication of Policy

To maintain a high level of publicity of the policy and to ensure ratepayers in need are aware of the policy, MRC will adequately communicate its Rates Relief Policy, application form and associated material on the website.

6.10 Communication of Policy

This policy and in particular the monitor and data collection process, will ensure the privacy and confidentiality laws are adhered to. Data collected through the hardship assistance process will be dealt with by way of Council Policy 019 - Confidentiality Policy.

6.11 Human Right Complaints

When an individual feels that they are the subject of MRC's failure to act compatibly with human rights, they can make a complaint directly to MRC. These complaints will be assessed against the Human Rights Act 2019.

7.0 **Review of Policy**

This policy will be reviewed when any of the following occur:

1. The related documents are amended or replaced
2. Other circumstances as determined from time to time by a resolution of Council.

Notwithstanding the above, this policy is to be reviewed annually.

Version Control:

| Version | Reason / Trigger | Change | Endorsed / Reviewed | Date | Folio |
|---------|--------------------|--------|---------------------|----------|--------------|
| 1 | | | By Council | 20.08.08 | 1348 |
| 2 | Legislation Update | | | 30.01.12 | |
| 3 | Review | | By Council | 24.06.15 | 38389 |
| 4 | Annual Review | | By Council | 22.06.16 | 38078 |
| 5 | Annual Review | | By Council | 28.06.17 | 44763 |
| 6 | Annual Review | | By Council | 18.07.18 | 57780 |
| 7 | Annual Review | | By Council | 26.06.19 | 63034 |
| 8 | Annual Review | | By Council | 24.06.20 | ORD-2020-142 |