



FP8 – FINANCIAL HARDSHIP POLICY

MANAGEMENT PRACTICE: ASSESSMENT OF FINANCIAL HARDSHIP APPLICATIONS

DELEGATION: N/A

OBJECTIVE

This policy states the Council's position on allowing flexibility for payments on overdue debtor, and rates and service charges where extreme financial hardship is recognised, and outlines the scope and criteria for assessing applications of financial hardship.

SCOPE

This policy applies to debt owed to the Shire of Jerramungup.

This policy is not intended to provide relief to persons who are not able to evidence financial hardship, and the statutory provisions of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* will apply.

DEFINITIONS

'debtor' means any person who owes money to the Shire, including persons owing rates and service charges.

'Payment difficulties, or short term financial hardship' means where a change in a debtors circumstances result in an inability to pay a debt.

'financial hardship' occurs where:

- a. a natural person who is identified by themselves, by the Shire, or an accredited financial counsellor, or by a welfare agency as having the intention, but not the financial capability, to make required payments in accordance with the Shire's payment terms.
- b. a body corporate is experiencing financial hardship if it has:
 - i. a significant decline in revenue such that it is no longer profitable; and
 - ii. no reserves to draw upon such that payment to the Shire would require an increase in the businesses debt.

'residential ratepayer' means a person who is liable to pay a rate or service charge to the Shire on the basis that the land is used for residential purposes.

'small business' has the meaning given in the *Small Business Development Corporation Act 1983*.

'small business ratepayer' means a person who is liable to pay a rate or service charge to the Shire on land used by the person for the purpose of carrying out a small business owned or operated by the person.

POLICY STATEMENT

Council recognises that there are cases of genuine financial hardship where additional charges would cause the debtor or ratepayer further financial hardship. This policy establishes guidelines to ensure all applicants are treated with respect, equality and confidentiality.

Financial Hardship Examples

While evidence of hardship will be required, the Shire recognises that not all circumstances are alike. A flexible approach will be taken to a range of individual circumstances including, but not limited to, the following situations:

- Loss of a ratepayer's/debtor's (or their family member's) primary income;
- Sudden bereavement within a family;
- Severe/life threatening illness or medical condition;
- Physical or mental health problems;
- Domestic or family violence;
- A chronically ill child.

Conditions

Ratepayers and debtors 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. The Shire will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying with our statutory responsibilities.

Documentation for assessment can include the following:

- A letter from a recognised financial counsellor (i.e. must be a member of a financial counselling association, for example Financial Counsellors' Association of WA (FCAWA) or financial planner confirming financial hardship or a Statutory Declaration from a ratepayer or debtor outlining reasons for applying for hardship;
- Copy of recent bank statements of all bank accounts;
- Any related Centrelink documentation (if applicable);
- A repayment proposal;
- Ratepayer or debtor is not a corporate or trustee;
- Ratepayer or debtor is not bankrupt or subject to a bankruptcy petition.

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, we will continue suspension of debt recovery processes.

The debt will need to be fully repaid by the end of the subsequent financial year of the debt repayment arrangement commencing, e.g. debt arrangement in place 2020/21 must be fully repaid by 30 June 2022.

Payment Arrangements

Payment arrangements facilitated in accordance with section 6.49 of the *Local Government Act 1995* will be of an agreed frequency and amount. These arrangements will consider the following:

- That a ratepayer or debtor 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 or debtor will be responsible for informing the Shire of Jerramungup of any change in circumstance that affects the agreed payment schedule; and
- The need to have the debt fully repaid by the end of the subsequent financial year.

In the case of severe financial hardship, the Shire reserves the right to consider waiving additional charges or interest (excluding the late payment interest applicable to the Emergency Services Levy).

Interest Charges

A ratepayer or debtor who 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.

Deferment of Rates

Deferment of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or Seniors Card and Commonwealth Seniors Health Care Card registered on their property. The deferred rates balance:

- remains as a debt on the property until paid;
- becomes payable in full upon the passing of the pensioner or if the property is sold or if the pensioner ceases to reside in the property;
- may be paid at any time, BUT the concession will not apply when the rates debt is subsequently paid (deferral forfeits the right to any concession entitlement); and
- does not incur penalty interest charges.

Communication and Confidentiality

We will maintain confidential communications at all times and undertake to communicate with a nominated support person or other third party at your request.

We will advise ratepayers of this policy and its application, when communicating in any format (i.e. verbal or written) with a ratepayer that has an outstanding rates or service charge debt.

We recognise that applicants for hardship consideration are experiencing additional stressors, and may have complex needs. We will provide additional time to respond to communication and will communicate in alternative formats where appropriate. We will ensure all communication with applicants is clear and respectful.

Review

The Shire will advise ratepayers or debtors of all decision made under this policy and advise them of their right to seek a review by the full Council.

Conflict of Interest

Where the ratepayer or debtor has a close relationship with any staff member, or Councillor, that staff member or Councillor must remove themselves from any decision-making process.

Relevant Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>
Related Documents:	N/A
Related Local Law:	N/A
Related Policies:	FP2 – Debt Collection Policy
Adopted:	19 March 2014 OC140309
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Next Review Date:	2024