



COVID-19 Rates Financial Assistance

| | |
|-----------------------|-------------------------------|
| Policy No: | 1.8.20 (V1) |
| Date Adopted: | 25/05/2020 |
| Minute No: | 2020/155 |
| Supersedes: | - |
| Proposed Review Date: | 25/05/2022 |
| Responsible Officer: | Manager of Corporate Services |

Verified by General Manager.....

Verified by Mayor.....

TITLE AND DURATION OF POLICY

This Policy shall be known as the **COVID-19 Rates Financial Assistance Policy** and will commence on Tuesday, 26 May, 2020 and shall remain in force until Sunday, 31 December, 2020.

PURPOSE

Council has a legislative responsibility to maintain effective financial control over its operations. Council must ensure that monies owed are collected in a timely, efficient and effective manner in order to provide services to the community.

The purpose of the **COVID-19 Rates Financial Assistance Policy** is to provide an adopted framework detailing the Rate payment options and assistance available to Ratepayers if they are currently experiencing financial hardship due to the COVID-19 pandemic. Whilst currently existing as a separate entity, this Policy is an addendum to, and should be read in conjunction with, Rates and Charges Hardship Policy (see **"SCOPE"** defined hereunder).

This Policy provides assistance only to eligible Ratepayers with Ordinary Rates, Annual Charges and Water Usage Charges only, and does not refer to any other debt or Fees/Charges payable to Council.

Related Legislation

- Local Government Act, 1993
- Local Government (General Regulation) 2005
- COVID-19 Legislative Amendment (Emergency Measures) Act 2020 No.1 (NSW)
- Privacy and Personal Information Protection Act, 1998

Related Documentation

- Council's Code of Conduct
- Council's Revenue Policy
- Rates and Charges Hardship Policy
- Office of Local Government Debt Management and Hardship Guidelines, November 2018

DEFINITIONS

To assist in interpretation, the following definitions apply:-

| Term | Definition |
|----------------------------|---|
| Act | NSW Local Government Act, 1993 |
| Application | A submission made by a Ratepayer on the prescribed Form to be considered under the provisions of this Policy |
| Council | Bourke Shire Council |
| Instalments | Quarterly Rates and Charges Instalments as specified in the Local Government Act, 1993 being those due on 31 May 2020, 31 August 2020 and 30 November 2020, and / or Quarterly Water Usage Charges that fall due between 26 May, 2020 and 30 November, 2020 |
| Deferral | When Council grants an extension for payment in full of Instalments by the Due Dates |
| Interest | The fee or penalty charged by Council, expressed as a percentage, on Rates Annual Charges and Water Usage Charges that remain unpaid after the due date |
| Interest Rate | Made in accordance with Section 566 of the Local Government Act, 1993 |
| Payment Arrangement | An agreement entered into by Council and a Ratepayer for the payment of outstanding or unpaid Rates and Charges, and Water Usage Charges, under the provisions of this Policy, as stipulated in the Agreement |

| | |
|----------------------------|--|
| Rates and Charges | Ordinary Rates and Annual Charges levied in accordance with the NSW Local Government Act, 1993 |
| Water Usage Charges | Water Usage (Consumption) Charges levied in accordance with the NSW Local Government Act, 1993 and the Water Management Act 2000 |
| Ratepayer | The person liable for payment of Rates and Charges for the property in accordance with the NSW Local Government Act, 1993 |
| Eligible Ratepayer | Ratepayer or person liable for the payment of Rates and Water Charges who meet the eligibility criteria as outlined in this Policy |

SCOPE

The COVID-19 Rates Financial Assistance Policy aligns with Council's existing Debt Recovery Policy and Rates and Charges Hardship Policy. All Ratepayers who are experiencing longer term financial hardship, not associated with COVID-19, are encouraged to make application for assistance under the Rates and Charges Hardship Policy.

The COVID-19 Rates Financial Assistance Policy applies to all Ratepayers, Council staff, elected members of Council and contracted service providers.

The specific provisions contained within the Local Government Act, 1993 and associated Regulations must be adhered to when applying this Policy.

All Debts Other Than Annual Rates and Charges and Water Usage Charges

Council will only consider debts relating to Rates and Annual Charges and Water Usage Charges under this Policy, all other COVID-19 Financial Hardship related requests will be considered separate to this Policy and on a case by case basis.

OBJECTIVES

The deferral of rate instalments due to an event like COVID-19 can cause a secondary bout of financial stress when the event has concluded and the deferred Rate and Water instalments become due and payable. Council's aim is to provide support to **eligible Ratepayers** with options for payment of rate instalments through the COVID-19 pandemic without creating additional financial stress when the pandemic has been resolved. This is assisted by an interest free period.

When undertaking an assessment of applications under this Policy, Council will be guided by the principles of:-

- Equity – to ensure consistency, fairness, integrity and confidentiality of all proceedings for both Council and the Ratepayer.
- Engagement – Council is committed to engaging with Ratepayers.
- Transparency – ensuring obligations of Council's Ratepayers are clear in assisting them to meet their financial obligations.
- Financial Hardship – Council will assess COVID-19 rates financial assistance applications on an individual basis and will be courteous and respectful.

POLICY ELIGIBILITY

An Eligible Ratepayer must make an application under the Policy (see also “APPLICATIONS” below).

The criteria for application are as follows:-

- A Ratepayer who is receiving regular COVID-19 related income support:-
 - JobSeeker Payment
 - JobKeeper Payment
 - Farm Household Allowance
- A landlord whose rental income has decreased by at least 30% from an existing tenancy agreement
- A business who qualifies for the JobKeeper payment
- Any other Federal Government COVID-19 specific support payments as determined by the General Manager as being appropriate for the application of this Policy.

Supporting documentation when receiving any of the above, or any other document as determined by Council, will be required as part of the application process and must be submitted at the time of the application.

ORDINARY RATES AND ANNUAL CHARGES, INTEREST CHARGES AND DEBT RECOVERY

Rate Instalments due 31 May 2020, 31 August 2020, 30 November 2020, and Any Water Consumption Charges Falling Due During this Period

This Policy provides for eligible Ratepayers, who meet the required criteria, to defer payment of the Rate instalments due on 31 May 2020, 31 August 2020 and 30th November, and any Water Consumption Charges that fall due during this period, until 31 December 2020.

Council will encourage eligible Ratepayers to set up a payment arrangement with Council that is tailored specifically to the eligible Ratepayers' needs. The aim of the payment arrangement is to have the debt relating to the three rate instalment payments that are due on 31 May 2020, 31 August 2020 and 30th November, and any water Consumption Charges that fall due during this period, paid in full by 31 December, 2020. This will help to ensure that further debt shock is not experienced when these three Rate instalments, and any Water Consumption Charges, become due and payable together with future Rate instalments and Water Consumption Charges.

Payment of these Rate instalments and Water Consumption Charges may also be deferred in full until 31 December, 2020, where a payment arrangement cannot be entered into.

Interest Charges on Overdue Rate Instalments 31 May 2020, 31 August 2020, 30 November 2020, and Any Water Charges Falling Due During This Period

No interest will be charged on overdue instalments that are due on 31 May 2020, 31 August 2020, 30 November 2020, and any Water Consumption Charges that fall due during this period, **to eligible Ratepayers**, for the period 1 June 2020 until 31 December, 2020, provided the Agreement is adhered to, to the satisfaction of Council.

Outstanding balances as at, and as from, the 01st January 2021, will accrue interest at the prescribed rate.

DEBT RECOVERY AND LEGAL ACTION

For approved Ratepayers meeting the criteria under this Policy, including agreed arrangements, debt recovery proceedings will be placed on hold from 26 May 2020 to 31 December 2020.

Council may make a reasonable attempt to contact a Ratepayer about an arrangement made under this Policy if required.

There are special provisions in place in relation to the undertaking of Legal Action for eligible Applicants, under the NSW Local Government Act 1993, Section 747 AB, if appropriate.

APPLICATIONS

Eligible Ratepayers requesting to access the **COVID-19 Rates Financial Assistance** must submit the appropriate application that is available on Council's website or if unable to access Council's website by contacting Councils Revenue Officer for assistance. Ratepayers will be required to complete an application and provide the appropriate supporting documentation to access the provisions of this Policy.

Should Ratepayers meet the eligibility criteria as detailed within this Policy and the application is accepted by Council, the eligible Ratepayer will be notified by return email or in writing. A subsequent Agreement will need to be entered into to pay any rates and charges, as per the guidelines. THE ADHERENCE TO THE CONDITIONS OF THIS AGREEMENT BY THE RATEPAYER WILL BE CRUTIAL IN MAINTAINING THE AGREEMENT.

All **COVID-19 Rates Financial Assistance** applications will be assessed by Council and recommendations to the General Manager will be provided where required in accordance with this Policy.

Councils existing Financial Hardship Policy, not associated with COVID-19, assists those Ratepayers who are experiencing financial hardship over a longer term at their primary residence. This Policy remains in place and should be accessed when Ratepayers are experiencing longer term financial hardship.

Existing Debt Prior to COVID-19

Eligible Ratepayers with existing outstanding balances prior to 31 May 2020 will not be eligible for deferral under these circumstances. Council will assess such applications on a case by case basis and the eligible Ratepayer will be contacted by Council to discuss suitable payment arrangements.

Approval and Dispute Resolution

A determination under this Policy will be assessed against the supporting documentation provided by the applicant. Each application will be considered on a case by case basis. The Ratepayer will be informed of the General Manager's decision via email or in writing and if the applicant is not satisfied, and has additional information that may assist with further consideration of the decision, they make an a further application to be considered.

The General Manger can exercise their discretion in regards to adherence of the operational procedures of this Policy.

The General Manager has the authority to ultimately make any decision under this Policy and may take into account any other factors as deemed necessary to either approve and not approve any application made under this Policy.

Council reserves the right to amend this Policy from time to time without notice.