

Corporate Plan Reference:	Theme 5: Excellence Objective 5.2: Continue to deliver a financially sustainable Council that has the resources now and into the future to achieve its strategic objectives. This will be supported through the introduction of enhanced sustainability reporting and performance indicators, as well as ESG (environment social and governance) accounting practices as guided by statutory requirements
Endorsed by Council:	
Policy Author:	Director Corporate Services

POLICY STATEMENT

Under the provisions of the Queensland *Local Government Regulation 2012* (LGR) Council has the ability to provide concessions when payment of the rates or charges will cause financial hardship for the landowner. Noosa Shire Council (Council, 'we', 'us', 'our') recognises that sometimes, due to a variety of factors, property owners may face severe financial problems that impact on their ability to pay their rates and charges and seeks to support them in these difficult times. However, Council also acknowledges that the granting of these concessions has the potential to adversely impact on Council's services and burden other ratepayers, so Council will deal with applications for concessions on the grounds of hardship in a way that is compassionate, equitable, transparent, responsive to the landowner's capacity to pay and financially responsible, having regard to Council's obligation to maintain its financial sustainability.

PURPOSE

The purpose of this Policy is to explain how Council provides financial assistance regarding rates and changes, to landowners where financial hardship is proven to exist.

SCOPE

This Policy will allow Council to consider applications for financial assistance from landowners who are experiencing financial hardship and as a result are unable to pay their rates and charges by the due date. Furthermore, this Policy applies to the granting of concessions on the grounds that payment of the rates or charges will cause hardship to certain landowners.

REVIEW

This policy will be reviewed annually for adoption as part of the annual budget.

COUNCIL POLICY

Legislative Requirements

Section 120(1)(c) of the LGR states that “the local government may grant the concession only if it is satisfied the payment of the rates or charges will cause financial hardship to the landowner.”

What is Hardship?

Hardship may arise in a variety of situations, including in a situation where payment of rates and charges by a landowner will cause the landowner an appreciable detriment of some form, whether that be financial, personal or otherwise. Each situation affecting a landowner needs to be assessed on a case-by-case basis, and consider a range of matters affecting the landowner including, but not limited to:

- Loss of employment of the landowner or family member.
- Family breakdown, including domestic violence.
- Physical and mental health issues, including illness, physical incapacity, hospitalisation, or mental illness of the landowner or landowner’s family member.
- A disaster within the Noosa local government area affecting the landowner or their dependents.
- A death in the family of the landowner.
- Other factors resulting in unforeseen changes in the landowner’s capacity to meet their payment obligations, whether through a reduction in income or through an increase in non-discretionary expenditure.

Eligibility Criteria

To be eligible for a concession under this Policy, the following must apply:

- The applicant must be a sole or joint owner of the property.
- The property must be the landowner’s principal place of residence.
- The applicant must have legal responsibility for payment of the property’s rates and charges.
- The landowner must provide sufficient information to demonstrate that they will suffer hardship if required to pay rates and charges when due.
- The property is not let, partially or fully, for either short or long term rental to derive income.
- There is demonstrated sound record of payment history for Council rates and charges.
- The balance or amount payable exceeds \$1,000.

A landowner will not be eligible to make an application under this policy if:

- They own more than one property in the Noosa Local Government Area.
- Where Noosa Council has already commenced recovery action by either (a) referring the matter of the outstanding rates to a debt recovery agency or (b) commencing action per section 140 of the Local Government Regulation 2012 to sell land for overdue rates.

Types of Concession provided

1. A 12-month interest free payment plan for overdue rates and charges under which all outstanding rates and charges will be paid within 12 months of the agreement. To be eligible for this type of concession the landowner must complete a Hardship Concession Application Form, and provide a statutory declaration including sufficient supporting information such as:
 - a) The event or events that impacted on the landowner’s ability to pay the rates and charges.
 - b) The landowner’s estimated income and expenditure from all sources for the year in which

- the application is made, and previous financial years when the rates and charge were not paid.
- c) The current balances of any bank accounts and investment accounts held by or for the landowner, and a description of all loans including balances owing, and if relevant the extent to which any loan payment is overdue (note that account numbers will not be requested and should not be provided)
 - d) The landowner's assets – whether the asset is owned by the landowner or by a company in which the landowner has a controlling interest – including the estimated value of each asset.
 - e) Details of superannuation fund balances and if an early release has been sought to assist in paying the debts.
2. A 2-year interest free payment plan for overdue rates and charges under which all outstanding rates and charges will be paid within 2 years of the agreement. To be eligible for this type of concession the landowner must provide proof they have engaged with a financial counsellor, who has determined that there is a reasonable expectation that the landowner will be able to clear all outstanding rates and charges within the 2-year period.

Information on where to access a financial counsellor can be found on the Australian Government website www.afsa.gov.au/i-cant-pay-my-debts/support-services/where-find-help-managing-debts.

Payment plans under this policy will be interest-free for a maximum period of 2 years from the date the plan is approved by Council. Interest accrued prior to this date will not be reversed. Payment plans will be reviewed quarterly, and interest will accrue again from the date of any default in making a payment under the agreed plan.

Council's usual debt recovery action will be suspended while a payment plan is in place and being followed.

Exceptional Circumstances

After applying for a concession under this policy, a landowner is not eligible to make another application for two years unless the applicant:

- a) demonstrates in the fresh application that he or she has made significant progress in reducing the value of arrears (generally a 40% reduction in the debt will be regarded as a significant reduction), or
- b) demonstrates that they have exhausted all other avenues to alleviate the situation – for example by making real efforts to sell the property or other assets.

Where exceptional circumstances exist beyond this Policy, individual circumstances will be considered on a case-by-case basis and presented to the Council for individual consideration.

Failure to Comply

Council reserves the right to rescind the concession and where necessary recommence normal debt recovery action should the ratepayer fail to respond comply with the agreed concession requirements.

ROLES AND RESPONSIBILITIES

Councillors

Councillors will consider and adopt Council's Rates and Charges Financial Hardship Policy.

Chief Executive Officer (CEO) and Executive Team

The CEO and Executive Team will endorse the Rates and Charges Financial Hardship Policy for Council adoption and provide leadership and commitment in complying with the Policy and relevant legislation and documents.

Revenue Services

Revenue Services will assess and process applications, maintain the list of applied concessions and undertake reviews of eligibility in accordance with this Policy.

Applicant

Applicants who apply for consideration under this Policy are entitled to a prompt response to their application and to be kept informed of the progress and outcome of the application process.

RELEVANT LEGISLATION AND POLICIES

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Noosa Council Revenue Statement*
- *Noosa Council Revenue Policy*

HUMAN RIGHTS COMPATIBILITY STATEMENT

In developing this policy, the subject matter has been considered in accordance with the requirements of the Queensland Human Rights Act 2019. It is considered that the subject matter does not conflict with any human rights and supports a human rights approach to decision making by Council.

This policy should be read in conjunction with the *Human Rights Act 2019* (QLD) and Council’s *Human Rights Policy*.

Version control:

Version	Reason/ Trigger	Change (Y/N)	Endorsed/ Reviewed by	Date
1.0	New	N	Council	28/06/2024