

MURRAY RIVER COUNCIL
COUNCIL POLICY

RATES & CHARGES HARDSHIP POLICY

POL-210.V#2



murray river
council

1. INTRODUCTION

- 1.1 This Rates & Charges Hardship Policy (Policy) provides flexible payment arrangements for **Ratepayers** experiencing **Hardship** paying their **Rates and Charges** to Murray River Council (Council).
- 1.2 **Council** recognises that from time to time some **Ratepayers** may have difficulty in paying their **Rates and Charges** and believes it should work with such **Ratepayers** to find alternative payment options.
- 1.3 **Council** also has a responsibility to recover monies owing to it in a timely, efficient and effective manner, to finance its operations and ensure the continued delivery of its services.
- 1.4 This Policy should be read in conjunction with the:
 - ▶ Rates and Charges Hardship Procedure;
 - ▶ Debt Recovery Policy; and
 - ▶ Debt Recovery Procedure.

2. OBJECTIVES

- 2.1 The objectives of this **Policy** are to:
 - ▶ provide, within the constraints of the law, support to **Ratepayers** who are experiencing genuine **Hardship** with the payment of their **Rates and Charges**, and
 - ▶ provide a framework to assess all **Hardship** applications.

3. SCOPE

- 3.1 This **Policy** applies to all **Ratepayers** relating to the **Rates & Charges** listed below:
 - ▶ General & Special Rates (including any special levies)
 - ▶ Stormwater Charges
 - ▶ Water Charges (both Filtered and Raw), including charges based on usage
 - ▶ Sewerage Charges, including Discharge Charges and Trade Waste Charges
 - ▶ Waste Charges including Landfill Rehabilitation Charges
 - ▶ Any interest on overdue accounts or recovery costs on any of the above **Rates and Charges**.

4. POLICY STATEMENT

- 4.1 This **Policy** provides a framework for responding to applications from **Ratepayers** experiencing genuine **Hardship** with the payment of their **Rates and Charges** in accordance with the **Act** and the **Regulation**.
- 4.2 The **Act** provides for the following assistance to **Ratepayers** who may experience **Hardship** in some circumstances in paying **Rates and Charges**.
 - ▶ Periodical payment arrangements for overdue rates and charges - **Act**, section 564
 - ▶ Writing off or reducing interest accrued on rates or charges - **Act**, section 564 & 567
 - ▶ Waiving, reducing or deferring the payment of the increase in the rates & charges payable because of hardship resulting from general revaluation of land in the local government area - **Act**, section 601
 - ▶ Waiving, or reducing rates, charges and interest of **Eligible Pensioners** - **Act**, section 575 & 582
 - ▶ Waiving or reducing a fee - **Act**, section 5610E
- 4.3 The current legislation and regulations does not permit **Council** to waive or reduce **Rates & Charges** under any other circumstances.

5. ELIGIBILITY & IMPLEMENTATION

- 5.1 A **Ratepayer** may be eligible for consideration for **Hardship** assistance in the payment of overdue **Rates & Charges**, including any **Interest** thereon and any other cost incurred, where:
- (a) an actual **Hardship** exists,
 - (b) the **Ratepayer** is the owner or part owner of the property and is liable for the payment of **Rates & Charges** levied on the property,
 - (c) the property is categorised as “residential” or “farmland” for rating purposes, and
 - (d) the property is the principal place of residence of the **Ratepayer(s)** and in which they are currently residing, and
 - (e) The **Ratepayer(s)** understand and are willing to adhere to the terms of any arrangement made to pay the overdue **Rates and Charges**.
- 5.2 A payment schedule is to be devised and accepted by the **Ratepayer**, for settlement of the outstanding amounts within the time periods specified in this **Policy**, taking into consideration future **Rates & Charges** that will become due for payment.
- 5.3 Provided the payment schedule is adhered to, no **Interest** will be payable on outstanding amounts.
- 5.4 A default in the payment schedule will result in **Interest** being levied from the day after the date of last payment.
- 5.5 A repayment schedule for no more than twelve (12) months will require the submission of information by the **Ratepayer** to establish that the **Ratepayer** is facing a situation of **Hardship**.
- 5.6 Any repayment schedule greater than 12 months will require:
- (a) evidence of meetings with financial advisors and their recommendations, and
 - (b) in the case of a business or an incorporated entity, copies of operating statements, balance sheets, cash flow statements and budgets.
- 5.7 The following arrangements are not envisaged under this **Policy**.
- (c) Arrangements for greater than two (2) years.
 - (d) Arrangements where no payment is to be made for a period of more than three (3) months.
- 5.8 The **Policy** will apply holistically across the **Council** area when a drought is declared. In such an instance Clause 4.5 will not apply.
- 5.9 The **Ratepayer** is required to contact **Council** immediately if there is any change in circumstances of the **Hardship**.
- 5.10 **Council** will individually consider applications for **Hardship** assistance
- 5.11 Personal information collected as a result of this **Policy** will be used only for the purpose of assessing eligibility under the **Policy** and will not be used for any other purpose or disclosed to any other person unless required by law to do so or authorised to do so by the person to whom the personal information relates.
- 5.12 Where a **Ratepayer**:
- (e) is unable to settle overdue amounts within the timeframes identified within this **Policy**, or
 - (f) does not accept a repayment schedule, or
 - (g) fails to adhere to an agreed repayment schedule,
- Council** will take steps to recover the outstanding **Rates & Charges** in keeping with legislative and regulatory provisions.

6. IMPLEMENTATION AND DELEGATION

- 6.1 Rates & Charges Hardship Applications will only be processed by those **Council Officers** with delegated authority from the **CEO**.
- 6.2 Training will be provided to give the relevant **Council Officers** the knowledge to assess applications on a case-by-case basis, acting in accordance with this **Policy** and within their delegated authority.
- 6.3 Completed application forms will be stored in **Council's** document management system, with access restricted to those **Council Officers** with delegated authority to act on them.

7. EVALUATION & REVIEW

- 7.1 It is the responsibility of the Chief Financial Officer to monitor the adequacy of this **Policy** and recommend appropriate changes.
- 7.2 This **Policy** will be formally reviewed every three (3) years or as needed, whichever comes first.

8. LEGISLATION, ASSOCIATED DOCUMENTS AND TERMINOLOGY

Legislation

- ▶ Local Government Act 1993 (NSW)
- ▶ Local Government (General) Regulation 2021 (NSW)
- ▶ Privacy and Personal Information Protection Act 1998 (NSW)
- ▶ Social Security Act 1991 (Cth)
- ▶ Valuation of Land Act 1916 (NSW)
- ▶ Veterans' Entitlement Act 1986 (Cth)

Associated Documents - External

- ▶ ACCC – Debt Collection Guidelines for Collectors and Creditors
- ▶ OLG - Debt Management and Hardship Guidelines (2018).

Associated Documents - Internal

- ▶ Murray River Council Rates & Charges Hardship Procedure
- ▶ Murray River Council Rates & Charges Hardship Application Form
- ▶ Murray River Council Revenue Policy

Definitions:

Term	Definition
ACCC	Australian Competition & Consumer Commission
Act	Local Government Act No. 30 of 1993 (NSW)
CEO	General Manager, also referred to as the Chief Executive Officer
Charges	Carries the meaning assigned to the word in the Act commencing at s491
Council Officer	<p>An officer is defined as being one of the following:</p> <ul style="list-style-type: none"> ▶ An employee, or ▶ A contractor or subcontractor, or ▶ An employee of a contractor or subcontractor, or ▶ An employee of a labour hire company who has been assigned to work at Council, or ▶ An outworker, or

Term	Definition
	<ul style="list-style-type: none"> ▶ An apprentice or trainee, or ▶ A student gaining work experience, or ▶ A volunteer
Charges	Annual or periodic charges as well as charges based on a measured level of consumption for services provided by Council or a contracted service provider on behalf of Council .
Council or MRC	Murray River Council
Cth	Commonwealth or the Commonwealth of Australia
Eligible Pensioner	A person in receipt of a pension, benefit or allowance under the Commonwealth Social Security Act 1991 (Cth) or a service pension under the Veterans' Entitlement Act 1986 (Cth) or entitled to a Commonwealth Pensioner Concession Card or Commonwealth Seniors Health Care Card, as defined in Clause 134 of the Regulation .
Hardship	Financial or other difficulties (e.g. ill health) experienced by a Ratepayer , which has caused a temporary inability for the Ratepayer to meet the payment deadlines in relation to Rates & Charges.
Interest	A financial charge raised in relation to overdue Rates & Charges in accordance with Section 566 of the Act .
NSW	State of New South Wales
OLG	Office of Local Government of NSW
Policy	This Rates & Charges Hardship Policy.
Ratepayer	Any owner of a property within the Council area, on whom Rates and/or Charges have been levied in keeping with the Revenue Policy of Council .
Rates	Carries the meaning assigned to the word in the Act commencing at s491.
Regulation	Local Government (General) Regulation 2021 (NSW)

8. DOCUMENT CONTROL

Version No.	Details	Dates	Reference	Resolution No.
1	Initial Issue	25 June 2019	VF/19/525	120619
2	2025 Revision	05 May 2025		

Council reserves the right to review, vary or revoke this policy at any time.
This Policy is scheduled for review by June 2028.

NOTE:

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DISCLAIMER:

This document was formulated to be consistent with Murray River Council's legislative obligations and with the scope of **Council**'s powers. This document should be read in conjunction with relevant legislation, guidelines and codes of practice. In the case of any discrepancies, the most recent legislation should prevail. This document does not constitute legal advice. Legal advice should be sought in relation to particular circumstances and liability will not be accepted for losses incurred as a result of reliance on this document.

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative

changes to this document. Where an update does not materially alter the overall intent of the **Policy**, such a change may be made administratively. Examples include a change to the name of a Business Unit, position title or a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. When such changes are made the version number will be amended and an extension added (e.g. V#2.1)