

Application for Special Consideration

Please use **BLOCK LETTERS** to complete all details in full. *NB: Incomplete forms will be returned*

Please tick one ✓

- Property Owner
- Not for profit organisation

Ratepayers full names:
Rate Assessment No:
Property address:

1. Personal Details - Enter full name/s of the registered owner/s of property	
Applicant 1	Date of Birth: / /
Title:	Marital Status:
Surname:	Christian Names:
Owner Occupier Status: Yes <input type="checkbox"/> No <input type="checkbox"/> (If no, refer to Policy as you may not be eligible to apply)	
Pensioner: Yes <input type="checkbox"/> No <input type="checkbox"/>	If yes, type of Pension and Card No:
Number of dependants:	Ages of Dependants:
Are you employed: Yes <input type="checkbox"/> No <input type="checkbox"/>	Name of Employer:
Applicant 2	Date of Birth: / /
Title:	Marital Status:
Surname:	Christian Names:
Owner Occupier Status: Yes <input type="checkbox"/> No <input type="checkbox"/> (If no, refer to Policy as you may not be eligible to apply)	
Pensioner: Yes <input type="checkbox"/> No <input type="checkbox"/>	If yes, type of Pension and Card No:
Number of dependants:	Ages of Dependants:
Are you employed: Yes <input type="checkbox"/> No <input type="checkbox"/>	Name of Employer:

2. Residential address

6. Not-For-Profit organisations

Should you be applying as a Not For Profit organisation, please disregard sections 6 & 7 and attach a copy of your current financial statements to this application form.

7. Property Owner/s – Statement of Assets and Liabilities

Assets	Amount/Value \$	Liabilities	Amount Owing \$
Real Estate (this property)	\$	←Housing Loan	\$
Real Estate (other)	\$	←Other Bank or CU Loan	\$
Real Estate (other)	\$	←Other Loan	\$
	\$	Other Loan	\$
Cash on hand	\$	Credit Card debt	\$
Bank or Credit Union Accts	\$	Credit Card debt	\$
	\$	Taxation debt	\$
Investments (e.g. bonds, shares etc.)	\$	Other (not specified above)	\$
	\$		\$
Motor vehicles, boat, caravan etc.	\$	←Other Loan	\$
	\$		\$
Other (not specified above)	\$		\$
	\$		\$
Total Assets	\$		\$
Less Total Liabilities	\$	←Total Liabilities	\$
Net Asset position	\$		

8. Combined Statement of Income and Expenditure			
Source of Income (after Tax)		Amount per fortnight	
Salary or Wages:		\$	
Centrelink		\$	
Child Support		\$	
Board/Rent received		\$	
Other		\$	
① Total Net Income per fortnight		\$	
Living expenses – Amount per fortnight			
Mortgage	\$	Food	\$
Body Corp Fees	\$	Electricity/Gas	\$
Loan repayments	\$	Mobile Phone	\$
Credit card 1	\$	Internet/Pay TV	\$
Credit card 2	\$	Car 1	\$
Child Support	\$	Car 2	\$
Other (please detail)	\$	Boat	\$
Insurance	\$	Education	\$
Car	\$	Sundry (clothes, takeaway food etc)	\$
House/contents	\$	Other (please detail)	\$
Boat	\$	② Total Expenses per fortnight	\$
Motorcycle	\$	① Total Income	\$
Lifestyle	\$	Less ② Total Expenses	\$
Other (please detail)	\$	Surplus/Deficit per fortnight	\$

9. Your Proposal		
I hereby make application to pay outstanding rates/water on my property by way of:		
<input type="checkbox"/> Rates	<input type="checkbox"/> Weekly / Fortnightly / Monthly instalments of:	\$
	If approved, payments are to commence on:	Date:
<input type="checkbox"/> Water	<input type="checkbox"/> Weekly / Fortnightly / Monthly instalments of:	\$
	If approved, payments are to commence on:	Date:

Purpose of your Application – What type of relief are you requesting Council to approve?

(Refer to Section 5. of the “Applying for Rate Relief Due to Financial Hardship Policy” - Categorisation of Applications)

Previous Assistance

Have you ever applied for Rates Assistance before? Yes No

If yes, when? _____ What assistance was provided? _____

Privacy Statement

Whitsunday Regional Council is collecting your name, address, contact phone number, details of the matter that could be deemed as your personal information and signature for declaration. This information will be used for the purpose of assessing your application and ensuring that we are able to remain in contact with you regarding the status of your application. This information will only be accessed by employees, contractors and/or Councillors of the Whitsunday Regional Council.

Subject to the above disclosure, your personal information will not be given to any other agency unless you have given us permission or we are authorised or required by law to do so.

STATUTORY DECLARATION

I/We:

.....

.....

Of:

.....

.....

In the State of Queensland, do solemnly and sincerely declare all the answers to be true and correct and I/We make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the "Oaths Act of 1867".

I hereby undertake to accept the procedures and the rulings of the Whitsunday Regional Council and that the decisions of the Whitsunday Regional Council are not subject to appeal.

TAKEN AND DECLARED

At:

DAY OF..... Signature:.....

BEFORE ME.....

Justice of the Peace / Commissioner for Declarations

Signature:.....

This application should be forwarded to:

**The Chief Executive Officer
Whitsunday Regional Council
PO Box 104
PROSERPINE QLD 4800**

Mark your envelope

PRIVATE & CONFIDENTIAL

Please attach written proof of your income/s, assets, liabilities, debts and other expenses for all persons listed above for example recent pay advices, bank statements, Centrelink letters etc.

Purpose

Whitsunday Regional Council ("Council") is committed to the collection of overdue rates and charges in a fair, equitable and timely manner but with due consideration to Hardship faced by ratepayers and customers. Recovery of outstanding debts is an important aspect of Council's financial management and the effectiveness and efficiency in meeting the financial, social, economic and other objectives stated in Council's Corporate Plan.

Scope

This policy applies to all ratepayers of the Whitsunday Regional Council.

Applicable Legislation

Local Government Act 2009 (Act) Chapter 4 Part 1

Local Government Regulation 2012 (Regulation) Chapter 4 Part 12

Information Privacy Act 2009 (IPA) Chapter 2 Part 2

Policy Statement

Establishing a Tribunal

1. Council will provide an independent Rate Relief Tribunal (Tribunal) to make recommendations to Council regarding the most appropriate assistance to be offered to ratepayers and not-for-profit organisations unable to meet their rates and charges obligations due to Hardship. In developing recommendations, the Tribunal is to consider each application consistently with the principles and objectives established in this Policy and must provide an opportunity to each applicant to present and discuss their application in person with the Tribunal.
2. The following principles for consideration of an application for rate relief provide guidance to the Tribunal's recommendation and the resolution of Council:
 - 2.1. Council has a responsibility to recover monies owing to it in a timely and efficient manner to finance its operations and ensure effective cash flow management;
 - 2.2. Early intervention and prevention benefits both the ratepayer and the Council to prevent large levels of debt to accumulate;
 - 2.3. Council must operate effective debt collection processes;
 - 2.4. Council aims to minimise the amount of outstanding monies that it is owed;
 - 2.5. Ratepayers are expected to take responsibility for their debt obligations and to organise their affairs in such a way as to be able to discharge these obligations when required;

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- 2.6. Concessions resolved by Council must be consistent with Section 120 of the Regulation;
- 2.7. Building relationships with local community services, such as financial counsellors or community legal centres, will assist to support ratepayers experiencing financial difficulty or who may experience barriers engaging with Council.
- 2.8. Long term financial hardship, as defined by the inability to provide evidence that a ratepayer could meet future rates and charges in the medium to long term future, should not be provided rate relief, other than a short deferral of six months to make other financial arrangements to clear the debt; and
- 2.9. A concession or arrangement made with a ratepayer must achieve the clearance of all outstanding rates and charges within a reasonable timeframe that must not exceed a maximum of three years.
3. The resolution of Council will be made consistent with the principles and objective of this policy, after considering the Tribunal's recommendation. The nature of applications for concession is generally determined on a case-by-case basis against the principles outlined in this policy.
4. The Tribunal shall consider assistance only to ratepayers in owner occupied properties and not-for-profit organisations only who experience genuine Hardship.
5. The application for relief is to be submitted with sufficient details, including all necessary information for the Tribunal and Council to consider the application, including statutory declaration that the information is accurate and true.
6. Hardship should be determined by the Tribunal and Council in relation to both income (gross household income, commercial income/profit) and assets (income producing assets). Gross household income should include income from employment, pensions, other social security benefits, income from rental properties, other investment income, as well as deemed income (e.g. potential rental income from non-owner residents such as children that live at home and earn income but do not pay rent).
7. Consideration should be given to whether the ratepayer could meet the rate liability by rescheduling commitments or by selling non-essential assets such as (but not limited to) non-residential caravans, holiday or investment properties, luxury cars, boats, substantial life assurances or annuity entitlements, shares or other investments. Face value as provided by the applicant should not be relied upon in complex cases, but rather a professional valuation will be required.
8. Consideration should be given as to whether the ratepayer has deliberately placed themselves in the financial hardship, in which case relief may be denied.
9. Applications that do not have sufficient information must be returned to the applicant for further information before presenting to the Tribunal for consideration. Should sufficient information not be provided, or information needs to be substantiated, Council officers may seek further information from available sources (without breaching the applicant's right to privacy) to support information provided in the application.
10. A concession provided to a not-for-profit should only be made if in the opinion of the Council, the organisation will be a going concern and is providing services beneficial to the public and consistent with other considerations (e.g. Community Assistance Grant program).
11. Any payment arrangement negotiated, or concession applied, must take into account the ratepayer's capacity to pay and allow for the arrangement to be re-negotiated if there is a demonstrable change in circumstances.

12. Where there is the intention – but not the capacity – to make a payment within the timeframe required, consideration will be given to a concession if there is evidence that the ratepayer will have the capacity to meet obligations in the medium to long term.
13. A failure to have a capacity to pay can be identified by any of the following:
 - 13.1. the ratepayer themselves;
 - 13.2. the Tribunal considerations;
 - 13.3. Council's Corporate Services Department;
 - 13.4. an independent accredited financial counsellor; or
 - 13.5. a not-for-profit organisation providing assistance to people experiencing financial difficulties.
14. An application for consideration must be completed on an approved form. Council officers will provide assistance to complete application forms and provide all necessary information to the ratepayer to assist the ratepayer in making decisions regarding the management of their debt to Council.
15. A concession for hardship may include interest being written off where it is determined that a debt is irrecoverable or uneconomical to recover if the interest remained payable or when writing off interest will result in a favourable settlement of all outstanding debt.
16. Only in very exceptional cases would a concession include rates or charges being written off. Any debt written off will be done in accordance with delegated authority as determined by Council.
17. To guide the Tribunal's assessment and Council's consideration, including concessions that may be provided and the conditions established, the applications may be categorized into the categories indicated below.

Categorisation of Applications

18. Category 1 - Temporary Hardship:

18.1. Ratepayer is seeking assistance from Council to overcome a short term payment difficulty. It is likely the ratepayer will make their repayment in full at a later date. There is evidence of intention to pay but not the capacity to pay to be eligible for payment assistance due to short term impacts on capacity.

19. Category 2 - Complex Hardship (not permanent): where a Council concession is likely to restore a customer's financial situation

19.1. To be considered under this category for a concession the ratepayer must show evidence that their financial situation can be restored and future rates paid as they fall due, if the below concession/s is/are approved.

19.1.1. For Pensioners only - In accordance with the Local Government Regulation 2012, the relief will take the form of a deferral of a portion of the General Rate, that will reduce the General Rate levy payable immediately, to an amount equivalent to the Minimum General Rate levy applicable to the Residential Owner Occupied A Category in the relevant rating period(s). The amount in excess of the Minimum General Rate, will be deferred for the life of the Pensioner, or until the property is sold or otherwise transferred from the name(s) of the aged Pensioner(s). In accordance with Local Government Regulation 2012, a premium applies to any deferred rates equal to an amount of interest calculated at a rate equivalent to 50% of the current interest charged on overdue rates, compounded monthly, from

the date that the deferred rates would have been due. The amount of the premium will also be deferred on the same basis as the deferred General Rates. The deferred rates and premium will remain a charge on the land.

19.1.2. For all Ratepayers (including Pensioners in Addition to Above) - In accordance with the Local Government Regulation 2012, the relief will take the form of waiving rates and/or interest and/or a deferral of the obligation to pay the rates and charges up to a maximum of two years.

20. Category 3 - Severe Hardship: where even with a Council concession, restoration of the customer's financial situation is unlikely

20.1. If, in the assessment of the Tribunal and/or Council, the restoration of a ratepayer's financial situation over the medium to long term is unlikely, the application for a concession should not be approved. The ratepayer should be provided with a short period of deferral up to six months to make other financial arrangements, after which other debt recovery actions must be implemented (as per Debt Recovery Policy).

21. The concession available and conditions for such concessions for each category will be as per the following table:

Category	Concession Available	Condition
1. Temporary Hardship	<ul style="list-style-type: none"> Deferral and a payment arrangement between six months and two years. 	<ul style="list-style-type: none"> No interest applies during the period of the payment arrangement; Debt cleared in full by end of arrangement, including new charges accrued during the arrangement; Payment by direct debit; Failure to make payment, customer to rectify within 7 days; Two consecutive failures to make payment, arrangement terminated; and Ratepayer can renegotiate arrangement with Council approval.
2. Complex Hardship A	<ul style="list-style-type: none"> Deferral of a portion of the General Rate, that will reduce the General Rate levy payable immediately, to an amount equivalent to the Minimum General Rate levy applicable to the Residential Owner Occupied A Category in the relevant rating period(s). 	<ul style="list-style-type: none"> The amount in excess of the Minimum General Rate, will be deferred for the life of the Pensioner, or until the property is sold or otherwise transferred from the name(s) of the Pensioner(s). Interest applies to any deferred rates equal to an amount of interest calculated at a rate equivalent to 50% of the current interest charged on overdue rates.
2. Complex Hardship B	<ul style="list-style-type: none"> An agreement to defer payment of the rates or charges for a 	<ul style="list-style-type: none"> No interest applies during the period of the payment arrangement;

	<p>period up to two years</p> <ul style="list-style-type: none"> • A rebate on all or part of the debt that relates to interest charged (amount only up to where it makes the agreement financially feasible) • A rebate of all or part of the rates or charges (only in very exceptional cases) 	<ul style="list-style-type: none"> • Debt cleared in full by end of arrangement, including new charges accrued during the arrangement; • Payment by direct debit; • Failure to make payment, customer to rectify within 7 days; • Two consecutive failures to make payment, arrangement terminated; and • Ratepayer can renegotiate arrangement with Council approval.
3. Severe Hardship	<ul style="list-style-type: none"> • A time period up to six months may be provided in which Council will not pursue further action to provide customer time to make other financial arrangements. 	<ul style="list-style-type: none"> • Customer provided with notification that no concession, other than a delay in Council recovering the debt • Ratepayer advised to seek financial counselling

Role and Composition of the Tribunal

22. The role of the Tribunal is to recommend to Council the most appropriate form of assistance that Council should provide to ratepayers who make an application to Council under this Policy
23. The role of the Tribunal is not to consider complaints or requests for Administrative Action Review or matters relating to rating law or practice. Such matters are to be referred to the CO or delegate to resolve outside of the Tribunal.
24. The Tribunal will consist of a minimum of two (2) voluntary members of the community and two (2) current Councillors. In addition to the minimum members, one other member of the Tribunal will be invited from Queensland Council of Social Service (QCOSS), or a similar organisation, to provide expertise in social welfare and community development.
25. The two community voluntary members will be recruited to the Tribunal through an expression of interest process using a position description that has been approved by Council.
26. Council at its sole discretion must appoint the Tribunal members. The Council will reaffirm the Tribunal membership each year.
27. The Tribunal chair will be appointed by Council each year from the two (2) Councillors appointed to the Tribunal. Should the Chair not be present, then the meeting shall elect a Chair from the councillors present at the meeting.
28. A quorum would consist of the Chair and two other Tribunal members.
29. Council's Corporate Services Department must provide sufficient secretarial and other support services to the Tribunal to meet the needs of the Tribunal.

30. The Tribunal shall meet on an "as required basis" to meet the target performance indicators of Council in regard to timeframes to process applications. The Tribunal meetings are not to be conducted in public due to the sensitive and confidential nature of the information being considered.
31. Attendance at the meeting, in addition to the members, shall be restricted to the secretariat and one other representative from Corporate Services to provide advice to the Tribunal. The applicant may present their case to the Tribunal personally.
32. The Tribunal will be conducted in a "without prejudice" manner.
33. The Tribunal will be provided by Council with a budget allocation each year. The Tribunal will be expected to manage recommended relief to ratepayers from within the annual budget limit.

Application Procedures

34. The Tribunal secretary is to acknowledge receipt of all applications. The applications are to be reviewed by a Rates Officer, including providing sufficient history and other relevant details for the Tribunal and Council consideration.
35. Applications are reviewed by the members prior to the Tribunal meeting. Tribunal Secretary is to arrange the meeting, including the agenda and arranging for an opportunity for applicants to present at the meeting.
36. The Tribunal is to take care that the applicants are afforded their rights as to natural justice throughout the process and that the confidentiality of each applicant is maintained throughout the meeting, including the logistics of organising presentation by applicants during the meeting.
37. The Tribunal Secretary is to record the recommendations of the Tribunal at the meeting.
38. Where the recommendation can be approved by an officer with the delegated authority, the application and recommendation must be considered and approved by that relevant officer. If the recommendation is outside of a delegated authority, the matter must be presented and considered at a Council meeting as a confidential report. The Director Corporate Services is to prepare the Confidential Report to present the recommendations of the Tribunal to the Council. A report is to be prepared separately for each application. The report is not to include any other information or recommendations by the Director.
39. Following the decision the applicant ratepayer should be notified of that decision as soon as possible.

Definitions

CEO refers to the Chief Executive Officer of the Whitsunday Regional Council appointed in accordance with the *Local Government Act 2009*.

Council refers to the Whitsunday Regional Council

Employee refers to any employee, contractor, volunteer etc. of the Council

Hardship refers to when,

- a) in the event of individuals, if payment of rates and charges was made, the ratepayer would be left unable to provide for themselves, their family or other dependents, with food, accommodation, clothing, medical treatment, education; and any other basic necessities as determined by Council.
- b) in the event of not-for-profit organisations, continuation of the organization will be compromised; and
- c) it is not likely that the debt would be recovered under other debt management policies (e.g. Payment of Rates by Arrangement); and
- d) the ratepayer is willing and has the intention to pay, but is unable to meet their repayments; and
- e) the application demonstrates unusual and severe difficulty rather than the usual frustrations and trials to which other ratepayers or similar organizations are subjected to from time to time; and
- f) with assistance under this Policy, the ratepayer's financial situation can be restored.

Pensioner shall mean a person/s who is the holder of a Queensland Pensioner Concession Card issued by the Department of Human Services or Department of Veterans Affairs; or a Queensland Repatriation Health Card (for all Conditions) or a Gold Card issued by the Department of Veterans Affairs.

Relating Documents

Rate & Charges Recovery Policy
Payment of Rates by Arrangement Policy

Effective Date

1st July 2018

Review Date

30th June 2019