

RATING - RELIEF, REMISSION AND POSTPONEMENT OF RATES

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This policy has been developed in accordance with the Local Government (Rating) Act 2002 Section 85, Local Government Act 2002 Section 102(5).

Definitions

Service Rates include but are not limited to: water, sewerage, regional heritage, and library services rates.

Sports Associations include societies, clubs or association of persons (whether incorporated or not) for games or sports, except galloping races, harness races, or greyhound races.

Rating on Rating Units that can be, but are not connected to Water and Sewerage Schemes

Objective

To recognise that while rating units may be serviceable by Council's utilities, a full service charge should not apply until such time as the rating unit is physically connected to the scheme.

Policy

Where a rate is to be charged on a rating unit for the supply of water or sewerage and a rating unit can be, but is not connected to the service, then Council may charge a half charge in place of a full charge for the rate.

The Group Manager Services and Assets shall have the authority to apply this section.

Rating of Small Sports Associations, where the Associations have Liquor Licences

Objective

To provide for relief from rates for smaller sports associations, in recognition of the contribution that sports associations make to their community and the limited financial resources of the smaller clubs.

Policy

Sports associations that hold a liquor licence, may apply for partial remission of rates (other than services rates) as follows:

- Sports associations with a membership of up to 75 full time member equivalents shall be entitled to a 25% remission.
- Sports associations with a membership of not less than 75 and no greater than 100 full-time member equivalents, shall be entitled to a 12.5% remission.

The Group Manager Customer and Financial Services shall have the authority to remit rates under this section.

Rating of Licensed Halls Owned by Persons, General Clubs, Societies or Associations

Objective

Where Council owns public halls, the rating unit is 100% non-rateable under Schedule 1 of the Local Government (Rating) Act 2002. There are a variety of organisations who own public halls, libraries, athenaeums, museums, art galleries or other similar institutions which are used in a similar vein to those owned by Council (i.e. they provide a benefit to the community as a whole). In recognition of this, this policy provides for 100% rates remission (with the exception of services rates).

Policy

Rating unit(s) owned by a ratepayer, other than Council, and used for a public hall, library, athenaeum, museum, art gallery, or other similar institution may apply for a 100% remission on all rates other than service rates on that rating unit.

The Group Manager Customer and Financial Services shall have the authority to remit rates under this section.

Remission of Penalties

Objective

Council imposes penalties on outstanding instalments as well as the total rates outstanding at the end of each financial year. In many instances this can place the ratepayers under financial duress, or there may be a fair and reasonable explanation for a small delay in payment. This policy provides for a discretionary right to remit total penalties on rates, or a portion thereof.

Policy

The Chief Executive Officer and/or delegated officer shall have the authority to remit a portion of a ratepayer's penalties in the following circumstances:

Arrears

Where a ratepayer is in arrears with payments, and has made arrangements to pay the arrears on a regular basis (and the arrangement is met without exception), then discretion exists to remit the penalties. Conversely, if arrears are remitted and the ratepayer reneges on an existing arrangement, then penalties may be re-imposed.

Significant Family Disruption

Remission of one instalment penalty in any one rating year will be considered where payment has been late due to significant family disruption. Remission will be considered in the case of death, illness or accident of a family member. Applications to remit penalties under this section must be made in writing.

Missing Payments

Remission of one instalment penalty in any one rating year may be granted where it is considered that a cheque or credit card deduction slip may have gone missing through no fault of the ratepayer. Applications to remit penalties under this section must be made in writing and will only be considered providing the missed instalment is paid within seven days of the application.

Payment Misallocation

Remission of instalment penalties may be granted where instalment payments have been received by council or other council approved agency and applied to an incorrect internal account. Where payments are repeatedly receipted to incorrect internal accounts due to ratepayer action (such as internet banking errors) council will advise the ratepayer in writing of the correction necessary for future payments and may refuse to remit any further penalties for this reason.

Lateness of payment

Council has discretion to remit one instalment penalty in any one rating year for lateness where payment is made within five working days of the due date. In such cases, consideration will be given to the history of payments by the ratepayer. Applications to remit penalties under this section must be made in writing.

Extreme Financial Hardship - Remission of Rates

Objective

To provide for the remission (in total or part) of rates and/or penalties in cases of extreme financial hardship.

Policy

A ratepayer may apply for remission of rates and/or penalties in cases of extreme financial hardship, due to any range of factors including, but not limited to illness and natural calamity.

The application must be in writing and include a review of the ratepayer's financial records and commitments and a declaration from the ratepayer of their financial position. Remission of rates, or a portion thereof, may only be made after the Chief Executive is satisfied of the ratepayer's true financial position.

Each application for remission due to extreme financial hardship will be considered on its own merits.

Financial Hardship - Postponement of Rates

Objective

To provide for the postponement (in total or part) of rates and/or penalties in cases of hardship.

Policy

A ratepayer may apply for postponement of rates and/or penalties in cases of financial hardship, due to any range of factors including, but not limited to illness and natural calamity.

The application must be in writing and include a review of the ratepayer's financial records and commitments and a declaration from the ratepayer of their financial position. Postponement of rates, or a portion thereof, may only be made after the Group Manager Customer and Financial Services is satisfied of the ratepayer's true financial position. Each application for postponement due to financial hardship will be considered on its own merits.

Rates may be postponed:

- Until the death of the ratepayer.
- The ratepayer ceases to own the rating unit.
- For a specified period so defined by Council.

Rates postponement agreements shall not exceed six years, but the ratepayer may apply for a continuation of the postponement at the termination of the agreement.

A postponement fee shall be added to all postponed rates to cover, but not exceed the administrative and financial costs of postponement to Council. Postponement fees must be treated as part of the rates on a rating unit. Postponement fees will be set annually as part of the rates resolution.

All postponed rates shall be registered as a charge on the land under the Statutory Land Charge Registration Act 1928. No dealing with the land may be registered by the ratepayer while the charge is registered, except with the consent of Council.

The Group Manager Customer and Financial Services shall have the authority to postpone rates and charge postponement fees under this section.

Grants In Lieu of Remission of Rates

Objective

From time to time Council and its various Boards are asked to remit the rates, or a portion thereof, on a rating unit. Where the application for remission does not “fit” within the other criteria listed above for remissions, but there may be a benefit to the community as a whole in allowing a remission, then Council or the respective Community Board or Committee of Council, may pay the rates on behalf of the individual. This provides for greater disclosure and better accountability of elected representatives.

Policy

Where an application is made to Council or the respective Community Board or Committee of Council, for remission of rates, and the remission cannot be made under any of the existing policies of remission, then the appropriate body of elected representatives may resolve to pay the rates on behalf of the applicant or pay a grant to the applicant for the amount of rates paid by the applicant.

Such payments shall be recorded as an expense against Council or the respective Community Board or Committee of Council.

Remission of Rates in Exceptional Circumstances

Objective

To allow the remission of rates in exceptional circumstances, where the remission does not “fit” within the other criteria listed above for remissions.

Policy

There are instances where the collection of rates is not reasonable. These include, but are not limited to instances where:

- Adjustments are required to rates assessments that cannot then be collected under the Local Government (Rating) Act 2002;
- Penalties are related to rates that have been remitted;
- Collection of rates is uneconomic.

Authority to remit rates under this section shall be on a case by case basis at the discretion of the Chief Executive.