

EC2 Attachment

1. Memorandum of Understanding - Service NSW Easy to do Business Program

Monday 21 May 2018

EC2 – Service NSW Easy to do Business Program

Easy to do Business

Memorandum of
Understanding

Memorandum of Understanding

1. MOU Details

Duration of MOU	
Commencement Date	
Service NSW Details	
Address	Level 20, 2-24 Rawson Place, Sydney NSW 2000
ABN	37 552 837 401
Service NSW Representative	Executive Director, EtdB – Kylie De Courteney
Phone	02 8059 2359
Email	kylie.decourteney@service.nsw.gov.au
Wollondilly Shire Council Details	
Address	62-64 Menangle Street, PICTON NSW 2571
ABN	93 723 456 808
Council Representative	Luke Johnson
Phone	02 4677 1100
Email	council@wollondilly.nsw.gov.au

2. Parties

This MOU is made between:

The State of New South Wales represented by Service NSW, ABN 37 552 837 401, whose address is Level 20, 2-24 Rawson Place, Sydney NSW 2000 (SNSW);

and

Wollondilly Shire Council, ABN 93 723 456 808 of 62-64 Menangle Street Picton NSW 2571 (The Council).

3. Background

1. This MOU sets out the agreed understanding of the parties and basis upon which the arrangement is entered into. The MOU is not legally binding.

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2. Easy to do Business is a joint initiative of the Department of Premier and Cabinet, the Customer Service Commissioner, the Office of the NSW Small Business Commissioner and SNSW to make NSW the easiest state to do business.
 3. SNSW has partnered with the Council to promote and deliver the Easy to do Business program to small business across New South Wales.
 4. The purpose of this collaboration is to:
 - 4.1 help business owners open and grow a café, small bar or restaurant by providing a single online digital solution and personalised support, and
 - 4.2 make it easier to set up a business in New South Wales.
 5. The Easy to do Business program is a free service for the Council and customers.
 6. The Easy to do Business program will expand to include other industries and the entire small business lifecycle, in the future.

4. Term

- 4.1 This MOU commences on the Commencement Date specified in MOU Details and will continue unless terminated by either party.

5. Termination

Either Party may terminate this MOU by giving the other Party ninety (90) days' written notice.

6. SNSW's obligations

SNSW will:

- (a) ensure the Business Concierge will be the customer's single point of contact for queries relating to opening or growing their business
- (b) within two working days, call the customer to establish and understand the customer's ambition with respect to their business and outline how the program may be able to help
- (c) provide tailored information specific to each customer's needs
- (d) address customer queries relevant to any stage of the end-to-end journey
- (e) provide to the customer a detailed case management plan outlining all licences and approvals required to open or grow their business and the suggested pathway to completion
- (f) where a customer query cannot be immediately addressed, make contact with Council or the relevant federal or state government agency to source the additional information required and respond back to the customer as promptly as possible
- (g) escalate customer queries to the Council specialist team wherever questions become advice-based or highly complex
- (h) guide and support the customer through the online licence application processes

- (i) review, verify and validate customer applications against agreed criteria so as to improve the quality of applications submitted to Council.

7. Council's obligations

The Council will:

- (a) refer eligible customers to EtdB
- (b) provide guidance and information to the EtdB team to assist it to respond to customer queries, as required
- (c) communicate application outcomes to the customer and the EtdB team
- (d) provide updates on changes in the local area that may impact EtdB
- (e) identify local events and organisations that are opportunities to inform customers about EtdB
- (f) provide feedback on the effectiveness and performance of EtdB in the local area.

8. Review of MOU

The Parties agree to meet to discuss the terms and conditions of this MOU and to consider whether any variations or amendments need to be made.

9. Variations

This MOU may be varied by agreement of the Parties in writing.

10. Relationship

10.1 Cooperation

In carrying out its respective obligations under this MOU, the Parties agree to co-operate in a timely and effective manner with each other and to act in good faith.

10.2 Meetings

The SNSW Representative and the Council Representative agree to meet and discuss any matters relating to this MOU.

10.3 Issues

Each Party will keep the other informed in writing as to any issues arising and keep an ongoing written record of the status of each issue and when and how it was resolved.

11. Representatives of the Parties

11.1 Change of Representatives

- (a) The Parties should inform the other party about any change of Representative from that specified in MOU Details.

11.2 Power and authority of Representatives

The SNSW Representative and the Council's Representative:

- (a) are the agent of the respective Party for the purposes of doing anything to be under this MOU; and
- (b) have the authority to make and give, or accept, on the Party's behalf, any approvals, acceptances, directions, notice and other decisions that the Party may make and give, or accept, under this MOU.

12. Resolution of Disputes

- (a) Both Parties agree to attempt to act in good faith in carrying out their obligations under this MOU and to attempt to resolve any Dispute in good faith.
- (b) In the event of any dispute between the Parties under or in connection with this MOU, the Parties will:
 - (i) within seven days (or such other period agreed between the parties) of a Party providing notice of a dispute to the other Party, ensure that the SNSW Representative and Council Representative meet with a view to resolving the dispute; then
 - (ii) if the dispute is not resolved, within 14 days (or such other period agreed between the Parties) of that meeting, the Chief Executive of the Council (or delegate) will meet with the Chief Executive Officer of Service NSW (or delegate) with a view to resolving the dispute.
- (c) Any Disputes arising out of or in connection with the MOU which cannot be settled by negotiation between the Parties under clause 12 (b) shall be referred to mediation via the Resolution Institute - <https://www.iama.org.au>.
- (d) If a dispute arises from, out of, or in connection with this MOU, the Parties must attempt to resolve it in accordance with the Premier's Memorandum M1997 – 26 Litigation Involving Government Authorities.

13. Notices

13.1 General

Any notices under this MOU must be given by an Authorised Representative of the Parties.

13.2 Change of address

Each Party must notify the other Party in writing of any changes to notice details specified in MOU Details.

14. Non-binding Memorandum of Understanding

- (a) This MOU is not intended to create legally enforceable rights or obligations for either Party.
- (b) This MOU merely constitutes a statement of the mutual intentions of the Parties with respect to its contents and each Party represents to the other that:

- (i) no reliance will be placed on it;
- (ii) it does not constitute an obligation binding either side;
- (iii) it does not contain all matter upon which agreement must be reached in order for an agreement to be consummated;
- (iv) it creates no rights in favour of either party; and
- (v) for the avoidance of doubt and without limiting the above in any way, this MOU imposes no commitment on any person to proceed with an agreement.

15. Miscellaneous

15.1 Legal costs

Subject to any express provision in this MOU to the contrary, each Party must bear its own legal and other costs and expenses relating directly or indirectly to the preparation of, and performance of its obligations under this MOU.

15.2 Amendment

All amendments to this MOU and all consents, approvals, waivers and agreements made under this MOU must be evidenced in writing.

Signed for and on behalf of SNSW

Name: _____

Signature: _____

Position: _____

Date: _____

Signed for and on behalf of the Council

Name: Luke Johnson

Signature: _____

Position: General Manager

Date: _____

EC4 Attachments

1. Summary of Changes to the Hardship Policy
2. Revised Hardship Policy
3. Financial Hardship Relief Application Form

Monday 21 May 2018

EC4 – Adoption of Revised Hardship Policy

Policy Changes table for Council Reports:

SUMMARY OF CHANGES – HARDSHIP POLICY (GOV0063)

Location	Previous Wording	New Wording	Reasoning
Section 1 – page 1	<p>1.1 This policy is to establish the circumstances in which Council may provide relief to ratepayers and sundry debtors suffering substantial financial hardship.</p>	<p>1.1 Council recognises that there are cases of genuine financial hardship that may cause ratepayers and other debtors to have difficulty paying their rates and charges or other sundry debts.</p> <p>1.2 The Local Government Act 1993 and the Local Government (General) Regulation 2005 allows Council to provide a range of assistance to ratepayers experiencing genuine financial hardship. This policy aims to formally establish:</p> <p>1.2.1 The circumstances in which Council may provide relief to ratepayers and sundry debtors experiencing genuine financial hardship,</p> <p>1.2.2 the relief that may be provided to ratepayers and sundry debtors experiencing genuine financial hardship,</p> <p>1.2.3 guidelines for Council staff to enable a consistent approach to hardship applications,</p> <p>1.2.4 and will provide greater transparency with the application and assessment process.</p>	<p>To provide a more detailed explanation of the scope of this Policy.</p>

Section 3 – page 1	3.1 This policy applies to the Finance Officer, Revenue Team Leader, Executive Management and the General Manager.	3.1 This policy applies to the Finance Officer - Revenue, Revenue Team Leader, Executive Leadership Team and the General Manager.	Update to the new title of the Executive Leadership Team.
Section 4 – page 1	<p>4.1 Due to varying circumstances Ratepayers may experience long-term hardship which prevents them meeting their financial obligations.</p> <p>Council’s Hardship Policy provides the following relief:</p> <p>4.1.1 Write-off of interest charges accrued over a period of twelve months from the date of debt, subject to the debt being paid in the agreed period.</p> <p>4.1.2 Reduce interest by one-half over a period of eighteen months on ratepayer accounts where significant changes to the rateable valuation of land have resulted in financial hardship.</p> <p>4.1.3 Limited to the single property owned and occupied (jointly or not) by the applicant.</p>	<p>4.1 Due to varying circumstances ratepayers may experience long-term hardship which prevents them meeting their financial obligations. A ratepayer may be eligible for consideration for hardship assistance under this policy with the payment of overdue rates, charges and interest, where all the following criteria are satisfied:</p> <p>4.1.1 The person is unable to pay rates and charges or accrued interest when they become due and payable for reasons beyond the person’s control; or</p> <p>4.1.2 Payment when due would cause the person hardship.</p> <p>4.1.3 The applicant is the owner or part owner of the property and is the person liable for the payment of rates on the property.</p> <p>4.1.4 The property to which the hardship application applies is categorised as residential or farmland for rating purposes.</p> <p>4.1.5 The property to which the hardship application applies is the applicant’s principle place of residence.</p>	Clearer specification of the eligibility requirements for hardship relief.

<p>Section 4 – page 2</p>	<p>There are options available to provide assistance to ratepayers suffering from genuine financial hardship under the Local Government Act 1993 and the Local Government (General) Regulations 2005. The sections which are used by Council to assist ratepayers are as follows:</p> <p>4.1.4 Hardship resulting from certain valuation changes (s 601 Local Government Act 1993).</p> <p>4.1.5 Writing off of Pensioner rates and charges (s 582 and s 583 Local Government Act 1993).</p> <p>4.1.6 Agreement as to periodic payment of rates and charges (s 564 Local Government Act 1993).</p> <p>4.1.7 Writing off accrued interest (s 567 Local Government Act 1993).</p>	<p>4.2 There are options available for Council to provide assistance to ratepayers suffering from genuine financial hardship under the Local Government Act 1993 and the Local Government (General) Regulation 2005. The sections which are used by Council to assist ratepayers are as follows:</p> <p>4.2.1 Hardship resulting from certain valuation changes (s 601 Local Government Act 1993).</p> <p>4.2.2 Writing off of Pensioner rates and charges (s 582 and s 583 Local Government Act 1993).</p> <p>4.2.3 Agreement as to periodic payment of rates and charges (s 564 Local Government Act 1993).</p> <p>4.2.4 Writing off accrued interest (s 567 Local Government Act 1993).</p>	<p>Revised numbering of Policy sections.</p>
<p>Section 4 – page 2</p>	<p>4.2 Assistance under Section 601 of the LGA 1993</p> <p>Any Ratepayer who incurs a rate increase in the first year following a revaluation of land values can apply to Council for rate relief if the increase in the amount of rates payable would cause them substantial hardship. In these cases Council has the discretion to waive, reduce or defer whole or part of the payment of any part of the increase.</p>	<p>4.3 Assistance under Section 601 of the Local Government Act 1993</p> <p>Under section 601 of the Act, any ratepayer who incurs a rate increase in the first year following a revaluation of land value can apply to Council for rate relief if the increase in the amount of rates payable would cause them substantial hardship.</p> <p>For cases of genuine hardship, Council will consider offering a periodical</p>	<p>Clearer explanation of assistance that Council is permitted to offer and the addition of option available for ratepayers to appeal to the NSW Valuer General.</p>

	<p>Applications must be made in writing within the first year of a new land revaluation being used by Council. If an application is made during the first year then subsequent applications under that valuation base date may be considered.</p>	<p>payment arrangement for a period of up to twelve (12) months in accordance with Section 564 of the Local Government Act 1993. Applications must be received within the first year of a new land valuation being used by Council. Applications will be assessed on a case by case basis.</p> <p>Applications must be made within the first year of a new valuation being used by Council. If an application is made during the first year then subsequent applications under that valuation base date may be considered.</p> <p>Council will not consider applications under this provision to waive or reduce rates payable as valuations are independently determined by the NSW Valuer General. Council will encourage aggrieved ratepayers to make an appropriate application under the valuation appeals provisions of the NSW Valuation of Land Act 1916.</p>	
<p>Section 4 – page 2</p>	<p>4.3 Assistance under Sections 582 & 583 of the LGA 1993</p> <p>Council may waive or reduce rates, charges and interest due by any ratepayer who is in receipt of a pension, benefit or allowance under the Social Security Act 1991. Under Clause 135 of the Local Government (General)</p>	<p>4.4 Assistance under Sections 582 & 583 of the Local Government Act 1993</p> <p>Council may waive or reduce rates, charges and interest due by any ratepayer who is in receipt of a pension, benefit or allowance under the Social Security Act 1991. Under Clause 135 of the Local Government (General)</p>	<p>Addition of word “core” to avoid ambiguity or misunderstanding</p>

	<p>Regulation 2005 a ratepayer can make application for a reduction to their Council rates via a pension concession. The maximum pension concession currently offered by Council comprises the following amounts:</p> <ul style="list-style-type: none"> • Two hundred and fifty dollars, being the standard Government rebate; • Fifty percent of the Ratepayer's domestic waste charge; • Stormwater Management Charge (Maximum \$25), • An additional voluntary rebate of \$45. 	<p>Regulation 2005 a ratepayer can make application for a reduction to their Council rates via a pension concession. The maximum pension concession offered by Council comprises the following amounts:</p> <ul style="list-style-type: none"> • Two hundred and fifty dollars, being the standard Government rebate; • Fifty percent of the Ratepayer's core domestic waste charge; • Stormwater Management Charge (Maximum \$25), • An additional voluntary rebate of \$45. 	
<p>Section 4 – page 3</p>	<p>4.4 Assistance under Section 564 of the LGA 1993</p> <p>Council may accept payment of rates and charges that differ from the quarterly instalments under S564 of the Local Government Act 1993. A ratepayer can enter into an arrangement with Council to pay their rates weekly, fortnightly or monthly. Council offers the availability for these arrangements to be set up through direct debit to further assist the ratepayer in making the agreed payments on the agreed dates. Council requests all such arrangements to be formalised in writing. The full guidelines for arrangements under S564 can be found in the Debt Recovery Policy.</p>	<p>4.5 Assistance under Section 564 of the Local Government Act 1993</p> <p>Council may accept payment of rates and charges that differ from the quarterly instalments under section 564 of the Act. A ratepayer must enter into an arrangement with Council to pay their rates weekly, fortnightly or monthly. Council offers the availability for these arrangements to be set up through direct debit or Centrepay (if applicable) to further assist the ratepayer in making the agreed payments on the agreed dates.</p> <p>Council may write-off interest accrued over a maximum period of twelve (12) months from the date of the debt, subject to an acceptable formal arrangement being made and the debt being paid within the agreed period.</p>	<p>Clarification that only a maximum of 12 months accrued interest will be written off.</p>

<p>Section 4 – page 3</p>	<p>4.5 Assistance under Section 567 of the LGA 1993</p> <p>If payment of accrued interest would cause the Ratepayer hardship then Council may consider writing off any accrued interest or deferring interest for a period of up to 12 months. The Ratepayer may be requested to attend an interview to determine whether they are eligible for relief and for Council to understand the issues causing hardship. Each application will be dealt with on a case by case basis.</p>	<p>4.6 Assistance under Section 567 of the Local Government Act 1993</p> <p>Council applies interest to overdue rates and charges to the maximum rate allowable under section 566 of the Local Government Act 1993. Council may write off accrued interest on rates or charges payable by a person under section 567 of the Act and the Local Government (General) Regulation 2005 where:</p> <p>(1) The person was unable to pay the rates or charges when they become due for reasons beyond the person's control, or</p> <p>(2) The person is unable to pay accrued interest for reasons beyond the person's control, or</p> <p>(3) Payment of the accrued interest would cause the person hardship.</p> <p>Council may consider write-off interest in accordance with section 567(3) of the Local Government Act 1993 in the following circumstances:</p> <ul style="list-style-type: none"> The ratepayer is experiencing genuine financial hardship. In such cases a Financial Hardship Relief Application Form must be completed. The ratepayer is a "first-time" defaulter and has previously had a good payment record or there are mitigating circumstances. 	<p>Clear specification of the requirements under the Local Govt Act for writing off interest on overdue rates and charges.</p>
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		<ul style="list-style-type: none"> • Prolonged or serious illness or injury has prevented the ratepayer meeting their financial obligations to Council. • The ratepayer has complied with all criteria with respect to section 564 periodic payment agreement and the rates and charges component of the account has been brought up-to-date. • Council is satisfied that the circumstances giving rise to the default are temporary and that there is a reasonable belief that future rate instalments will be paid by the due dates. 	
Section 4 – page 4	<p>Part 3 – Assessment</p> <p>4.7 The first point of contact should be Council's Finance Officer - Revenue or Revenue Team Leader to discuss each individual case and try to arrange a satisfactory arrangement in the short term. Under S564 & 567 LGA 1993 delegated officers of Council can enter into payment agreements.</p>	<p>Part 3 – Application and Assessment</p> <p>4.8 The first point of contact should be with one of Council's Revenue staff to discuss each individual case and to arrange a satisfactory payment arrangement. Under sections 564 & 567 delegated officers of Council can enter into payment agreements.</p>	Grammatical change
Section 4 – page 4	N/A	<p>4.9 Applications for payment arrangement under section 564 of the Act may be accepted verbally by delegated officers only where the ratepayer has not requested write-off of interest. If write-off of interest is requested a Financial Hardship Relief Application Form must be completed.</p>	Additional details in relation to applying for hardship relief and using the new application form.

		<p>4.10 Application for write-off of interest under section 567(3) of the Local Government Act 1993 must be made on the Financial Hardship Relief Application form.</p> <p>4.11 Each application will be considered on its merits on a case by case basis.</p> <p>4.12 The Financial Hardship Relief Application form must be supported by documents, including but not limited to reasons for the application, financial records (including past 3 months bank statements), details of all sources of income, living expenses, a letter from a recognised welfare agency or financial counsellor confirming financial hardship and/or medical certificate.</p> <p>4.13 An application for write-off of interest will be assessed by the Revenue Team Leader and a recommendation will be referred to the appropriate delegated officer of Council or Council meeting for final determination.</p> <p>4.14 The Ratepayer/ Debtor will be advised of the outcome in writing.</p> <p>4.15 If the Ratepayer/ Debtor is not satisfied with the outcome, they can request Council reconsider the decision. The application passes to the General Manager who can uphold or overturn the original decision. Following this decision the Ratepayer/Debtor has no further right to appeal.</p>	
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Section 5 – page 4	<p>5.1 Applications for hardship relief should be referred to the Finance Officer - Revenue or Revenue Team Leader in the first instance. All applications will be assessed by Executive Management and referred to the General Manager for reconsideration if needed.</p>	<p>5.1 Applications for hardship relief should be referred to the Finance Officer - Revenue or Revenue Team Leader in the first instance. All applications will be assessed by Executive Leadership Team and referred to the General Manager for reconsideration if needed.</p>	Update to the new title of the Executive Leadership Team.
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1. POLICY OBJECTIVES

- 1.1 Council recognises that there are cases of genuine financial hardship that may cause ratepayers and other debtors to have difficulty paying their rates and charges or other sundry debts.
- 1.2 The Local Government Act 1993 and the Local Government (General) Regulation 2005 allows Council to provide a range of assistance to ratepayers experiencing genuine financial hardship. This policy aims to formally establish:
 - 1.2.1 The circumstances in which Council may provide relief to ratepayers and sundry debtors experiencing genuine financial hardship,
 - 1.2.2 the relief that may be provided to ratepayers and sundry debtors experiencing genuine financial hardship,
 - 1.2.3 guidelines for Council staff to enable a consistent approach to hardship applications,
 - 1.2.4 and will provide greater transparency with the application and assessment process.

2. BACKGROUND

- 2.1 This policy details the legislative provisions within the Local Government Act 1993 under which Council may provide relief to ratepayers and other debtors suffering financial hardship.
- 2.2 Prior to the adoption of this policy, Council simply followed the legislative provisions when assessing claims for relief. This policy now formalises those requirements.

3. ELIGIBILITY

- 3.1 This policy applies to the Finance Officer - Revenue, Revenue Team Leader, Executive Leadership Team and the General Manager.

4. GUIDELINES

Part 1 – Rates and Charges

- 4.1 Due to varying circumstances ratepayers may experience long-term hardship which prevents them meeting their financial obligations. A ratepayer may be eligible for consideration for hardship assistance under this policy with the payment of overdue rates, charges and interest, where all the following criteria are satisfied:
 - 4.1.1 The person is unable to pay rates and charges or accrued interest when they become due and payable for reasons beyond the person's control; or
 - 4.1.2 Payment when due would cause the person hardship.
 - 4.1.3 The applicant is the owner or part owner of the property and is the person liable for the payment of rates on the property.
 - 4.1.4 The property to which the hardship application applies is categorised as residential or farmland for rating purposes.

4.1.5 The property to which the hardship application applies is the applicant's principle place of residence.

4.2 There are options available for Council to provide assistance to ratepayers suffering from genuine financial hardship under the Local Government Act 1993 and the Local Government (General) Regulation 2005. The sections which are used by Council to assist ratepayers are as follows:

4.2.1 Hardship resulting from certain valuation changes (s 601 Local Government Act 1993).

4.2.2 Writing off of Pensioner rates and charges (s 582 and s 583 Local Government Act 1993).

4.2.3 Agreement as to periodic payment of rates and charges (s 564 Local Government Act 1993).

4.2.4 Writing off accrued interest (s 567 Local Government Act 1993).

4.3 Assistance under Section 601 of the Local Government Act 1993

Under section 601 of the Act, any ratepayer who incurs a rate increase in the first year following a revaluation of land value can apply to Council for rate relief if the increase in the amount of rates payable would cause them substantial hardship.

For cases of genuine hardship, Council will consider offering a periodical payment arrangement for a period of up to twelve (12) months in accordance with Section 564 of the Local Government Act 1993. Applications must be received within the first year of a new land valuation being used by Council. Applications will be assessed on a case by case basis.

Applications must be made within the first year of a new valuation being used by Council. If an application is made during the first year then subsequent applications under that valuation base date may be considered.

Council will not consider applications under this provision to waive or reduce rates payable as valuations are independently determined by the NSW Valuer General. Council will encourage aggrieved ratepayers to make an appropriate application under the valuation appeals provisions of the NSW Valuation of Land Act 1916.

4.4 Assistance under Sections 582 & 583 of the Local Government Act 1993

Council may waive or reduce rates, charges and interest due by any ratepayer who is in receipt of a pension, benefit or allowance under the Social Security Act 1991. Under Clause 135 of the Local Government (General) Regulation 2005 a ratepayer can make application for a reduction to their Council rates via a pension concession. The maximum pension concession offered by Council comprises the following amounts:

- Two hundred and fifty dollars, being the standard Government rebate;
- Fifty percent of the Ratepayer's core domestic waste charge;
- Stormwater Management Charge (Maximum \$25),
- An additional voluntary rebate of \$45.

4.5 Assistance under Section 564 of the Local Government Act 1993

Council may accept payment of rates and charges that differ from the quarterly instalments under section 564 of the Act. A ratepayer must enter into an arrangement with Council to pay their rates weekly, fortnightly or monthly. Council offers the availability for these arrangements to be set up through direct debit or Centrepay (if applicable) to further assist the ratepayer in making the agreed payments on the agreed dates.

Council may write-off interest accrued over a maximum period of twelve (12) months from the date of the debt, subject to an acceptable formal arrangement being made and the debt being paid within the agreed period.

4.6 Assistance under Section 567 of the Local Government Act 1993

Council applies interest to overdue rates and charges to the maximum rate allowable under section 566 of the Local Government Act 1993. Council may write off accrued interest on rates or charges payable by a person under section 567 of the Act and the Local Government (General) Regulation 2005 where:

- (1) The person was unable to pay the rates or charges when they become due for reasons beyond the person's control, or
- (2) The person is unable to pay accrued interest for reasons beyond the person's control, or
- (3) Payment of the accrued interest would cause the person hardship.

Council may consider write-off interest in accordance with section 567(3) of the Local Government Act 1993 in the following circumstances:

- The ratepayer is experiencing genuine financial hardship. In such cases a Financial Hardship Relief Application Form must be completed.
- The ratepayer is a "first-time" defaulter and has previously had a good payment record or there are mitigating circumstances.
- Prolonged or serious illness or injury has prevented the ratepayer meeting their financial obligations to Council.
- The ratepayer has complied with all criteria with respect to section 564 periodic payment agreement and the rates and charges component of the account has been brought up-to-date.
- Council is satisfied that the circumstances giving rise to the default are temporary and that there is a reasonable belief that future rate instalments will be paid by the due dates.

Part 2 – Sundry Debtors

4.7 If hardship is determined then a payment plan may be arranged to clear the debt within a timeframe of two (2) years.

In exceptional circumstances (and subject to the requirements of Council's Debt Recovery Policy), debts may be written off. This only applies when the sundry debtor is an eligible pensioner. Each application will be dealt with on a case by case basis and the sundry debtor may have to attend an interview and provide full financial details.

Part 3 – Application and Assessment

- 4.6 The first point of contact should be with one of Council's Revenue staff to discuss each individual case and to arrange a satisfactory payment arrangement. Under sections 564 & 567 delegated officers of Council can enter into payment agreements.
- 4.7 Applications for payment arrangement under section 564 of the Act may be accepted verbally by delegated officers only where the ratepayer has not requested write-off of interest. If write-off of interest is requested a Financial Hardship Relief Application Form must be completed.
- 4.8 Application for write-off of interest under section 567(3) of the Local Government Act 1993 must be made on the Financial Hardship Relief Application form.
- 4.9 Each application will be considered on its merits on a case by case basis.
- 4.10 The Financial Hardship Relief Application form must be supported by documents, including but not limited to reasons for the application, financial records (including past 3 months bank statements), details of all sources of income, living expenses, a letter from a recognised welfare agency or financial counsellor confirming financial hardship and/or medical certificate.
- 4.11 An application for write-off of interest will be assessed by the Revenue Team Leader and a recommendation will be referred to the appropriate delegated officer of Council or Council meeting for final determination.
- 4.12 The Ratepayer/Debtor will be advised of the outcome in writing.
- 4.13 If the Ratepayer/Debtor is not satisfied with the outcome, they can request Council reconsider the decision. The application passes to the General Manager who can uphold or overturn the original decision. Following this decision the Ratepayer/Debtor has no further right to appeal.

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 Applications for hardship relief should be referred to the Finance Officer - Revenue or Revenue Team Leader in the first instance. All applications will be assessed by Executive Leadership Team and referred to the General Manager for reconsideration if needed.

6. RELATED POLICIES

- 6.1 Debt Recovery Policy (GOV0025)

7. RELATED PROCEDURES

- 7.1 Nil

8. RELATED LEGISLATION

- 8.1 Local Government (General) Regulation 2005 – Part 5
- 8.2 The following Sections of the Local Government Act 1993
 - Section 564
 - Section 567
 - Section 577
 - Section 582
 - Section 583
 - Section 601

9. ATTACHMENTS

9.1 Nil

10. RESOURCES

10.1 Office of Local Government

10.2 Consultation with other Councils' Revenue departments

10.3 Local Government Act 1993

11. IMPLEMENTATION STATEMENT

11.1 To ensure this policy is implemented effectively, Council will employ a variety of strategies involving awareness, education and training. These strategies will be aimed at Councillors, staff and council representatives and will involve:

11.1.1 The draft policy has been discussed with Council's Executive Leadership Team.

11.1.2 Information sessions will be conducted with relevant staff regarding the requirements of the draft policy.

12. POLICY HISTORY

12.1	Date First Adopted	18 October 2010
12.2	Most Recent Adoption	20 April 2015
12.3	Next Review Date	20 April 2018
12.4	Responsible Officer	Chief Financial Officer

Financial Hardship Relief Application Form

About this form

This form is to be completed by Ratepayers who are presently experiencing financial hardship and wish to receive consideration for relief available under Council's Hardship Policy.

The information provided by completing this form will enable Council to determine eligibility for financial hardship relief.

Completed applications may be faxed to (02) 4677 2339, posted to PO Box 21 Picton NSW 2571 or emailed to council@wollondilly.nsw.gov.au.

Please contact Council's Revenue Team on (02) 4677 8282 if you have any enquiries about this application.

Application for Financial Hardship relief for the Whole or part of the Year Commencing 1 July 20__			
Please answer all questions relevant to you using block letters and ticking the appropriate boxes.			
Assessment Number			
Full Name			
Postal Address			
Contact Number			
Email			
Property Address			
Do you have a current Pensioner Concession Card issued by the Commonwealth Government or receive any pension / benefits?	<input type="checkbox"/> Yes (see below)		<input type="checkbox"/> No
	PCC or DVA Number		Date of Grant
	Pension Type		Amount \$
Have you claimed a pensioner concession rebate on any property this year?	<input type="checkbox"/> Yes		<input type="checkbox"/> No
	If yes, please state property address		

Is this property your principle place of living?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
If you DO NOT own the property, please explain why you are liable to pay the rates?		
Are there people living at the property other than you and your spouse?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	If yes please indicate who these people are: <input type="checkbox"/> Children (state ages _____) <input type="checkbox"/> Boarders <input type="checkbox"/> Relatives <input type="checkbox"/> Other (please specify) _____	
How many dependents do you support?		Please state their age/s
Do you own (either fully or partially) any other land or buildings?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please state property address:	
What is the cause of your financial hardship?		
How long have you been experiencing financial hardship?		
Please state gross weekly amount received from the following sources of income:	Full time employment	\$
	Compensation, superannuation, insurance or retirement benefits	\$
	Spouse's Income	\$
	Income from other residents of the property	\$
	Casual/part time employment	\$
	Family allowance, pension or benefits	\$
	Interest from banks / building societies / credit unions	\$
	Other	\$

Please provide name and current balance of all bank, credit union or building society accounts held by you		\$
		\$
		\$
		\$

Please provide details of all weekly outgoings	Outgoing	Owed To	Amount
	Rent / Home Loan		\$
	Other mortgages		\$
	Personal loans / Hire Purchase		\$
	Council rates & charges		\$
	Health Costs		\$
	Other expenses		\$

Please attach a separate page with any other relevant information and documentation (ie medical certificate, bank statements, letter from financial councillor and/or welfare agency) that will support your application.

I hereby declare that the information provided in this application is true and correct
(If you make a false declaration in an application you may be guilty of an offence)

Please print name	Signature	Date

Privacy Statement

You will need to provide personal information to Wollondilly Shire Council in respect to this application. Wollondilly Shire Council is required under the Privacy & Personal Information Protection Act 1998 (PPIPA) to collect, maintain & use your personal information in accordance with the privacy principles & other relevant requirements of PPIPA. For further clarification please contact Council to discuss this with Council's Privacy Contact Officer.

Lodgement Details

You may lodge the completed application by:

Mail: PO Box 21, Picton NSW 2571

Email: council@wollondilly.nsw.gov.au

In person: 62-64 Menangle Street, Picton

Monday to Friday (excluding public holidays) 8:30am to 5:00pm

EC5 Attachments

1. Summary of Changes to the Debt Recovery Policy
2. Revised Debt Recovery Policy

Monday 21 May 2018

EC5 – Adoption of Revised Debt Recovery Policy

Policy Changes table for Council Reports:

SUMMARY OF CHANGES – DEBT RECOVERY POLICY (GOV0025)

Location	Previous Wording	New Wording	Reasoning
Section 4.4, page 2	<p>Actions/Arrangements may be stopped and/or suspended when:</p> <ul style="list-style-type: none"> • The debt is paid in full; or • The Court rules that the action is not lawful; or • A mutually agreeable arrangement is made between Council and ratepayer/debtor; or • At the discretion of the General Manager, Executive Director Community Services & Corporate Support, Manager Financial Services or Revenue Team Leader 	<p>Actions/Arrangements may be stopped and/or suspended when:</p> <ul style="list-style-type: none"> • The debt is paid in full; or • The Court rules that the action is not lawful; or • A mutually agreeable arrangement is made between Council and ratepayer/debtor; or • At the discretion of the General Manager, Executive Director Community & Corporate, Chief Financial Officer or Revenue Team Leader 	Updating title of Council Officers.
Section 4.9, page 4	<p>Council charges interest on rates and charges which become overdue and this interest is determined annually.</p> <p>Council may waive (write off) interest charges in mitigating circumstances affecting the ratepayer, e.g. hospitalisation, death in the family, illness, and good payment history. In giving consideration to the write off, Council will have regard to the previous payment record of the ratepayer. Write offs are initiated at the discretion of the Revenue Team Leader or the Financial Services Manager depending on</p>	<p>Council charges interest on rates and charges which become overdue and this interest is determined annually.</p> <p>Council may waive (write off) interest charges in mitigating circumstances affecting the ratepayer, e.g. hospitalisation, death in the family, illness, and good payment history. In giving consideration to the write off, Council will have regard to the previous payment record of the ratepayer. Write offs are initiated at the discretion of the Revenue Team Leader or the Chief Financial Officer depending on</p>	Updating title of Council Officer and making reference to related Policy.

	circumstances. Interest charges which have been incorrectly raised by Council, will be written off.	circumstances and are given consideration under Council's Hardship Policy. Interest charges which have been incorrectly raised by Council, will be written off.	
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1. POLICY OBJECTIVES

- 1.1 This policy outlines the principles and guidelines that apply to the recovery and management of overdue rates, domestic waste charges and sundry debtor accounts. It will ensure money owed to Council is collected in a timely manner by utilising efficient and effective debt recovery procedures. The policy will comply with the relevant parts of the Local Government Act, Regulations and other applicable legislation and will allow for a fair and equitable approach to recovering overdue accounts.

2. BACKGROUND

- 2.1 The debt recovery policy has been created to maximise Council's revenue, in particular the rating and domestic waste management revenue, which is Council's most significant cash inflow.

3. ELIGIBILITY

- 3.1 This policy applies to the Finance Officer- Revenue, Revenue Team Leader, Chief Financial Officer, Executive Director Corporate & Community, General Manager and Councillors.

4. GUIDELINES

Part 1 – Recovery of Rates

- 4.1 The principles and guidelines to the recovery of outstanding rates and charges should incorporate the following:
- Collect all rates and charges by the end of each rating year
 - Apply a fair and reasonable approach to debt recovery
 - Ensure the outstanding rates ratio is at or below the industry standard
 - Consider arrangements for payments that are overdue
 - Individually assess each hardship application
 - Efficient and effective service management
 - Apply the provisions of the Act relating to the sale of land as and when required

Part 2 – Recovery of Sundry Debtors

- 4.2 The principles and guidelines to the recovery of sundry debtor accounts should incorporate the following:
- Reminder letters to be sent after 30 days overdue
 - Apply a fair and reasonable approach to debt recovery
 - Consider arrangements for payments that are overdue
 - Individually assess each hardship application
 - Efficient and effective service management

- Where a debt is disputed it will be referred to the appropriate responsible Officer and Manager. The responsible Manager will ensure that the dispute is researched and actioned in a timely manner (within 30 days of the request from Finance) and ensure that Finance is advised of the outcome of the dispute as delays will reduce the chances of recovery of the debt.
- The General Manager has delegated authority to determine write-off of debts up to \$5,000. Any credit note up to \$5,000 required as a result of a dispute will be referred by the responsible manager to the General Manager for approval. Credit notes greater than \$5,000 will be reported to Council for approval. Any debts written off will be reported in the next available Quarterly Review of Council's Operational Plan.
- All credit notes requested as a result of an invoicing error, cancelled booking or other administrative reason will be forwarded to Finance by the responsible officer in the approved form.
- All credit notes processed within Accounts Receivable will be reviewed monthly by the Revenue Team Leader.

Part 3 – Commencement of Recovery Action (LGA Section 712)

- 4.3 If an account is overdue and an arrangement to pay has not been made, Council may issue a reminder/final notice requesting payment of the overdue amount at a suitable time within the current year. In most cases, the reminder/final notice will be issued after each missed instalment.

The notice will request the full amount outstanding or offer the opportunity to make a satisfactory arrangement to pay the outstanding amount, if the ratepayer is unable to pay in full. If no payment is received within the allocated timeframe, Council will refer the account to a debt recovery agent to issue a Notice of Intent. Unless the account is paid or a suitable arrangement is made within seven (7) days from the Notice of Intent the debt recovery agent will be instructed to lodge a Statement of Liquidated Claim with the appropriate court.

Part 4 – Stopping and/or Suspending Action/Arrangements (LGA Section 564)

- 4.4 Actions/Arrangements may be stopped and/or suspended when:

- The debt is paid in full; or
- The Court rules that the action is not lawful; or
- A mutually agreeable arrangement is made between Council and ratepayer/debtor; or
- At the discretion of the General Manager, Executive Director Community & Corporate, Chief Financial Officer or Revenue Team Leader.

Part 5 – Arrangement Guidelines (LGA Section 564)

- 4.5 Council acknowledges that in certain cases, some ratepayers may genuinely be experiencing a period of financial hardship and as a result may have difficulty in meeting the cost of each rates instalment as and when it falls due. In such cases, Council encourages ratepayers to enter into an arrangement for periodical payment of rates and charges applicable to their property in accordance with the conditions set out by Council.

Similarly, Council will consider accepting a mutually agreeable arrangement for the payment of overdue rates and charges. The arrangement may be entered into at any time during the recovery process.

The following guidelines should be met before any arrangement is accepted:

- The arrangement should be accepted on the basis that the outstanding amounts be finalised as soon as possible
- Arrangements can be made on a weekly, fortnightly or monthly basis
- Any arrangement made before the due date of the 3rd instalment, should be made such that all amounts are paid in full by the 30th June of that financial year
- Arrangements made after the 3rd instalment due date may extend into the following year however, must be reviewed once the subsequent year's levy also becomes payable
- Extenuating circumstances can be taken into consideration if any of the above 3 conditions cannot be met, but must be referred to the Revenue Team Leader for approval. Details of income/expenses of ratepayer may be required.
- Unless the imposition of costs and/or interest are deemed to be in error, the waiving of costs and/or interest will not be considered until all overdue rates and domestic waste charges are paid.

Part 6 – Debt Recovery Process

- 4.6 As part of the debt recovery process, Council's Finance Officer - Revenue will:

- Monitor overdue assessments/accounts
- Adhere to arrangement guidelines outlined above
- Commence Debt Recovery action if payments not received and arrangements not being adhered to
- Approve the issue of Summons, Judgment and Writ action and other legal processes
- Stop/Suspend Actions/Arrangements.

Part 7 – Dispute Resolution

4.7 In cases where ratepayers object to the decision made, they will have the opportunity to escalate their matter(s) for further consideration to:

- 1) Revenue Team Leader
- 2) Chief Financial Officer
- 3) Executive Director Corporate & Community
- 4) General Manager

Part 8 – Customer Service Contact

4.8 Given the nature of the debt recovery process, instances arise from time to time where certain ratepayers may become verbally and/or physically abusive. Threats and abuse, either verbal or physical against Council staff are to be dealt with in line with the managing unacceptable customer behaviour policy and manual.

Part 9 – Interest Charges

4.9 Council charges interest on rates and charges which become overdue and this interest is determined annually.

Council may waive (write off) interest charges in mitigating circumstances affecting the ratepayer, e.g. hospitalisation, death in the family, illness, and good payment history. In giving consideration to the write off, Council will have regard to the previous payment record of the ratepayer. Write offs are initiated at the discretion of the Revenue Team Leader or the Chief Financial Officer depending on circumstances and are given consideration under Council's Hardship Policy.

Interest charges which have been incorrectly raised by Council, will be written off.

Part 10 – Pensioners

4.10 Council will accept an arrangement for the periodical payment of rates and charges due by persons in receipt of a pension concession card and eligible veteran affairs cardholders.

A reminder notice may also be issued to pensioners requesting payment or an arrangement to pay, however no legal action is to be taken against ratepayers who are pensioners eligible for rebates.

5. RESPONSIBILITY/ACCOUNTABILITY

5.1 General Manager

- The General Manager is authorised to write off debts including rates and charges up to and including \$5,000. Amounts above this are to be submitted to Council.

5.2 Chief Financial Officer & Revenue Team Leader

- Are responsible for overseeing the debt recovery process
- Ensure staff comply with the debt recovery policy
- May authorise waiving of interest charges where applicable.

5.3 Finance Officer - Revenue

- Is responsible for the effective and efficient operation of Council's debt recovery policy
- Ensure compliance to the debt recovery policy and related procedures
- Demonstrate commitment to the debt recovery process.

6. RELATED POLICIES/PROTOCOLS

6.1 Hardship Policy (GOV0062)

6.2 Complaint Handling (AP0058)

7. RELATED PROCEDURES

7.1 Debt Recovery Procedure

7.2 Complaint Handling Procedure

7.3 Managing Unacceptable Customer Behavior

8. RELATED LEGISLATION

8.1 Local Government Act 1993

8.2 Local Government (General) Regulations 2005

9. ATTACHMENTS

9.1 Nil

10. RESOURCES

10.1 Section 564 of the Local Government Act 1993

10.2 Section 712 of the Local Government Act 1993

10.3 Office of Local Government

10.4 Consultation with other Councils debt recovery departments

10.5 Debt collection guidelines issued by ACCC & ASIC

11. IMPLEMENTATION STATEMENT

11.1 To ensure this policy is implemented effectively, Council will employ a variety of strategies involving awareness, education and training. These strategies will be aimed at Councillors, staff and council representatives and will involve:

11.1.1 The draft policy has been discussed with Council's Executive Committee.

11.1.2 Information sessions will be conducted with relevant staff regarding the requirements of the draft policy.

12. POLICY HISTORY

12.1	Date First Adopted	26 February 2001
12.2	Most Recent Adoption	20 April 2015
12.3	Next Review Date	20 April 2018
12.4	Responsible Officer	Chief Financial Officer

EC6 Attachment

1. Investment Summary Report as at 31 March 2018

Monday 21 May 2018

EC6 – Investment of Funds as at 31 March 2018