

# FINANCIAL HARDSHIP POLICY

---

READOPTED:  
xxx

NEXT REVIEW:  
2027/28

DOCUMENT TYPE:  
Council Policy

POLICY OWNER:  
Director Corporate Services

POLICY REFERENCE:  
CNCL\_POL\_ECM7661596



## 1. PURPOSE

The purpose of this policy is to establish the framework and circumstances in which relief may be provided by Council in cases of genuine financial hardship, and to assist Council in complying with and fulfilling the statutory requirements of the Local Government Act 1993.

## 2. SCOPE

**2.1** This Policy applies to any person or organisation owing rates, charges, fees, or other debts to Council.

The Policy applies to Council staff with delegated responsibility for carrying out associated administration, and any debt recovery agents who may act on behalf of Council.

## 3. DEFINITIONS

| TERM                           | DEFINITION   |
|--------------------------------|--|
| <b>3.1</b> Financial Hardship  | Experiencing financial difficulty and unable to meet legally owed payments in a timely manner.<br>Financial hardship can arise from: <ul style="list-style-type: none"><li>• Loss or change in income or increase in essential expenditure</li><li>• Illness</li><li>• Loss arising from an accident</li><li>• Natural disaster or emergency situation</li><li>• Death in the family</li><li>• Separation, divorce, or other family crisis</li><li>• Family violence</li></ul> |
| <b>3.3</b> Debt Recovery Agent | A professional who works to recover unpaid debts on behalf of a creditor or client (i.e., North Sydney Council)  |
| <b>3.4</b> Capacity to Pay     | A person or organisation's ability to meet financial commitments.  |

## 4. PROVISIONS

**4.1.** Any person or organisation who cannot pay rates, fees, or charges due to hardship can apply to Council for assistance.

**4.2.** Council recognises that financial hardship can affect anyone and is committed to working with individuals in a respectful and supportive manner.

**4.3.** Council will consider each application on its merits. Applicants are encouraged to share any information they feel comfortable providing to help Council understand their circumstances. Factors to be considered may include, but are not limited to, whether the individual/organisation:

- has provided evidence in accordance with the application requirements outlined in the application form
- receives Centrelink benefits
- receives other benefits (e.g., emergency relief funding)
- is experiencing domestic or family violence involving financial abuse
- has been referred by an accredited financial counsellor, welfare agency, or legal assistance service
- has a payment history that indicates they have difficulty in meeting payments in the past.

**4.3.1** Capacity to pay will be assessed as part of this process. The payment amount and/or payment plan will take into account the applicant's circumstances including, but not limited to:

- total disposable income and current financial commitments;
- any children and/or dependents of the individual; and
- advice from an accredited financial counsellor.

**4.4.** Council assistance may include the following:

- an extension to the payment due date;
- a payment plan or agreement under Section 564 of the Local Government Act 1993, allowing rates and charges (whether overdue or not) to be paid in instalments over an agreed period (e.g., weekly over six months);
- reduction, deferral, waiver, or write-off of interest, fees, or charges for eligible applicants, in accordance with Sections 564, 577, and 601 of the Local Government Act 1993;

Note: The principal amount of rates cannot be written off or waived.

**4.4.1** If a payment plan is considered, Council will work with the applicant to ensure the plan is realistic in terms of the applicant's capacity to pay and is agreeable to both parties.

**4.4.2** If a payment plan is agreed, the applicant will be given written notice of:

- how long the plan will last;
- the amount of each instalment payable under the plan;
- the due date of each instalment;
- what action the council will take if the applicant misses a payment;
- who to contact if the applicant's circumstances change; and
- details of any payment deferral options (e.g. s601, Local Government Act).

**4.4.3** Penalty interest charges may be written off or reduced if:

- the applicant complies with their payment plan;
- if the applicant is a 'first time' defaulter with a good payment history and there are mitigating circumstances.

**4.5.** The applicant will be informed of Council's decision in writing within 10 business days and will be given reasons if the application is declined.

**4.5.1.** If not satisfied with the outcome, the applicant can appeal the decision. Council will carefully reconsider the application and provide a clear explanation of the outcome, ensuring the applicant feels heard and respected throughout the process. The appeal will be managed by a more senior staff member to the original application; however, the process of assessment will remain the same. Should the applicant still be dissatisfied, they can make a complaint to Council under the *Complaints Handling Policy*.

**4.6.** Individuals/organisations in financial distress will be referred to budgetary and community support services as appropriate. Support service examples are listed in section 7 of this policy document.

**4.7.** A hardship arrangement may be cancelled if the individual/organisation:

- fails to comply with the payment plan;
- no longer owns the property;
- advises Council that financial hardship no longer applies; or
- provides information that is later found to be false or misleading.

**4.7.1** If an individual/organisation fails to comply with the payment plan or fails to contact Council about failing to pay, Council will send a reminder.

If the ratepayer does not respond to the reminder in ten business days, and Council determines the payment plan is unlikely to be met, the payment plan may be cancelled. This decision will be communicated to the individual/organisation in writing.

The debt would then become subject to the normal debt recovery processes of Council.

## 5. ROLES & RESPONSIBILITIES

| RESPONSIBLE                          | ACCOUNTABLE  |
|--------------------------------------|--|
| <b>5.1</b> Responsible Officer       | Council's Chief Financial Officer is the responsible officer for this Policy and is accountable for its currency and communication.  |
| <b>5.2</b> Mayor and Councillors     | The Mayor and Councillors have a governance role in relation to council policies. They are responsible for reviewing and adopting policies that reflect legislative requirements and community expectations.<br>Any appeals against the CEO's decision may be referred to the elected Council for determination. |
| <b>5.3</b> Chief Executive Officer   | Council has delegated the Chief Executive Officer the authority to exercise the responsibilities detailed in this Policy.  |
| <b>5.4</b> Executive Leadership Team | ELT are responsible for ensuring their departments adhere to the requirements of this Policy and providing guidance in respect of the strategic objectives of the Policy within their Division and the organisation.   |

|               |  |
|---------------|--|
| 5.5 Employees | Employees must adhere to the requirements of this Policy and operate within its authorities. |
|---------------|--|

## 6. RELATED DOCUMENTS

| DOCUMENT                        | LOCATION  |
|---------------------------------|---|
| 6.1 Debt Recovery Policy        | <a href="#">As published on Council's website</a> |
| 6.2 Financial Management Policy | <a href="#">As published on Council's website</a> |
| 6.3 Long Term Financial Plan    | <a href="#">As published on Council's website</a> |

## 7. RELATED LEGISLATION AND GUIDANCE

| LEGISLATION/GUIDANCE                | NOTES  |
|-------------------------------------|--|
| 7.1 Local Government Act 1993 (NSW) | The Act empowers NSW Councils to provide relief to those experiencing genuine financial difficulty. It ensures Councils can work flexibly with those in financial hardship, catering to the specific circumstances of each applicant.  |
| 7.2 National Credit Code            | The Code dictates the process for requesting hardship assistance from credit providers.  |
| 7.3 Privacy Act 1988 (Cth)          | The Act protects and regulates the use and disclosure of financial hardship information.   |
| 7.4 Support Services                | Council encourages individuals experiencing financial distress to seek support from the following trusted services. <ul style="list-style-type: none"> <li>• <a href="#">Centrelink</a></li> <li>• <a href="#">Financial Counsellors Association of NSW</a></li> <li>• <a href="#">Financial Rights Legal Centre</a></li> <li>• <a href="#">National Debt Helpline</a></li> <li>• <a href="#">Services Australia (crisis payment)</a></li> </ul> |

## 8. VERSION HISTORY

| Version | Date Approved    | Approved by | Resolution No. | Review Date |
|---------|------------------|-------------|----------------|-------------|
| 1       | 2 June 2005      | Council     | 580            | 2008/09     |
| 2       | 16 February 2009 | Council     | 61             | 2012/13     |
| 3       | 18 February 2013 | Council     | 61             | 2016/17     |
| 4       | 25 June 2018     | Council     | 214            | 2020/21     |
| 5       | 26 February 2024 | Council     | 29             | 2028/29     |
| 6.      | xxx              | Council     | xxx            | 2028/29     |