

Hardship Policy

31 March 2021



Table of Contents

1. Introduction.....	2
2. Purpose.....	2
3. Principles.....	2
4. Scope.....	3
4.1. Parking Infringements	3
5. Application of Policy for COVID-19 related hardship issues.....	3
5.1. Rates.....	3
5.2. Rental relief for tenancies on Council premises.....	4
5.3. Other Fees and Charges	5
6. Decision making process / Assessment Criteria	6
7. Application and assessment process.....	6
7.1. Appeals.....	6
8. Human Rights Consideration	7
9. Privacy and Confidentiality	7
10. Supporting material	7
11. Review	7

"If you are experiencing financial difficulty with Council fees and charges, get in contact with us today."

1. Introduction

The City of Stonnington recognises that some individuals and organisations may from time to time experience financial difficulty which will vary in its extent and duration depending on individual circumstances. Council has revised its policies in recognition that due to economic impact of the 2020 COVID-19 pandemic, increased economic hardship is anticipated across the community. This policy ensures that all people who may be vulnerable to financial stress, regardless of their circumstances, will face no judgement and will be treated with understanding, respect and have their circumstances kept confidential.

This policy is subject to change at Council's discretion, taking into account changing government policy and legislative requirements.

Support during the COVID-19 Pandemic 2020

COVID-19 was declared a pandemic on 11 March 2020 and a State of Emergency was declared under the Public Health and Wellbeing Act 2008 in Victoria on 16 March 2020, and now extended to 16 December 2021. Council acknowledges that there are both individuals and businesses in our community for whom the COVID-19 pandemic will cause significant financial stress.

The specific provisions that Council will consider providing temporary relief to those under financial stress as a result of the pandemic are clearly outlined in this policy in section 5.

2. Purpose

The purpose of this policy is to:

- a) Provide assistance to individuals and organisations experiencing financial stress.
- b) Provide a mechanism that enables individuals and organisations to feel comfortable approaching Council about current hardship circumstances.
- c) Outline the eligibility and assessment criteria that will be considered in a consistent, equitable and confidential manner.
- d) Provide individuals and organisations with clearly defined options when applying for a deferment or waiver of fees and charges.
- e) Provide a fair and transparent decision making framework for Council officers when assessing claims.

3. Principles

The policy is guided by the following principles:

- **Accessibility** – we will work with the individual and/or their advocate with clear communication and make available our Hardship Policy.
- **Respect and Confidentiality** – we understand that sensitive, empathetic and compassionate communication is required when dealing with customers in financial difficulty with the assurance of confidentiality.
- **Equity** – all individuals and businesses will have access to the provisions of this policy and will be treated consistently and in a fair manner.
- **Transparency** – the policy, and how it can be accessed will be clearly communicated.

4. Scope

This policy:

- Guides decision making on the assessment of applications for assistance.
- Provides the framework and guidelines to Council when considering the granting of a deferral of the payment of levied fees or charges (including payment plans), and waiver of part or all of those levied fees and charges.
- Defines permits, licenses, fees and charges (other than rates and charges).
- Guides the categories that are relevant to businesses and individuals.

This Policy does not apply to:

- Contracts between Council and another party or parties for the provision of goods or services;
- Management contracts between Council and another party or parties; or,
- Parking infringement notices issued under the Infringements Act 2006 (see paragraph 4.1).
- Fees and Charges or fines applicable under State Legislation, the Local Government Act, Stonnington Local Law unless otherwise identified.

The difference between a deferral and waiver is that:

- A deferral suspends payment for a period of time
- A waiver permanently exempts part or full payment of the permits, licenses, fees and charges.

4.1. Parking Infringements

This Policy does not apply to parking infringement notices issued under the *Infringements Act 2006*.

Parking infringement issue and appeals process is prescribed by the *Infringements Act 2006*. This process outlines the length of time allowed for payment, when and how penalty reminder notices are to be issued and/or the infringement lodged at the Infringements Court and the addition of costs to the original penalty.

All Victorian councils and other enforcement agencies are required to follow the process set by legislation.

5. Application of Policy for COVID-19 related hardship issues

5.1. Rates

Rates revenue ensures Council can deliver services to the community. It is an overarching Council policy that rates will not be waived.

The current City of Stonnington [Rates Financial Hardship Policy](#) provides various options to assist ratepayers in financial distress, such as rate concessions, charge and interest deferral, payment options and interest waivers.

The *Rates Financial Hardship Policy* will continue to apply with the following amendments:

In response to the COVID-19 State of Emergency, interest and other additional fees will not be charged on overdue rates for the period of 16 March 2020 to 30 June 2021.

Upon application and assessment:

- **For Individuals:** Extend the no interest policy to existing and future residential applications for rate and levy deferment, including pensioners and self-funded retirees for up to twelve months. Deferral of rate payments will be considered on a case-by-case basis and if necessary Council will work with financial counsellors to assist in developing a suitable arrangement.
- **For businesses:** Extend application for rate deferment to small businesses who meet criteria (turnover below \$10m and significantly affected by COVID-19) – Up to six month of rates deferral with a no interest payment plan.
- **For Landlords:** Extend the no interest policy if proved that the savings on the rates and levy relief has been passed through to tenants.

5.2. Rental relief for tenancies on Council premises

A number of businesses, not-for-profit organisations and other organisations that lease Council property will be impacted by the social restrictions imposed by the COVID-19 State of Emergency. To be eligible for consideration of rental relief, the organisation must be:

- Be a lessee of Council
- Pay rental amount above \$1,000 p.a. (ex GST)
- Not have any overdue debt or reporting obligations to Council for the period prior to 1 January 2021.

Upon application and assessment, the rental relief options include:

Premises Type	Situation	Duration	Hardship Support
Premises located within or in conjunction with Council community facility	Forced closure by Council and the business occupying the premises cannot operate as a result of the closure of the facility.	For the period of the closure.	Up to 100% rental waiver
Other commercial and not-for-profit premises	Forced closure. Where the business occupying the premises cannot operate as a result of a mandated closure by the State or Australian Government.	For the period of the forced closure.	Up to 100% rent waiver
Other commercial and not-for-profit premises	Voluntary closure and > 75% reduction in turnover since 1 January 2021 as a result of a State or Australian Government decision during the State of Emergency	For the period of the state of emergency	Up to 100% rent waiver
Other commercial and not-for-profit premises	Remains open and > 25% reduction in turnover since 1 January 2021 as a result of a State or Australian Government decision during the State of Emergency	For the period of the state of emergency	Up to 50% rent waiver
Sporting clubs	Where the club cannot operate as a result of a State or Australian Government decision during the state of emergency	For the period 1 January 2021 to 16 December 2021	Determined on a case by case basis

5.3. Other Fees and Charges

For users of other Council services, treatment of the following fees and charges will apply and, where appropriate, assessed on a case by case basis.

Fee & Charges	Hardship support available	Comment
Footpath Trading Permit Fees 2020	<p>a) 100% refund for the period 1 April - 30 September 2020</p> <p>b) Waiver of fees for period 1 October 2020 – 30 June 2021, (extended from initial waiver to 31 March 2021) for existing and new applications</p> <p>c) Waiver of the \$66 application fee for new applications and reassessments for the period 1 October 2020 until 30 June 2021.</p>	<p>a) Please access the Council website for a refund application if a refund has not been applied for already.</p> <p>b) New stickers will not be issued for existing permits as current permits are automatically renewed until 30 June 2021.</p>
Food and Health Permits	<p>100% refund for the period 1 April - 30 September 2020</p> <p>Waiver of penalty fees for late payments received after 31 January 2021.</p> <p>Please contact to discuss your circumstances.</p>	<p>Food and Health Registrations (Beauty Therapy Category 1 and 2 and Prescribed Accommodation).</p> <p>(State Government statutory fee)</p>
Animal Registration	Please contact to discuss your circumstances	Concessions apply for eligible Concession Card holders (State Government statutory fee)
Waste Services	<ul style="list-style-type: none"> • Concession fees • Payment plan on application 	No discount or waiver (State Government statutory fee)
Planning Permit Application and Assessment Fees	Nil	No discount or waiver (State Government statutory fee)
Statutory Planning extension of time fee	Fees may be waived if it can be demonstrated works cannot be started / finished because of impacts associated with COVID-19.	Non statutory fee
Building Permit Application and Assessment Fees	Nil	No discount or waiver (State Government statutory fee)
Developer and Open Space Contributions	Nil	No discount or waiver (State Government statutory fee)
Consents and Bonds	Nil	
Aquatic services, including gym, swim and learn to swim programs	Free of charge suspension of memberships	
Bookings at Council venues	'No charge' cancellation fee	
Alfresco activities	100% refund for the period 1 April - 30 September 2020.	
Council 'at grade' carparks	No fee	For a period of 7 months for the period 1 April – 31 st October 2020

Malvern Valley Golf Course Membership	Free of charge extension of membership terms	Memberships will be extended for a reciprocal duration of COVID-19 restrictions.
Other Sporting clubs and venues	Where facilities have been closed as a result of a State or Australian Government decision during the State of Emergency and Reinstated Stay At Home Restrictions period	No fees will be charged for council venues

6. Decision making process / Assessment Criteria

The criteria used to determine an individual's eligibility is assessed on a case-by-case basis and is based on a meaningful two-way conversation. Some of the indicators that may highlight an individual's need for additional assistance are listed below:

- Demonstrated inability to pay the rates, rent, charges or other amounts owing to Council directly as a result of COVID-19 impacts.
- Demonstrated downturn of income, revenue or turnover which exceeds required threshold for eligibility as indicated.
- Referral from a financial counselling agency or community organisation.
- Evidence of health issues.
- Any instance where a customer is identified as being affected by family violence.
- Evidence of a reduction in hours or rates for services as a result of COVID-19.
- Evidence of current unemployment.

7. Application and assessment process

Enquiries can be made in the first instance via our Hardship Assessment Team on 8290 1439 or email at finassist@stonnington.vic.gov.au. Applications can be made direct by completing the Application for Financial Assistance form on our website.

A Hardship Assessment Committee will be convened and will consider factors including those listed under 6 above and the following in the evaluation of any relief under this policy.

All applications, in the first instance, will be processed and reviewed by designated City of Stonnington officers with further review and assessment by the Hardship Assessment Committee, where required, in conjunction with an independent financial counsellor. Additional relevant or substitute supporting information may be requested in order to assist with the application.

7.1. Appeals

An applicant may seek a review by the Chief Executive Officer of a decision made by the Hardship Assessment Committee.

If an applicant is not satisfied with the Chief Executive Officer's review, the applicant may refer the matter to the Victorian Ombudsman.

8. Human Rights Consideration

This Policy has been assessed in accordance with the requirements of the relevant legislation and which complies with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

9. Privacy and Confidentiality

Stonnington City Council is committed to protecting the privacy of individuals' personal information. Personal information may be collected under this policy for the primary purpose of assessing an application for relief under this policy, and will be made available to relevant Council staff for that purpose. An individual's personal information will not be provided to any other external party without an individual's consent, unless required or authorised by law. If an individual chooses not to provide personal information regarding an application for relief under this policy Council may not be able to progress application. Any queries regarding privacy should be directed to the Executive Manager Governance and Integrity. Personal information will be treated confidentially in accordance with the *Privacy and Data Protection Act 2014* (Vic) and with Council's [privacy policy](#).

10. Supporting material

Community members in financial difficulty or stress are encouraged to utilise counselling and other support services. Free, confidential and independent advice is available from:

Consumer Affairs Victoria (National Debt Helpline (Victoria) on 1800 007 007 or www.consumer.vic.gov.au).

Financial Counselling Australia also provides letter templates, fact sheets, information on financial counselling services and a debt management self-help tool. Visit www.debtselphelp.org.au or telephone 1800 007 007 or email: info@financialcounsellingaustralia.org.au.

11. Review

The Hardship Policy will be reviewed by 16 December 2021, or more frequently if there are changes to legislation or internal processes impacted on the policy.

Reviewing Officer: Chief Financial Officer

Approved by: Council or Chief Executive Officer (under delegation)

Approval Date: 29 March 2020

Review Date: 18 March 2020