



Item No: 19.2

Date: 21 March 2022

Attachments: A, B, C

Meeting:	Council
Title:	Hardship Application - Remission of Rates, Fines and Interest – Cirocco
Responsible Manager:	Acting Chief Executive Officer, Scott Reardon
Author:	Acting Chief Executive Officer, Scott Reardon
Key Pillar:	Strategic Framework – Key Pillar 7 – Leadership – A responsible and influential local government organisation
Key Focus Area:	Financial Guiding Principle 1 - Finances managed responsibly
Type of Report:	Decision Required

Pursuant to Section 83(5) of the *Local Government Act 1999*, the Chief Executive Officer indicates that the matter contained in this report may, if the Council so determines, be considered in confidence pursuant to Section 90(2) of the *Local Government Act 1999* on the basis that the information contained in the attached report is information of the nature specified in subsections 90(3) (a) of the Act namely information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

Recommendation (Public)

Pursuant to s90(3)(b)

Pursuant to Section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Acting Chief Executive Officer Scott Reardon, Group Manager Assets & Infrastructure Ben Clark, Group Manager Planning, Environment, Regulatory & Customer Service Joshua Bowen, Manager Community Development & Engagement Fiona Deckert, Communications & Marketing Manager Sarah Spencer, Acting Manager Corporate Services Vikkie Purtle and Council Secretariat Danielle Edwards, Vikki? be excluded from attendance at the meeting for Agenda Item 19.2 'Remission of Rates Fines and Interest Application – Cirocco'.

The Council is satisfied that, pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

That Council receives and notes the Hardship Application - Remission of Rates, Fines and Interest – Cirocco report and associated hardship application made by Mrs Karen and Mr Beni Cirocco and:

- a. endorses the remission of a total amount of \$XXX worth of General Rates and Fines arrears;

OR

- b. agrees to postpone the payment of the balance currently outstanding, totalling \$4,121.85, plus the forthcoming 4th quarter amount totalling \$661.00 until 30 June 2023, and place a hold on any further fines and interest being applied to the account for the duration of the postponement.

Recommendation (Public)

Pursuant to s.91(7)

That having considered Agenda Item 19.2 'Remission of Rates Fines and Interest Application – Cirocco' in confidence under section 90(2) and (3)(a) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report and attachments relevant to this Agenda Item be retained in confidence for a period of 12 months, excepting that the Council authorises the release of the Council resolution to those parties identified in the substantive resolution relating to this Agenda Item to enable enactment of the resolution and that pursuant to Section 91(9)(c) of the *Local Government Act 1999* the Council delegates to the Chief Executive Officer the review and power to revoke this Order;

and

That Council resolves to end its confidential deliberations pursuant to Section 90(2) of the *Local Government Act 1999* and re-admit the public.

Summary

Karen and Beni Cirocco (**Cirocco's**) are the owners of the property located at 111 Stephen Terrace, Walkerville (**Property**). The Ciroccos have advised that the property is not their principal place of residence and it is currently being leased out as a rental property.

In January 2022 Administration received a hardship application from Mrs Cirocco seeking to have both an unspecified amount of general rates and \$2,600 worth of rates fines and interest waived on the basis of both her loss of employment in November 2021 and a recent diagnosis of a significant illness. Administration has since attempted to obtain further financial information from Mrs Cirocco in support of her application, however with the exception of general correspondence Mrs Cirocco has not supplied anything further in support of the application

The current accumulated arrears for the property totals **\$4,121.85** and is comprised of arrears for general rates and fines, interest and regional landscape levy. It should be noted that the forthcoming 4th quarter amount for 2021-22 totalling \$661.00 is yet to be applied to the account. While Administration agree that both loss of employment and a significant illness constitute 'hardship event's' and that some hardship assistance ought to be granted, Administration disagrees with the remission of all retrospective amounts that have resulted from insufficient payment.

Administration now seeks Council's guidance and direction in order to reach a reasonable and appropriate outcome.

Background

No previous reports have been presented to Council or decisions made regarding this property or the matter as outlined in this report.

Discussion/Issues for Consideration

Property & Chargeable Rates

Karen and Beni Cirocco (**Cirocco's**) are the owners of the property located at 111 Stephen Terrace, Walkerville. The property is currently valued at **\$1,125,000**, the 2021-22 annual general rates charge totalled **\$2,538.30**, with an additional Regional Landscape Levy of **\$106.85**.

Property	Individual Capital Value		Rate on the Dollar		Preliminary Rates
A2561	\$1,125,000.00	x	0.0022563	=	\$2,538.38

The Cirocco's have advised that the property is not their principal place of residence and it is currently being leased out as a rental property.

Hardship Application

On 11 January 2022 Administration received a hardship application from Mrs Cirocco, appearing as Attachment A to this report, seeking to have both an unspecified amount of general rates and \$2,600 worth of rates fines and interest waived on the basis of both her loss of employment in November 2021 and a recent diagnosis of significant illness.

Property Account

Since 2007, the Cirocco's have been poor rate payers and their account has experienced ongoing fluctuating arrears. On review of the property's account, as at 13 March 2022, the amount in arrears totals **\$4,121.85**, and is comprised of the following:

Item	Outstanding Amount
General Rates & Fines Arrears	\$3,932.68
Interest	\$28.90
Regional Landscape Levy	\$160.27

Rating Policy.

Section 11.2.1 of Council's current Rating Policy:

- gives authority for Council to:

"[...] partially or wholly remit (waive) Rates on the basis of hardship"; and

"consider applications on their merits".

- clearly states that:

"while arrangements for extended payments of rates are negotiable, remission of rates in whole, or in part, is rarely approved".

Options for Consideration

Option 1

That Council receives and notes the Hardship Application - Remission of Rates, Fines and Interest – Cirocco report and associated hardship application made by Mrs Karen and Mr Beni Cirocco and:

- endorses the remission of a total amount of \$XXX worth of General Rates and Fines arrears;

OR

- agrees to postpone the payment of the balance currently outstanding, totalling \$4,121.85, plus the forthcoming 4th quarter amount totalling \$661.00 until 30 June 2023, and place a hold on any further fines and interest being applied to the account for the duration of the postponement.

Option 2

That Council refuses the Cirocco's Hardship Application for the remission of rates, fines and interest.

Analysis of Options

Option 1 is in line with Council's current Rating Policy, and is consistent with past practices and decisions of Council.

Option 2 upholds Council right to refuse any such remission application at its discretion, acknowledges the long standing history of arrears of this rate payer, and does not assist the applicant with their financial hardship claim.

Financial and Governance Implications

Generally, the remission of general rates, fines and interest will decrease rate revenue received by the Council. However, the budget for the financial year 2021-22 incorporates some provision to accommodate any such remission.

Preferred Option & Reasoning

Option 1 is the preferred option as it is consistent with Council's current Rating Policy, past decisions as they relate to the treatment of the remission of rates, and seeks to assist a financial hardship claim.

Attachments

Attachment A	Cirocco Hardship Application Form
Attachment B	Correspondence from CEO to Mrs Cirocco dated 10 August 2017
Attachment C	Rating Policy

APPLICATION FOR REMISSION OF RATES OR POSTPONEMENT OF RATES: FINANCIAL HARDSHIP

Legislation

Remissions of rates, fines and postponement of rates on the basis of hardship are provided for under the *Local Government Act 1999*. In particular Section 182 contains provisions for remission or postponement of rates in whole or in part on the basis of hardship.

Application for remission of rates and postponement

To apply for a remission of general rates or a postponement of rates on the basis of ongoing financial hardship please complete all sections of the attached form. All details supplied are confidential.

Eligible seniors (holders of a current State Seniors Card) applying for postponement of rates must complete a 'Postponement of rates for seniors' application form and should not apply using this remission application form.

Rate remissions and postponements – financial hardship

We will accept applications for remission of rates or postponement of rates from ratepayers suffering ongoing or extreme financial hardship, and will consider each application on its own merits. Postponed rates (on the basis of hardship) are also subject to evidenced ongoing extreme hardship criteria. In most instances:

- Applicants will be required to attend an accredited financial counsellor who must prepare a current income and expenditure statement (this service is available free of charge through some charitable organisations eg Uniting Communities, but no longer offered through Families SA)
- The counsellor must review the income and expenditure statement and prepare a suggested budget (where appropriate)
- The counsellor must prepare a letter for council substantiating the current financial circumstances, indicating any advice, assistance provided to the ratepayer and their reasons for supporting that a rate remission be granted.
- A copy of these documents must be provided to council to support the application
- Other information or evidence may also be requested in certain circumstances.

Property valuation and rates payable

As rates are based on property value, prior to lodging any application for remission, the ratepayer should first determine if they consider their valuation to be a fair assessment of their property. If the valuation is considered to be incorrect, an objection to valuation must be lodged through the State Valuation Office within 60 days after the service of the first rate notice for the current year. Please telephone the State Valuation Office on 1 300 653 345 to discuss any valuation issues.

Payment of rates pending processing of remission application

Where a ratepayer has applied for a remission of rates or postponement of rates, payment of any amounts due cannot be deferred pending the outcome of their application. Amounts due must be paid as invoiced or statutory fines and/or interest will apply. Where a rates remission is granted, the applicant will be advised in writing and the adjusted amount will be reflected in the following rates notice.

APPLICATION FOR REMISSION OF RATES OR POSTPONEMENT OF RATES: FINANCIAL HARDSHIP

Civic and Community Centre
66 Walkerville Terrace, Gilberton
PO Box 55, Walkerville SA 5081
Tel (08) 8342 7100 Fax (08) 8269 7820
walkerville@walkerville.sa.gov.au
www.walkerville.sa.gov.au

Section A Ownership/ratepayer details

Name of ALL ratepayer(s)

Name of owner

(complete only if different to ratepayer details or indicate 'as above')

Rates assessment number

Purchase date of property

Is this your principal place of residence?

Yes No

Please list ANY other properties owned:
(attach list if insufficient space provided)

- 1.
- 2.
- 3.
- 4.

Section B Occupant details

Please provide details of all occupants of the property

For the column marked 'Status' – please indicate if this person is employed, unemployed pensioner, SFR concession holder, dependant child or other suitable description (attach list if insufficient space).

Occupant number	Name	Relationship (eg spouse etc)	Status
1.		Owner/occupier	
3.			
4.			
5.			
6.			

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Section C Concession details

Please provide details of any concessions for which all ratepayers/occupiers are/may be eligible.

Occupant number	Concession type Pensioner, SFR concession, Centrelink beneficiary, health care card holder.	Pensioner, Seniors Card or Centrelink card number (shown on your card)	Date of grant or date benefits commenced
1.			
2.			
3.			
4.			

Have you received or applied for the appropriate concession towards council rates for the current financial year?

Yes No

If the answer to the above questions is 'No' do you require information on how to apply for the concessions available?

Yes No

Section D Rates/fines remission or postponement

Amount of general rate remission requested	\$
Amount of fines remission requested	\$

Are you requesting a postponement of rates? Yes No

Note: Seniors applying for postponement of rates must complete the 'Postponement of rates for Seniors: application form'.

Please state reason for this request – THIS INFORMATION MUST BE PROVIDED: (If insufficient space attach separate sheet)

APPLICATION FOR REMISSION OF RATES OR POSTPONEMENT OF RATES: FINANCIAL HARDSHIP

Please complete the following questions

Do you consider the Capital Value shown on your annual rate notice to be a fair assessment for the property?

Yes No

Have you lodged an objection to the valuation with the State Valuation Office for the current financial year?

Yes No

Please note: If you have responded 'No' to both of the above questions you must lodge an objection to valuation (please see instructions on page 1 of this document). Applications for remissions will not be considered unless any issues with the valuation have been resolved.

Have you previously received remissions of rates on the basis of on-going financial hardship?

Yes No

Legal declaration

I wish to apply for a remission on my rates for the 2020-21 financial year and declare that the information shown above is true and correct:

Signed: _____

Date: _____

Please forward the completed application to:

Rates Officer
Town of Walkerville
PO Box 55
WALKERVILLE SA 5081

OR

Email to walkerville@walkerville.sa.gov.au

Once the application has been assessed, you will be advised of the outcome in writing. Until you are advised of the outcome of your application please ensure that you pay your rates as per your rates notice or statutory fines and/or interest will apply. Please note the payment of any amounts due cannot be deferred pending outcome of this application.

Rating Policy

Approval Date	17/05/2021
Classification	Council Policy
Responsible Officer	Group Manager Corporate Services
Relevant Legislation	Local Government Act 1999 Local Government (General) Regulations 2013
Related Policies	Budget Management Policy Treasury Management Policy Financial Internal Controls Policy
Record Number	POL202148743
Council Resolution Number	CNC362/20-21
Last Reviewed 6/05/2021	Next Review 6/05/2022

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RELEASED

Rating Policy

1. Introduction

- 1.1. Section 123 of the *Local Government Act 1999* requires Council to have a rating policy that which is both prepared and adopted as part of Annual Business Plan each financial year in conjunction with the declaration of rates.
- 1.2. This policy sets out the Town of Walkerville's terms of reference and mechanisms for setting and collecting rates from its community in order to meet the requirements of section 123 of the *Local Government Act 1999*.

2. Scope

- 2.1. This policy is limited to the requirements of the *Local Government Act 1999* (SA) but is applicable to all rateable properties within the Township.

3. Definition

Act	Means to the <i>Local Government Act 1999</i> (SA).
Capital value	Refers to the valuation methodology used in determining the value of land as defined in the <i>Valuation of Land Act 1971</i> (SA).
Differential Rate	Variations within the community's capacity to pay Council rates based on the use of the property.
General Rate	Refers to the rate in the dollar that applies to properties in the calculation of the general rate payable by way of Council Rates.
Minimum rate	Refers to the minimum rate levied against the whole of an allotment.
Postponed rates	Refers to any Rates postponed under Section 182 or 182A of the Act
Rating	Refers to the overall process of raising revenue by way of levying rates and charges.
Rebates	Refers to an amount that a Rate may be reduced in accordance with Chapter 10, Division 5 of the Act.
Remissions	Refers to any reduction in amount payable granted in accordance with Section 182 of the Act.
Residential rate cap rebate	Refers to the rate cap applied to properties with a residential land use, subject to specific criteria which is applied under the provisions of Section 153(3) of the Act.

4. Policy Statement

4.1. Policy Objectives

- 4.1.1. Chapter 10 of the *Local Government Act 1999* outlines Council's

Rating Policy

powers to raise Rates. The Act provides the framework within which Council must operate, but also leaves room for Council's to determine and apply a range of policy positions.

- 4.1.2. This document includes reference to compulsory features of the rating system, as well as the policy positions that Council has determined to impose and administer the collection of Rates.
- 4.1.3. All land within a Council area, except for land specifically exempt (e.g. Crown Land, Council occupied land and a few other limited categories) is rateable.
- 4.1.4. For the avoidance of doubt, Rates are not classified as fees for services. They constitute a system of taxation for Local Government purposes as defined by the Act.
- 4.1.5. In addition to rates, Council also raises some revenue through Fees & Charges.

5. Valuation of Land

- 5.1. Council has determined to use capital value as the basis for valuing land within the Township. Council considers that this method provides the fairest method of distributing the rate burden across all ratepayers, as property value is representative of the property owners' wealth.
- 5.2. Council has chosen to adopt the valuations made by the Valuer-General as provided to the Council each year

6. Objection to Valuation

- 6.1. Any ratepayer dissatisfied with the valuation applied by the Valuer-General can raise an objection to the valuation. Information pertaining to the relevant dispute mechanism are provided on individual rate notices.
- 6.2. It should be noted that:
 - 6.2.1. The Council has no role in this dispute resolution process; and
 - 6.2.2. The lodgement of an objection does not change the due date for the payment of rates.
- 6.3. Where a person (including a Council) is dissatisfied with a decision made by the Valuer-General, they may seek a review of the decision by SACAT www.sacat.sa.gov.au.

Rating Policy

7. Components of Rates

7.1 A Rate in the Dollar

- 7.1.1 The largest component of Rates is the component that is calculated by reference to the value of land. Council will officially “declare” the Rate in the dollar before 31 August of each year. Council can impose Rates that differ (i.e. higher or lower) based on the locality and/or use of the land (residential, commercial, primary production, industrial, vacant, etc.).
- 7.1.2 To ensure an equitable distribution of the Rate burden and to account for the variations within the community’s capacity to pay, Council will continue to apply differential rates based on use of the property.
- 7.1.3 For the purposes of sections 156 and 167 of the Act, the following categories of land use(s) are declared as permissible differentiating factors:
- (a) Residential comprising the use of land for a detached dwelling, group dwelling, multiple dwelling, residential flat building, row dwelling or semi-detached dwelling within the meaning of the Development Regulations;
 - (b) Commercial—Shop comprising the use of land for a shop within the meaning of the Development Regulations;
 - (c) Commercial—Office comprising the use of land for an office within the meaning of the Development Regulations;
 - (d) Commercial—Other comprising any other commercial use of land not referred to in the categories specified in paragraph (b) or (c);
 - (e) Industry—Light comprising the use of land for a light industry within the meaning of the Development Regulations;
 - (f) Industry—Other comprising any other industrial use of land not referred to in the category specified in paragraph (e);
 - (g) Primary Production comprising—
 - i. farming within the meaning of the Development Regulations; and
 - ii. horticulture within the meaning of the Development Regulations; and
 - iii. the use of land for horse keeping or intensive animal keeping within the meaning of the Development Regulations; and
 - iv. in respect of a dairy situated on a farm—the use of land for a dairy within the meaning of the Development Regulations; and
 - v. commercial forestry;
 - (h) Vacant land comprising the non-use of vacant land;
 - (i) Other comprising any other use of land not referred to in a previous category.

Rating Policy

8. Differential General Rates

- 8.1. Land use is a factor to levy differential rates. If a ratepayer believes that a particular property has been wrongly classified by the Council as to its land use, then the ratepayer may object to that land use in writing to the Council within 60 days of being notified.
- 8.2. The objection must set out the basis for the objection and details of the land use that, in the opinion of the ratepayer, should be attributed to that property. Council may then decide the objection as it sees fit and notify the ratepayer.
- 8.3. A ratepayer also has the right to appeal against the Council's decision to the Land and Valuation Court.

9. Fixed of Minimum Rate

Council can apply either:

- a fixed charge (applying equally to all rateable properties); or
- a minimum rate (to lower-value properties);
- (or neither) but cannot use both of these mechanisms.

9.1 Minimum rate

- 9.1.1 Pursuant to section 158 of the Act, Council imposes a minimum rate, where it considers it appropriate, that all rateable properties make a base level contribution to the cost of Administering the Council's activities and Creating and maintaining the physical infrastructure that supports each property.
- 9.1.2 The minimum rate is levied against the whole of an allotment (including land under separate lease or licence) and only one (1) minimum rate is levied against two (2) or more pieces of adjoining land owned and occupied by the same ratepayer.
- 9.1.3 Section 158 (2) of the Act provides direction on which properties will be exempt from the minimum Rate. No more than 35% of the total number of properties in the Township subject to the separate assessment of Rates may be affected by the minimum rate.
- 9.1.4 Council will assess and determine the maximum percentage of properties on minimum Rate as part of the Annual Business Plan process, and will report on that maximum percentage in the Annual Business Plan.

10. Regional Landscape Levy

Previously known as the NRM Levy, Council is required under the *Landscape South Australia Act 2019* (SA) to make a specified contribution to the Green Adelaide Board.

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It does so by imposing a separate Rate charges against all rateable properties. This separate Rate is effectively a State Government tax that Councils are required to collect, and return to a State Government agency.

11. Help with Rates

11.1. Concessions

11.1.1 From 1 July 2015, the State Government funded concessions on Council rates. These concessions were formerly available to the holders of pensioner concession cards, veterans, low-income earners, unemployed, students, and self-funded retirees. These concessions were all abolished by the State Government with effect from 30 June 2015. From 1 July 2015, the State Government has elected to replace these concessions with a single “cost-of-living payment” provided directly to those entitled. This payment may be used for any purpose, including offsetting Council rates. Note that not all former recipients of rates concessions will be entitled to the new payment.

11.2. Remission of Rates

11.2.1 The Council can partially or wholly remit (waive) Rates on the basis of hardship. Ratepayers experiencing financial hardship can contact the Council’s Rates Officer to discuss the matter. Such inquiries are treated confidentially, and any application will be considered on its merits. While arrangements for extended payments of rates are negotiable, remission of rates in whole, or in part, is rarely approved. Access to the relevant hardship application form can be obtained from Council’s website.

11.3. Postponement of Rates for Seniors

11.3.1 Ratepayers who hold a State Seniors Card (or who are eligible to hold a State Seniors Card and have applied for one) are able to apply to Council to postpone payment of Rates on their principal place of residence. Postponed Rates remain as a charge on the land and are not required to be repaid until the property is sold or disposed of.

Further information regarding the postponement of rates and an application form are available from the Council’s website:

http://www.walkerville.sa.gov.au/webdata/resources/files/Postponement_of_Rates_Seniors_Information.pdf

http://www.walkerville.sa.gov.au/webdata/resources/files/Postponement_of_Rates_Seniors_Application_Form.pdf

12. Rebate of Rates

Pursuant to section 159 of the Act, false claims of eligibility for rebates and/or failing

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to notify the Council when eligibility no longer applies will result in the imposition of fines.

12.1 Mandatory rebates

Councils are required to rebate (discount) the rates payable on some land. A 100% rebate must be applied to land used for:

- health services;
- religious purposes;
- public cemeteries; and
- Royal Zoological Society of South Australia.

A mandatory rebate of at least 75% (or more, at the Council's discretion) must be applied to land used by:

- community service organisations; and
- schools and universities.

12.2 Discretionary Rebates

In addition, Council has the discretion to rebate any percentage of Rates for a number of other purposes, such as:

- securing proper development of an area;
- assisting or supporting a business;
- preservation of historically significant places;
- facilities or services for children or young persons; or
- accommodation for the aged or persons with disability; or
- other purposes.

Persons or bodies whom seek a discretionary rebate will be required to submit an application to the Council and provide to the Council such information as stipulated on the application form as well as any other subsequent information that Council may reasonably request.

Each rebate granted either A) reduces Council's revenue (and hence its capacity to provide services), or B) increases the amount that must be collected from other ratepayers. Decisions on these applications must be carefully considered and upon receipt of an application for a discretionary rebate, Council will take into account:

- why there is a need for financial assistance through a rebate;
- the level of rebate being sought;
- the extent of financial assistance, if any, being provided in respect of the land by Commonwealth or State agencies;
- whether, and if so to what extent, a ratepayer is providing a service within the Council area;
- whether the ratepayer is a public sector body, a private not for profit body or a private or profit body;
- the nature and extent of Council services provided in respect of the land,

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- incomparison to services provided elsewhere in the Council's area;
- the community need, if any, that is being met by activities carried out on the land;
- the extent to which activities at the land provide assistance or relief to disadvantaged persons;
- the desirability of granting a rebate for more than one year;
- consideration of the full financial consequences of the rebate for the Council;
- the time the application is received;
- whether you may be eligible for a Council community grant;
- any other matters and policies of the Council, which the Council considers relevant.

After considering these matters, Council may grant a rebate subject to specific conditions or refuse to grant any rebate of rates.

Council may grant a discretionary Rebate where two non-contiguous titles form a single residential. In those circumstances, Council may grant a rebate subject to further conditions. For example, in consideration for the grant of such a rebate and to avoid two non-contiguous titles from being sold independently, an applicant may be required to grant Council a caveatable interest over the relevant title (or titles). Any such conditions will be at the discretion of Council.

13 Payment of Rates

13.1 Rates are declared annually, and may be paid, in one lump sum, or in quarterly instalments that fall due in early September, December, March and June. Council will determine the exact date that rates fall due, no later than 31 August of each year. Various options for paying rates will be clearly indicated on the rates notice. Ratepayers who have (or are likely to have) difficulty meeting these payments, should contact the Council's Rates Officer to discuss alternative payment arrangements. Such enquiries are treated confidentially.

13.2 Currently Rates can be paid through:

- BPay Service;
- Telephone 1300 276 468 using MasterCard or Visa Card;
- Council's website using MasterCard or Visa Card;
- in person at Council offices;
- cheque, money order, cash, EFTPOS, MasterCard or Visa Card facilities are available for payments (American Express and Diners Club cards are not acceptable);
- post addressed to the Town of Walkerville, PO Box 55, WALKERVILLE SA 5081;
- Australia Post.

14 Late Payment

14.1 Council will impose a penalty of a 2% fine on any late payment for rates in accordance with section 181(8) of the Act.

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- 14.2 A payment that continues to be late is then charged an interest rate for each month it continues to be in arrears, including the amount of any previous unpaid fine and including interest from any previous month.
- 14.3 Ratepayers who do not pay rates by the due date will receive a reminder notice within six business days after the due date for payment. Ratepayers can pay the rates within 5 business days from the date of the reminder notice without incurring a fine.
- 14.4 Should rates remain unpaid after the reminder notice period has expired, Council will issue the final notice of overdue rates with late payment fines. If the rates remain unpaid for two quarters, debt collection will commence.
- 14.5 When Council receives a partial payment of overdue rates, the Council must apply the money as follows:
- 14.5.1 firstly – to satisfy any costs awarded in connection with court proceedings (if applicable);
 - 14.5.2 secondly – to satisfy any interest costs;
 - 14.5.3 thirdly – in payment of any fines imposed;
 - 14.5.4 fourthly – in payment of rates, in chronological order (starting with the oldest account first).

15 Fine Waiver

- 15.1 Council is prepared to waive fines for late payment of rates for a limited range of circumstances, including:
- Financial difficulties due to unemployment or sickness of the principal income earner; and
 - Accidents or sudden hospitalisation.
- 15.2 The following reasons are considered as not acceptable:
- Loss of cheques for payment of rates in the post;
 - Late remittances for payments made by Financial Institutions on the clients behalf;
 - Absenteeism from the area due to business or pleasure purposes;
 - Intentional late payment as an objection for alleged non-receipt of expected services;
 - Simple oversight and no other explanation given;
 - Non receipt of rate notices as a result of change in postal address and not communicated to Council Administration.
- 15.3 Fines may be waived by Administration as per Council delegation as restricted to:

Request	Frequency	Fine	Accounts Officer	Finance Manager	CEO
In writing	Twice in last 24 Months	< = \$50	Yes		
In writing	> Twice in last 24 Months	>\$50 <= \$100		Yes	
In writing	> Twice in last 24 Months	>\$100 <= \$500			Yes

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Any fine waiver requests must be received in writing and will be recorded against the respective assessment file in Councils record management system.

16 Sale of Land for Non-Payment of Rates

Council may sell any property where the rates have been in arrears for three years or more. Council is required to notify the owner of the land of its intention to sell the land, provide the owner with details of the outstanding amounts, and advise the owner of its intention to sell the land if payment of the outstanding amount is not received within one month.

17 Contacting the Council Rates Officer

For further information, queries, or to lodge an application for rate postponement or remission, contact should be made with the Council's Rates Officer on:

Phone: +61 8 8342 7100

Fax: +61 8 8269 7820

E-mail: walkerville@walkerville.sa.gov.au

Post: PO Box 55, Walkerville 5081

In person at 66 Walkerville Terrace, Gilberton SA 5081

18 Availability of Policy

18.1 This Policy will be available for inspection at Council's principal office during ordinary business hours and on Council's website www.walkerville.sa.gov.au

18.2 Copies will also be provided to interested members of the community upon request and payment of associated fees in accordance with Council's schedule of fees and charges.

19 Review

19.1 This policy will be reviewed every year or otherwise as required.

19.2 Any queries or questions regarding this Policy should be directed to the Group Manager Corporate or by emailing walkerville@walkerville.sa.gov.au

19.3 Council may deviate from his policy by way of Council resolution

19.4 Any complaints regarding a decision made in accordance with this policy may be directed to Council or to the Chief Executive Officer in accordance with section 270 of *Local Government Act 1999*. The complaint will be considered under the Internal Review of Council's Decision Policy.