

# Flinders Council Policy Manual



SUBJECT: <i>POLICY - POSTPONEMENT OF RATES &amp; CHARGES</i>	FILE NO:	
ADOPTED BY COUNCIL ON:	MINUTE NO:	
AMENDED BY COUNCIL ON:	MINUTE NO:	
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## 1. Introduction

Under s.125 of the *Local Government Act 1993 (Act)* ratepayers may apply to Council to postpone the payment of rates and charges levied under the Act only on the grounds of hardship.

Council may grant an application to postpone the payment of rates and charges using the power in s.126 of the Act and revoke a postponement using the power in s.127 of the Act.

## 2. Purpose of this Policy

The purpose of this policy is to:

- (a) specify the procedures for exercising the powers in s.126 and s.127 of the Act; and
- (b) satisfy the requirements of s.22(2)(ab) of the Act concerning the delegation by Council of the powers in s.126 and s.127 of the Act.

## 2.3. Requirements of the Act

Section 126(1) of the Act provides that Council may grant a postponement of the payment of rates or charges for a specified period if Council is satisfied that the payment would cause hardship.

Sections 126(2) and (3) of the Act provide that a postponement may be granted:

- (a) On the condition that the ratepayer pay interest on the amount of rate postponed at a rate fixed by the Council determined by using section 128(2) of the Act on the condition that the relevant ratepayer pay interest on the postponed rate or charge at a fixed rate determined using section 128(2) of the Act; and
- (b) subject to any other conditions that Council determines.

Section 127 of the Act provides that Council may, at any time, revoke a postponement of payment of rates or charges by giving 60 day notice in writing to the relevant ratepayer of the date on which the postponement will cease to operate.

## 3.4. Procedure for General Manager

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## (a) Applications for postponement

The General Manager acting under delegated authority may grant an application to postpone the payment of rates or charges subject to the following conditions:

- i. the General Manager must be satisfied that payment would cause hardship;
- ii. the total amount of rates or charges to be postponed does not exceed [insert amount];
- iii. the ratepayer has not been granted a postponement of any rates or charges under the Act in the 12 month period preceding the relevant application; and
- iv. the ratepayer is either:
  - A. not indebted to Council for any other amount of money; or
  - B. indebted to Council for any other amount(s) of money, however the total debt does not exceed [insert amount] \$1500.

Where the conditions set out above are met, the General Manager may grant a postponement on any condition they believe to be reasonable in all of the circumstances, including on the condition that the ratepayer pay interest on the postponed rate or charge at a fixed rate determined using section 128(2) of the Act.

## (b) Revocation of postponement

The General Manager may revoke any postponement of payment of rates or charges that was granted by the General Manager by following the procedure set out in s.127(1) of the Act.

## 4.5. Referral to Council

Where the conditions set out in paragraph 3(a) of this Policy are not met the relevant application for postponement of payment of rates or charges must be referred to Council for determination.

Only Council may revoke a postponement of the payment of rates or charges that was granted by Council.

## Related Legislation, Regulations and Policies

- *Local Government Act* 1993, ss. 125, 126, 127 and 128.

## Responsibilities

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Responsibility for this policy rests with the General Manager.

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