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HARDSHIP APPLICATION FORM - NON INDIVIDUAL

In accordance with Sections 170, 171 or 171A of the *Local Government Act 1989* and Council Policy in force from time to time.

PRIVATE AND CONFIDENTIAL

THIS FORM MUST BE COMPLETED BY THE APPOINTED DELEGATE OF THE COMPANY OR ENTITY

The definition of “property” on this form is the property you are making application on. A separate form is required for each individual property.

Assessment Number including Check Digit: _____

Property Address Subject of this Application: _____

Ratepayer Name(s): _____

Type of Entity: Company / Trust / Association / Not for Profit / Other (please circle)
If Other please state _____

Name of Company/Entity: _____

Registered Company/Entity Address: _____

Name and position of primary contact person _____

Email address of primary contact person _____

Telephone number of primary contact person _____

Australian Company Number (CAN/ABN) (if applicable): _____

1. Does the applicant or associated entity occupy the property?

Yes/No (please circle)

If No please enter Tenant's name and contact details: _____

2. Is the tenant detailed above responsible for payment of the rates and charges for this property?

Yes/No (please circle)

3. When did the Company/Entity applicant purchase the property? __/__/__

4. Does the Company/Entity applicant receive income for the use (or partial use) of the property?

Yes/No (please circle)

If Yes please state amount received:

Weekly: \$ _____ **OR** Fortnightly: \$ _____ **OR** Monthly: \$ _____

5. Does the Company/Entity applicant receive any payment for use of any part of the property?

Yes/No (please circle)

If Yes please state amount received:

Weekly: \$ _____ **OR** Fortnightly: \$ _____ **OR** Monthly: \$ _____

ASSETS

6. List all Company/Entity assets?

a) All Property Assets:

Subject Property

Estimated Value: \$ _____

Other Property

Estimated Value: \$ _____

Other Property:

Estimated Value: \$ _____

b) Bank Deposits (Combined): \$ _____

(Include all deposits held in Financial Institutions including but not limited to Banks, Building Societies and Credit Unions)

c) Shares (Total value): \$ _____

d) Other investments:

(Includes equity held in private companies or superannuation funds)

Type _____ \$ _____

Type _____ \$ _____

Type _____ \$ _____

Type _____ \$ _____

e) Motor Vehicle(s): Model: _____ Year: _____ \$ _____

Model: _____ Year: _____ \$ _____

Model: _____ Year: _____ \$ _____

Model: _____ Year: _____ \$ _____

f) Plant and Equipment: Item _____ \$ _____

Item _____ \$ _____

Item _____ \$ _____

Item _____ \$ _____

Item _____ \$ _____

INCOME

7. List All Company/Entity Income:

In dollar terms, what is the Company/Entity's income from all sources?

- a) From All Property Assets (Total Rent): \$ _____
- b) From Bank Interest: \$ _____
- c) Share Dividends: \$ _____
- d) Other Investments: \$ _____
- e) Other Income Sources (Provide details):
- _____ \$ _____
- _____ \$ _____
- _____ \$ _____

If the entity/company and its subsidiaries are not receiving any income please advise what action the entity/company owners and directors are undertaking to ensure solvency of the entity/company: _____

EXPENSES

8. List All Company/Entity Expenses:

In dollar terms, what are your per annum expenses?

- a) Total Mortgage repayments: \$ _____
- b) Insurances: \$ _____
- c) Other Loan Repayments: \$ _____
- d) Wages, Superannuation, PAYG, Payroll tax: \$ _____
- e) Council Rates: \$ _____
- f) Water Rates: \$ _____
- g) Telephone and internet: \$ _____
- h) Gas and electricity: \$ _____
- i) Motor vehicle i.e. petrol, insurance, registration etc: \$ _____
- j) Other Company/Entity Expenses: \$ _____

LIABILITIES

9. List All Company/Entity Liabilities:

Provide in dollar value what, if any, is owing on the following:

- a) Mortgage (Subject Residence): \$ _____
- b) Mortgage(s) (Other Properties): \$ _____

c) Taxation liability: \$ _____

d) Other Company/Entity Liabilities i.e. lease payments etc:

Description _____	\$ _____
Description _____	\$ _____
Description _____	\$ _____
Description _____	\$ _____

10. Can you provide any further information that may support your application? _____

11. Please indicate what amount you would be able to pay under a payment arrangement.

Weekly: \$ _____ **OR** Fortnightly: \$ _____ **OR** Monthly: \$ _____

Please indicate what assistance you are applying for:

Waiver of penalty interest and legal fees: Yes/No (please circle)

Deferral of rates, arrears, interest or legal fees: Yes/No (please circle)

Please enter the date which you expect that your circumstances will permit for full payment of any outstanding amounts:

Date: _____

Applications for deferrals and waivers must be renewed at the beginning of each financial year.

Council advises that the grant of a deferral only postpones when outstanding amounts must be paid and encourage ratepayers to also enter into a payment arrangement to reduce outstanding amounts.

This application is made in accordance with Sections 170, 171 or 171A of the *Local Government Act 1989* for consideration by Whitehorse City Council in respect of the property mentioned above on which I/we are the recorded ratepayer(s) with Council for any rate or charge or interest.

I/we acknowledge that the information provided in support of my/our application is true and correct.

I/we acknowledge and understand the requirements of Sections 170, 171 and 171A of the *Local Government Act 1989* reproduced at the end of this application, and in particular sections 171(6) and 171A(4) which provide that a person who –

- (a) gives to a Council any information which is false or misleading in any material particular in respect of an application under either of these sections; or
- (b) fails to notify a Council of any change in circumstances which is relevant to an application or to a waiver granted under either of these sections – is guilty of an offence.

Penalty: 10 penalty units. (The value of one penalty unit is currently \$165.22.)

I/we acknowledge that interest may continue to accrue in accordance with Section 172 of the *Local Government Act 1989*.

Signed: _____ Date: _____

Name: _____

Company Title/Position Held: _____

Signed: _____ Date: _____

Name: _____

Company Title/Position Held: _____

The personal information requested on this form is being collected by Whitehorse City Council for municipal purposes and objectives and various statutory obligations of Council. This information will be used solely by Council for that primary or related purpose and will not be disclosed to any other party except as required by law. Individuals have a right to seek access to their personal information and make corrections by contacting Council's Privacy Officer on 9262 6333. You may view Council's Privacy Policy on our website www.whitehorse.vic.gov.au or obtain a copy from any of the Council Offices.

IMPORTANT NOTE

**WHITEHORSE CITY COUNCIL HAS RELIED ON THE INFORMATION PROVIDED
IN THIS APPLICATION AND RESERVES THE RIGHT TO DISALLOW ANY
SUBMITTED APPLICATION OR TO REQUEST ANY FURTHER OR VERIFY ANY
PARTICULARS IN RELATION TO THE APPLICATION**

170 Deferral

- (1) A Council may defer in whole or in part the payment by a person of any rate or charge which is due and payable for a specified period and subject to any conditions determined by the Council if it considers that an application by that person shows that the payment would cause hardship to the person.
- (2) On deferral of the payment the person who is liable to make the payment is not liable until the Council sends the person a notice under subsection (3).
- (3) A Council may by a notice sent to a person—
 - (a) require that person to pay the whole or part of any deferred rate or charge by a specified date if—
 - (i) it considers that the person's circumstances have so changed that the payment would no longer cause hardship to the person; or
 - (ii) the person no longer owns or occupies the land in relation to which the rate or charge was levied; and
 - (b) require the payment of interest for the late payment of the rate or charge, as if the deferral had not occurred.

171 Waiver

- (1) The Council may waive the whole or part of any rate or charge or interest in relation to—
 - (a) an eligible recipient under subsection (4); or
 - (b) any other class of persons determined by the Council for the purpose of waiving rates or charges on the grounds of financial hardship.
- (2) A resolution of the Council for the purposes of subsection (1)(b) must include the objectives to be achieved by the waiver.
- (3) * * * * *
- (4) The following provisions apply to the waiver of the whole or part of any rates or charges or interest in relation to eligible recipients within the meaning of the State Concessions Act 2004 who are entitled to be granted a concession under a relevant concession order made under that Act—
* * * * *

- (b) a person may only apply for a waiver in respect of rateable land or a part of rateable land which is used exclusively for residential purposes by that person and is that person's sole or principal place of residence;
 - (ba) in addition, if the person does not own the land or part, he or she may only apply for a waiver if— (i) he or she is liable to pay those rates or charges or interest (or an amount in place of, or on account of, those rates or charges or interest), whether under an agreement with the owner or for any other reason; or (ii) he or she holds a residence right in a retirement village (as defined in the Retirement Villages Act 1986); or (iii) he or she made a valid application in respect of the land under section 298(1A) of the Local Government Act 1958, or continued to have a valid application under section 298(1AC) of that Act, in the 12 months immediately before the commencement of this section;
 - (c) a person may make only one application for each rating period in respect of the same rateable land or same part of rateable land;
 - (d) an application must be in the form approved by the Minister administering the State Concessions Act 2004 and must be made on or before 30 April in the financial year in respect of the rate or charge for which the waiver is sought, but the Minister administering the State Concessions Act 2004 may approve late applications or extend the closing date for applications, either generally or specifically;
 - (e) the Council must, on receipt of an application which complies with this subsection, waive the amount which is in accordance with the concession order;
 - (f) subject to the approval of the Minister administering the State Concessions Act 2004, a Council which waives an amount in respect of rateable land or a part of rateable land under this subsection may decide to treat the person who was granted the waiver as having made a continuing application for a waiver in respect of the rateable land or part, unless the person advises the Council that a waiver is no longer sought.
- (5) The Council must not in respect of a person waive an amount under subsection (4) which exceeds the amount paid to the Council by the Government of Victoria in respect of that person.
- (5AA) An Order under subsection (4)(a) as in force immediately before the commencement of the State Concessions Act 2004 is deemed to be a concession order within the meaning of that Act in relation to rates, charges or interest payable under this Act until a relevant concession order under that Act is made.

- (5A) The Council may also waive an amount of rate or charge or interest payable by a person if the person has a legally enforceable right to recover that amount (whether directly or indirectly) from an eligible recipient who would be eligible to apply for a waiver of that amount under subsection (4) if that eligible recipient was liable to the Council for that amount.
- (5B) The Council may only waive the amount under subsection (5A) on the application of the eligible recipient.
- (6) A person who—
- (a) gives to a Council any information which is false or misleading in any material particular in respect of an application under this section; or
 - (b) fails to notify a Council of any change in circumstances which is relevant to an application or to a waiver granted under this section—
- is guilty of an offence.
Penalty: 10 penalty units.

171A Waiver by application—financial hardship

- (1) A person who—
- (a) is suffering financial hardship; or
 - (b) would suffer financial hardship if that person paid the full amount of a rate or charge for which he or she is liable— may apply to a Council for the waiver of the whole or part of any rate or charge or of any interest imposed for late payment.
- (2) The Council may require the applicant—
- (a) to give further particulars; or
 - (b) to verify particulars—
- in relation to the application.
- (3) The Council may grant an application if the Council is satisfied that the applicant is a person who is suffering financial hardship if that person paid the full amount of the rate or charge for which he or she is liable.
- (4) A person who—
- (a) gives to a Council any information which is false or misleading in any material particular in respect of an application under this section; or
 - (b) fails to notify a Council of any change in circumstances which is relevant to an application or to a waiver granted under this section—
- is guilty of an offence.
Penalty: 10 penalty units