

# Fines and Interest Remission Guidelines

Classification:	Guidelines
Guidelines Name:	Fines and Interest Remission
First Issued / Approved:	July 2020
Last Reviewed:	New Guidelines
Next Review:	August 2024
ECM Tracking No.:	(to be added by Governance staff)
Responsible Officer:	General Manager Corporate & Development
Relevant Legislation:	Local Government Act 1999
Related Policies/Protocols:	Rating Policy Financial Hardship Rates Policy Debt Recovery – Non Payment of Rates Protocol

## 1. Introduction

- 1.1 The purpose of the fines and interests is to act as a genuine deterrent to ratepayers who might otherwise fail to pay their rates on time, to allow Council to recover the administrative cost of following up unpaid rates and to cover any interest cost Council may meet because it has not received the rates on time.

## 2. Strategic Plan Desired Outcomes

- 2.1 A financially sound Council that is accountable, responsible and sustainable.

## 3. Our Approach

- 3.1 Setting guidelines for acceptable reasons for ratepayers requesting remissions of fines and interest.
- 3.2 Should there be circumstances (such as Covid-19), where a city wide approach is required, Council may decide to remit all fines and interests for a stipulated timeframe.

## 4. Legislative Requirements

- 4.1 Late payments fines are levied in accordance with the provisions of Section 181 (8) of the *Local Government Act 1999*. The Act provides that if an instalment of rates is not paid on or before the date on which it falls due:
- 4.1.1 the instalment will be regarded as being in arrears;
  - 4.1.2 a fine of two percent of the amount of the instalment is payable; and
  - 4.1.2 on the expiration of each full month from the date, interest of the prescribed percentage of the amount in arrears (including the amount of any previous

unpaid fine and including interest from any previous month) accrues.

## 5. Interpretation

- 5.1 For the purpose of these guidelines:
  - 5.1.1 The “Act” means the Local Government Act 1999
  - 5.1.2 “Council” is the local government entity known as City of Burnside
  - 5.1.3. “Ratepayer” means a person who owes amounts for rates, fees or other charges due and payable to the Council
  - 5.1.4 “Guidelines” means the Fines and Interest Remissions Guidelines
  - 5.1.5 “Assistance” means support available for ratepayers

## 6. Guidelines

- 6.1 Council will consider applications for remission of fines/interest in certain extenuating circumstances. A request for a waiver of fines/interest must be in writing, setting out detailed reasons why a fine remission has been requested.
- 6.2 The reasons for remission of fines and interest that are generally not acceptable are as follows:
  - 6.2.1 rate notice/overdue notice not received;
  - 6.2.2 interstate or overseas travel; and
  - 6.2.3 payment was late by a few days late.

### Rate Notice/Overdue Notice not received

- 6.3 Council’s rate notices are delivered one month prior to the due dates. Rates are due around the 1st of September, December, March and June each year. If you have not seen your rate notice before the due dates, please contact Council.
- 6.4 If you have not received your notice, please check that Council has your current mailing address or email address.
- 6.5 If you are a landlord, your rates notice may have been sent to your property manager.
- 6.6 If you have registered to have your notices emailed to you via eNotices, check your inbox by searching noreply@formsport.com.au, check your spam mail or sign into your eNotices account to view all of your notices.
- 6.7 If you have registered to have your notices sent to you via BpayView, please sign into your net banking and find the Bpay option to view notices.
- 6.8 You have bought a new house; the rates may have been paid at settlement.
- 6.9 Please note that a fee of \$8.50 applies to a request for a copy of a rate notice.

### Interstate or overseas travel

- 6.10 To assist ratepayers with options to make payment whilst traveling, Council offers a number of payment options (as listed below) where ratepayers can pay 24

hours a day, 7 days a week. Ratepayers can also schedule payments via Bpay for each due date paying by credit card or via their bank account.

6.10.1 Pay via Council's website [www.burnside.sa.gov.au](http://www.burnside.sa.gov.au) see online services.

6.10.2 Ring Council's 1300 276 468 number and pay over the phone using your credit card. Please see the front of your rates notice for more information.

6.10.3 Direct debit is also offered where payment is made via your bank account for each instalment.

6.11 To find out more about these payment options check your rate notice or go to [www.burnside.sa.gov.au](http://www.burnside.sa.gov.au)

Payment was late by a few days

6.12 Each rate notice displays all amounts due and due dates for each instalment. Council allows two days grace for payments made on the due date which are made via Bpay or through Council website or by phone payments. Some banks may require 48 hours to process these transactions. Any rates amount outstanding by the third day after the due date will automatically be issued a 2% fine. To avoid fines please pay on or before the due dates.

6.13 Fines and interest may be remitted for the following reasons and require adequate documentation to be provided.

6.13.1 Death in the family - A copy of the death certificate is required

6.13.2 Sickness - A sick certificate or letter from the doctor is required to support your request.

6.13.3 Suffering hardship (Short term) - If a ratepayer is suffering short term hardship i.e. loss of job or unemployed less than 6 months, had a large unexpected bill to pay, unable to work due to illness, we encourage applying for a Payment arrangement as soon as possible to set up alternative payments or to organise an extension of time to pay rates (up to one month). Please visit Council's website to apply and if this is done before the due date of rates no fines or interest will apply during the arrangement period.

6.13.4 Suffering hardship (Long term) - If a ratepayer is suffering long term hardship ie unemployed for over 6 months or more, struggling to meet all bills or on a pension please refer to our Financial Hardship policy & guidelines available at Councils website [www.burnside.sa.gov.au](http://www.burnside.sa.gov.au). Council has a financial hardship application that we encourage you to apply for. Once this has been completed by an approved financial counsellor the Rates team can then work with you to review a payment arrangement to suit your budget, review the incurred fines and interest and remit accordingly, or look at postponement of rates.

6.13.5 Any other extenuating circumstances – supporting evidence will be required.

## **7. Review and Authority**

7.1 These guidelines will be reviewed every four years in line with Council's Policies and Protocols Framework.

## **8. Availability**

- 8.1 Applications are available from Council's website [www.burnside.sa.gov.au](http://www.burnside.sa.gov.au) (under Rate Information):
- 8.11.2 Remission of fines and interest.
  - 8.11.3 Financial Hardship
  - 8.11.4 Postponement for Seniors
  - 8.11.5 Request for Payment arrangement/extension
- 8.2 Where a ratepayer does not have access to the internet, Council can send out hardcopies via the mail. Please contact our Customer Experience Team or Rates Team to make arrangements for this.
- 8.3 Email requests will need to be supported by the appropriate online application forms.
- 8.4. The Guidelines are available to be downloaded, free of charge, from Council's website [www.burnside.sa.gov.au](http://www.burnside.sa.gov.au).
- 8.5. The Guidelines will be available for inspection without charge at the Civic Centre during ordinary business hours and a copy may be purchased at a fee as set annually by Council.

City of Burnside Civic Centre  
401 Greenhill Road, Tusmore SA 5065

Telephone; 8366 4200  
Fax; 8366 4299  
Email; [burnside@burnside.sa.gov.au](mailto:burnside@burnside.sa.gov.au)

Office hours: Monday to Friday, 8.30am to 5.00pm (except public holidays)