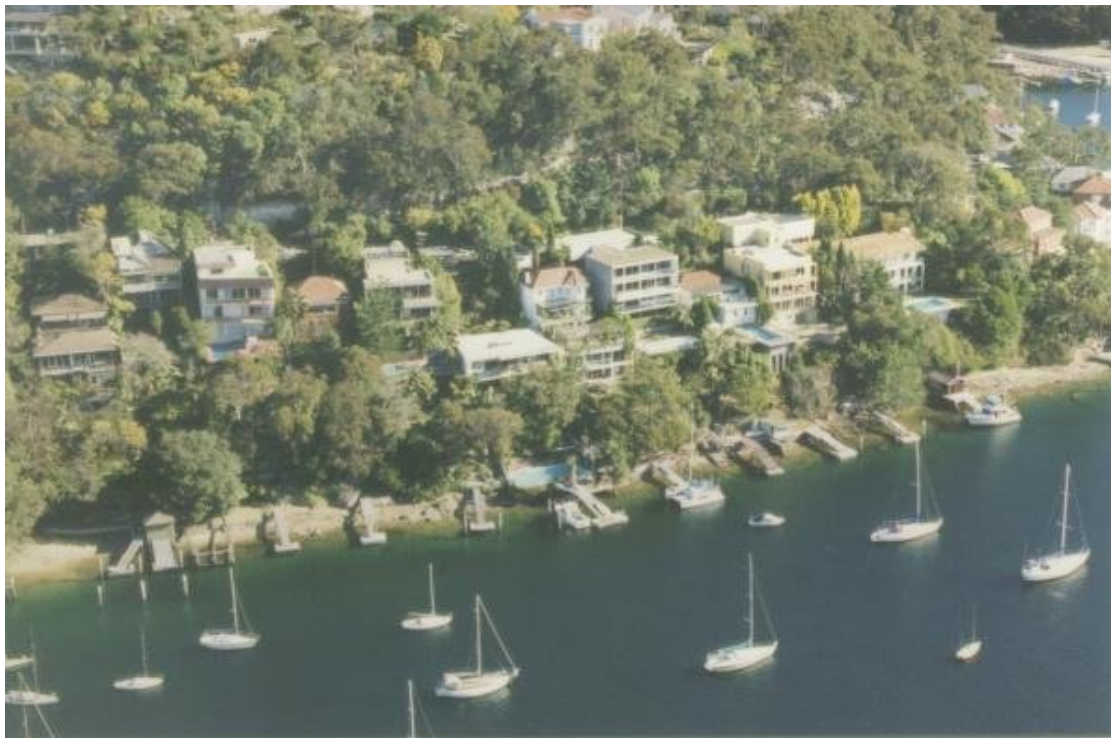




Concessions and Hardship Relief Procedures

**(for owner-occupiers of residential land
adjoining NSW Maritime's land)**



**Prepared by
Maritime Property Division**

DOCUMENT CONTROL

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Position/Name	Contact Details
Senior Policy Officer/Fran Rein	93642050

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10/11/06	Copy distributed to General Manager, Maritime Property Division, all Property Administration personnel.

What is the purpose of the procedures?

These procedures are intended to guide NSW Maritime's officers in dealing fairly, equitably and consistently with valid concession card holders and applicants for hardship relief in relation to wetland lease/licence payments.

What is the scope of the procedures?

These procedures apply only to owners of residential properties which adjoin NSW Maritime's land. A separate procedure will be developed for not-for-profit community groups, amateur clubs and similar establishments.

What related policies, guidelines and government directives apply?

The principal guideline which applies is the IPART ["Review into Rentals for Waterfront Tenancies on Crown Land in NSW"](#), April 2004. The IPART made a number of recommendations relating to pensioners and those suffering financial hardship and these recommendations are reflected in the procedures.

NSW Maritime's [Proof of Identity Policy](#) and [Proof of Identity Procedures](#) and [Privacy Management Plan](#) also apply to the implementation of the policy and procedures, as does NSW Maritime's [Delegations](#) Manual.

The policy and procedures are consistent with Recreational Boating Division's [Concessions Policy](#).

What definitions apply to the procedures?

- *Adjoining land owner* means the owner of residential land which adjoins NSW Maritime's land (eg the owner of a waterfront residential property).
- *Owner-occupier* means a person(s) who both owns and resides on land adjoining NSW Maritime's land.

What procedures apply to the collecting, storing and using information gathered from applicants for a concession or hardship relief?

The collection, copying and storing of applicant information is to be conducted in accordance with NSW Maritime's [Privacy Management Plan](#), including [Principle 4](#) and [Principle 5](#) of the Plan.

Completed standard hardship relief assessment forms, and all accompanying documentation relating to applicants' financial details, are to be held in secure, access restricted sub-files. This also applies to the financial details of war widows under the age of 60.

Who is eligible for a concession?

A concession applies to the following:

- [Eligible](#) concession card holders who own, or jointly own, adjoining residential land and reside at those premises (NB to view a list of cards which **do not** entitle a person to a concession, click on this [link](#)).

NB A concession is available for owner-occupiers only. A concession does not apply to those whose adjoining land is tenanted, or is an investment property or is owned by a company.

To be eligible for a concession all joint owners must be valid concession card holders.

What concessions apply?

The following rental rebate arrangements apply. All rental figures quoted below are inclusive of GST and will be indexed by CPI each year:

1. Existing eligible concession card holders – rentals will increase incrementally to a cap of the lesser of 50% of the calculated rent or \$1126.
2. New lessees/licensees who are eligible concession card holders or existing lessees/licensees who become eligible concession card holders – 50% of the calculated rent or the minimum rent of \$394, whichever is greater.

How does a person apply for a concession?

Those persons eligible for a concession are required to make their valid concession card available for photocopying by NSW Maritime or to provide a certified copy (both sides). This must be repeated each year to remain eligible for the concession.

To receive a concession, war widows under the age of 60 who hold a Department of Veterans' Affairs Gold Card endorsed 'war widow' must also provide evidence that their total weekly income from all sources (including a war widow pension) is \$510.43 or less.

Can monthly, quarterly or half yearly payments be arranged?

These are legitimate payment options and persons simply wishing to pay their rental on a monthly, quarterly or half yearly basis are to make their request of the relevant Property Officer.

Who is eligible for consideration for hardship relief?

Persons suffering genuine, short term financial difficulties are eligible for consideration for hardship relief.

NB Hardship relief is available only for owner-occupiers. It is available for one property only and not for those whose adjoining land is tenanted, or is an investment property or is owned by a company.

How does a person apply for hardship relief?

Applications for hardship relief are to be made using the appropriate [form](#) which is available from NSW Maritime's Internet site.

Who determines an application for hardship relief?

Applications for hardship are dealt with on a case-by-case basis by a panel comprising the General Manager, Maritime Property Division; Manager, Finance Branch or General Manager, Corporate Services, as appropriate, and Senior Policy Officer.

General Manager, Maritime Property Division is the panel chairperson.

To enable the application to be determined, an applicant may be required to attend a meeting(s) with the panel.

The application for hardship is to be determined within 14 days of receipt of the application unless further information is required by NSW Maritime.

The panel's deliberations are to be recorded on the standard hardship relief assessment form (link).

The relevant Property Officer is responsible for servicing the panel in relation to individual applications for hardship relief.

What criteria are used to assess applications for hardship relief?

While each case is assessed on its merits the following criteria will be considered:

- The applicant's financial position relative to the subject payment;
 - The applicant's financial position is determined by the documentation provided by the applicant. In this regard certified copies of documents may be required including tax returns and bank statements and other statements in relation to the applicant's liquid assets (eg shares);
- The adequacy of a plan presented to NSW Maritime by the applicant through which they aim to resolve the payment problem in the future;
- Whether the rental is for a dwelling which has been constructed on NSW Maritime's land but which was reclaimed under policies which no longer apply; and
- The applicant's rental payment history and history of compliance with lease/licence conditions.

What hardship relief options may be considered by the panel?

The following hardship relief options may be negotiated with the applicant for a maximum 12 month period and normally once only during their tenancy:

- Extensions of time or tailored payment plans; or
- Other options which are mutually acceptable to both parties.

NB Following consideration of the application, NSW Maritime may decide not to offer hardship relief (this may occur, *inter alia*, if the applicant is unwilling to provide sufficient financial information to enable NSW Maritime to properly determine the case).

In all cases NSW Maritime's decision is final and internal appeals will not be considered.

Irrespective of the outcome of any hardship relief application, an invoice for the full rental payment will be forwarded to the applicant in the following year.

How is NSW Maritime's decision recorded?

NSW Maritime's decisions in relation to concessions, monthly, quarterly and half yearly payments and hardship relief are to be recorded on the relevant property files by the relevant Property Officer. The Computer Support Officer is to be promptly advised of all decisions to grant concessions, monthly, quarterly and half yearly payments and hardship relief to enable the necessary data changes to be made to IGLS.

All other information including the applicant's financial details, hardship application form and panel assessment forms are to be held on the relevant sub-file.

How is NSW Maritime's decision communicated to the applicant?

The relevant Property Officer is to provide a written response to all applicants for concessions and hardship relief. The written response is to be forwarded to the applicant within 14 days of the determination of the application and is to include the following information:

- The decision;
- Reasons for reaching the decision;
- Any specific arrangements in relation to payments; and
- Advice that NSW Maritime's decision is final.

What other procedures apply?

- Upon lodgement of an application for hardship relief, the applicant is not required to make payments to NSW Maritime until the application has been determined and the decision has been communicated in writing.
- General Manager, Corporate Services Division will make arrangements for hardship relief decisions to be audited annually.
- It is an offence to provide false information to NSW Maritime and if any officer suspects this has occurred they must report the details to the Manager, Legal Services Branch immediately.
- NSW Maritime reserves the right to charge interest on any outstanding rental payments.

Attachments

- [Standard application form](#)
- [Standard assessment form](#)