

<b>POLICY NO</b>	C009	
<b>POLICY</b>	RATES RECOVERY	
<b>RESPONSIBLE DIRECTORATE</b>	CORPORATE	
<b>COUNCIL ADOPTION</b>	Date: 27.5.14	Resolution No. FC 5/5/14
<b>REVIEWED/MODIFIED</b>	Date: 26.4.16	Resolution No. FC 3/4/16
	Date:	Resolution No.
<b>LEGISLATION</b>	Nil	
<b>RELEVANT DELEGATIONS</b>		

#### **OBJECTIVES:**

To ensure there is consistency in the advice given to ratepayers with regard to the payment of rates and the recovery of outstanding rates.

#### **DEFINITION/S:**

#### **POLICY STATEMENT/S:**

##### **1.0 Instalments – Reg 56 (4) (c) Sec 6.49**

- 1.1 Council will accept that there are ratepayers who cannot meet the 2 or 4 mandatory instalment options as provided under section 6.45 of the Local Government Act 1995.
- 1.2 Council may accept by application an alternative payment schedule (Henceforth called the 'Direct Debit Agreement').
- 1.3 In order for such an Agreement to be considered an Instalment Arrangement Form is to be completed and returned to Council.
- 1.4 The proponent is to specify the frequency of payments with the nominated amount sufficient to fulfil the rates and charges levied within a financial year.
- 1.5 Upon written acceptance of an Agreement by Council, written confirmation will be provided to the applicant. This formalises the agreement and will commit the ratepayer to the payment schedule.
- 1.6 Verbal agreements shall not be accepted.
- 1.7 Failure by the applicant to adhere to the payment schedule will result in the issue of a Final Notice for the total amount outstanding.

## **2.0 Final Notices**

Final Notices will be issued during a period generally not exceeding 30 days after the due date of a notice for payment of rates.

2.1 Such notice will be issued when:

- (a) No payment has been made;
- (b) Insufficient payment to cover the first instalment has been made;  
Or
- (c) Where there is no current valid instalment option (i.e. persons who have paid their first instalment option late).

2.2 Final Notices will indicate that:

- (a) Rates are now in arrears;
- (b) That penalty interest is being charged at the rate set by Council;  
And
- (c) That legal action may be taken without further notice, which will add extra costs onto the outstanding account.

2.3 Final Notices will not be sent to registered pensioners.

## **3.0 Letter of Demand**

Following completion of item 2.1 Final Notices

### **3.1 Mining Tenements**

A Letter of Demand will be issued generally no later than 30 days after the due date and payment notice to the current owners of any registered lease within the Council.

Such notice will provide for up to 14 days to respond at which time a summons may be issued without any further notice.

### **3.2 General and other Property**

A Letter of Demand will be issued no later than 30 days after the final notice of current financial year to all owners of property (excluding pensioners) who have failed to make any payment within the financial year, and who have not contacted Council to make any special arrangement for payment, or have defaulted on an approved payment option.

## **4.0 Issue of Summonses**

Following completion of Item 3.0 Letter of Demand

4.1 Rates remaining unpaid after the expiry date shown on the Letter of Demand will be examined for the purpose of determining whether a summons will be issued.

4.2 Council may employ the services of a Collection Agent or Solicitor(s) to issue General Procedure Claims to those ratepayers who failed to pay by the date indicated upon the Letter of Demand.

4.3 Costs incurred as a result of the issue of a General Procedure Claim will be applied to the ratepayers' assessment immediately upon receipt by Council of such costs – refer Section 6.56 of the Act.

4.4 Following the issue of a General Procedure Claim, a reasonable offer to discharge a rate account

(inclusive of the costs incurred through the issue of the General Procedure Claim) will not be refused.

- 4.5 Where a General Procedure Claim has been issued and remains outstanding, action will be taken to pursue that summons by whatever means necessary to secure satisfaction of the debt.
- 4.6 Legal proceedings will continue until payment of rates and any other outstanding costs are secured. This includes the issue of a Warrant of Execution against goods and land if necessary.
- 4.7 In cases where the owner of a leased or rented property on which rates are outstanding cannot be located, or the owner refuses to settle amounts outstanding, notice will be served on the lessee. The lessee will then under the provisions of Section 6.60 of the *Local Government Act 1995*, be required to pay Council any rent due until such time as the amount in arrears has been fully paid.
- 4.8 Sale of Property for non-payment of Rates

The Chief Executive Officer be authorised to initiate sale of property for non-payment of rates as per subdivision 6 of the *Local Government Act 1995*, action against land where rates or services charges are unpaid.

**EXPLANATORY NOTES:**

**APPLICATION/S:**