

Northern Beaches Council Policy
Policy No. NBC001
Rates and Annual Charges Hardship Policy

1 Purpose of Policy

To fulfil the statutory requirements of the Local Government Act, 1993 (the Act) with respect to both the recovery of outstanding Rates, Annual Charges and Interest and the provision of assistance to those ratepayers who are experiencing genuine financial hardship with the payment of their Rates and Annual Charges.

2 Policy Statement

Council acknowledges that ratepayers will, for various reasons from time to time, fail to pay rates when they become due and payable to Council. It is not the intention to cause hardship to any ratepayer through Council's recovery procedures and consideration will be given to acceptable arrangements to clear the debt prior to the end of the current financial year, where possible.

The General Manager has the delegated authority to approve or reject payment arrangement plans from any customer after receiving a written request. The General Manager may in turn delegate the day to day responsibility for approving or rejecting payment arrangement plans to senior staff as considered appropriate provided that such plans or arrangements are determined to be in Council's best interest.

The General Manager has the delegated authority to proceed with legal action to recover outstanding rates and charges where an arrangement plan has defaulted or if the ratepayer has failed and/or neglected to pay one or more instalments or a suitable attempt has not been made to clear the outstanding balance within a time specified as reasonable by Council.

Council recognises there are cases of genuine financial hardship requiring respect and compassion in special circumstances. This policy establishes guidelines for assessment of a hardship application applying the principles of fairness, integrity, confidentiality and compliance with statutory requirements. It applies to all applications for waiving, alternative payment arrangements or writing off rates, fees, annual charges and interest accrued on such debts.

The General Manager has the delegated authority to assess applications due to hardship and payment arrangement plans from any customer after receiving a formal application for hardship assistance.

3 Principles

3.1 Debt Recovery

Council has a responsibility to recover monies owing to it in a timely, efficient and effective manner to finance its operations and ensure effective financial management.

Council aims to ensure effective control over debts owed to Council, including overdue rates, charges and interest and to establish debt management procedures for the efficient collection of receivables and the recovery of outstanding debts including deferment and alternative payment arrangements.

The other key principles that will apply to the collection of overdue rates and charges are as follows:

- a) Council's aim is to collect all rates and charges by the end of each rating year;
- b) A fair and reasonable approach to recovery will apply;
- c) Council will individually assess cases of financial hardship;
- d) Council will not reduce rates or charges, but will consider alternative approaches to dealing with cases of financial hardship;
- e) Council will consider periodical payment arrangements in cases of hardship or extenuating circumstances;
- f) Council will utilise the services of Mercantile Agents where required;
- g) Council will aim to keep its Rates and Annual Charges Ratio at or below Industry Best Practice however, it will not pursue through legal action the collection of outstanding Rates and Annual Charges from pensioners;
- h) Council will apply the provisions of the Act relating to the sale of land to recover overdue Rates, Annual Charges and Interest when appropriate.

3.2 Hardship Assistance

This policy recognises that due to exceptional circumstances, owners may at times encounter difficulty in paying rates and charges as they fall due, or adhere to a regular payment arrangement.

The Act provides Council with the following options for providing assistance to ratepayers who are finding it difficult to pay their rates and charges because of financial hardship:

3.2.1 Assistance by Periodical Payment Arrangements

Section 564 of the Act provides that Council may accept payment of rates and charges due and payable by a person in accordance with an agreement made with the person and may write off or reduce interest accrued on rates or charges if the person complies with the agreement.

3.2.2 Assistance by writing off accrued interest and costs

Under Section 567 of the Act Council may write off accrued interest on rates or charges payable by a person if, in its opinion

- a) the person was unable to pay the rates or charges when they became due and payable for reasons beyond the person's control, or
- b) the person is unable to pay the accrued interest for reasons beyond the person's control, or
- c) payment of the accrued interest would cause the person hardship.

3.2.3 Assistance to extend pensioner concession to avoid hardship

Section 577 of the Act, enables Council to make an order deeming certain persons who are jointly liable with an eligible pensioner(s) or solely liable, but who are not themselves eligible, to be eligible pensioners for the purpose of a mandatory reduction in rates and charges to avoid hardship.

3.2.4 Abandonment of Pensioners' Rates and Charges

Under Section 582 of the Act Council may waive or reduce rates, charges and interest due by any person who receives a pension, benefit or allowance under Chapter 2 of the Social Security Act 1991 of the Commonwealth and is the holder of a pensioner concession card issued by or on behalf of the Commonwealth Government.

3.2.5 Assistance due to General Revaluation of Land in the Local Government Area and Changes to the Rating Category of Properties.

Under Section 601 of the Act a ratepayer who incurs a rate increase in the first year following a revaluation of land and suffers substantial hardship, may apply to Council for relief.

A ratepayer who incurs a rate increase in the first year following a change in the rating category of their property and suffers substantial hardship, may apply to Council for relief.

Council has the discretion to waive, reduce or defer the payment of the whole or any part of the increase in the amount of the rate payable by the ratepayer in such circumstances, for such period and subject to such conditions as it thinks fit.

3.2.6 Deferral of Recovery Proceedings against Eligible Pensioners that are entitled to receive a Rebate of Rates and Charges

Where in Council's opinion payment of Rates and Charges would cause hardship eligible pensioners over the accepted retirement age may be allowed to accrue Rates and Charges against their estate. Interest charges are to accrue on overdue Rates and Charges on a daily basis in accordance with s566 of the Act. Accrued interest is to be applied to assessments on a weekly basis subject to procedures for issuing Notices.

Council recognises the large number of pensioner ratepayers in the community and recognises the difficulties some pensioner ratepayers have in meeting their Rates and Annual Charges payments.

Under Section 712 of the Act proceedings for the recovery of a rate or charge may commence at any time within nineteen years from the date when the rate or charge became due and payable. The Local Government Rating and Revenue manual advises Councils have discretion to accrue rates, charges and interest against a pensioner's estate. The Office of Local Government advises if Councils wish to utilise this discretion, agreement is required from the pensioner ratepayer.

Where the eligible pensioner requests a delay in recovery action to allow outstanding rates, charges and interest to accrue against their estate and is willing to enter into an agreement, Council will:

- a) Provide an annual rates notice of all outstanding rates, charges and interest as it does for all ratepayers as well as instalment reminders.

- b) Not commence recovery action until there is a change in ownership of the property, either or both ratepayers leave the property (except where the pensioner is in a care facility on a temporary basis being less than 12 months) or either or both become ineligible for a concession. Should any of these events occur, rates and annual charges will become due and payable.
- c) However, given the constraints set out in Section 712 of the Act, Council will require pensioners to commence payment of overdue Rates and Annual Charges such that their total debt to Council does not exceed nineteen years.

4 Procedures

4.1 Payment Arrangements and Debt Recovery

4.1.1 Payment Arrangements

Council recognises that some owner may experience financial difficulties in meeting their Rates commitments. Council will seek to assist owner to make arrangements that are consistent with the owner's capacity to make regular payments.

- a) An owner may at any time make arrangements to pay off their outstanding rates and annual charges by regular payments, subject to the following guidelines:
 - i) The amount and frequency of the payments under the arrangement are to be acceptable to Council.
 - ii) Arrangements should seek to have the outstanding rates and annual charges cleared within a period of 12 months, where possible.
- b) All owners who enter into an arrangement will continue to have interest charged on the outstanding amount in accordance with Section 566 of the Act, (unless there are extenuating circumstances).
- c) However, where an owner has not honoured a previous arrangement, Council has the discretion as to whether to accept a new arrangement or continue with further recovery action.
- d) In the event that an owner fails to make a payment in full under an arrangement and does not notify Council of any financial difficulties, the total amount outstanding becomes payable and is subject to Council's normal recovery procedures.

4.1.2 Debt Recovery Action

To achieve the outcomes covered in this policy, staff must follow the recovery processes set out in the Debt Recovery Guidelines attached to this Policy. These recovery processes are attached to this Policy for guidance only and may be subject to change from time to time without the requirement for such amendments to be approved by Council.

Hardship Assistance

All applications for Hardship Assistance must be made on the Hardship Rate Relief Application Form attached to this Policy. This form is subject to change from time to time to comply with changes in legislation or other relevant requirements and the form may be amended to incorporate such changes without any requirement to report such changes to Council. This form is also available from Council's website or Customer Service Centre.

4.2.1 Assessment Process

Upon receipt an applicant's Hardship Rate Relief Application will be assessed by the relevant Council Officers. If Council is satisfied it falls within a category of hardship, it has the discretion defer the payment, and write off any accrued interest at its sole discretion, subject to the following conditions:

In determining eligibility Council will use the criteria used by Centrelink for granting of a pensioner concession, including the assets and income test.

- a) The applicant must be a resident owner, part owner of the property or a resident liable for the payment of the rates on the property.

The property for which the hardship application applies must be the principal place of residency of the applicant/s.

- c) The property for which the hardship application applies must be categorised as "Residential" for rating purposes.
- d) The application for hardship must be accompanied with supporting documentation which may include but is not limited to:-
- i) Reasons why the person was unable to pay the rates and charges when they became due and payable.
 - ii) Copy of recent bank statements for all accounts.
 - iii) Details of income and expenditure.
- e) It is Council's intention that whilst rates will not be reduced or waived, Council has the authority to defer payment of rates for a maximum period of 2 years once a hardship application is approved. This ensures that Council's Rate revenue is protected. Where the application is approved and payment of the increased Rates is made in accordance with the arrangement, interest charges will be written off.
- f) This policy applies to all rateable owners whose land value has increased by more than the average increase for the particular rating category. An application to defer Rates payment due to hardship under Sec 601 is to be assessed based on:
- i) The percentage increase in land value.
 - ii) The corresponding ownership interest in the rateable property;
 - iii) Any arrears of rates & charges at the time of application.

4.3 Writing off of Rates, Annual Charges and Interest

In the cases where Council determines to write off Rates, Annual Charges or Interest, the General Manager shall have a delegation to do so for an individual ratepayer to an amount not exceeding \$10,000 per assessment and report such write off at a meeting of Council. Any amount above that may only be approved by Council resolution.

5 Authorisation

This Policy was adopted by Council on 27 September 2016

The Policy is due for review in four years. The next review is due in September 2020.

6 Amendments

This is a new Policy.

7 Who is responsible for implementing this Policy?

Chief Financial Officer

8 Document owner

Deputy General Manager Corporate Services

9 Legislation and references

Local Government Act 1993

Local Government (General) Regulation 2005

Civil Procedures Act 2005

Corporations Act 2001

Division of Local Government – Council Rating and Revenue Raising Manual

10 Definitions

Arrangement	An agreement accepted by Council or its agents to repay a debt within a specific period of time.
Statement of Claim	Court issued document defining the amount due and the debt that is due to be paid. Debtors have 28 days from being served this document to lodge a defence.
Judgment	Court issued statement acknowledging the debt recorded against the debtor.
Garnishee	Court order to withhold funds from a debtors pay or bank account
Examination Order	Court issued order to have their financial affairs “examined” for the purposes of determining their capacity to make payments.
Writ	Court issued document identifying goods to be sold in order to liquidate the judgement debt.



If you need help lodging your form, contact us		Office use only		
Email	council@northernbeaches.nsw.gov.au	Form ID	1001	
Phone	1300 434 434	TRIM Ref	C001955	
Customer Service Centres	Manly Townhall, 1 Belgrave Street Manly NSW 2095	Dee Why Civic Centre, 725 Pittwater Road Dee Why NSW 2099	Last Updated	May 2020
	Mona Vale 1 Park Street Mona Vale NSW 2103	Avalon 59A Old Barrenjoey Road Avalon Beach NSW 2107	Business Unit	Finance
		Application No.		
		Receipt No.		

Privacy Protection Notice	
Purpose of collection:	For Council to provide services to the community
Intended recipients:	Northern Beaches Council staff
Supply:	If you choose not to supply your personal information, it may result in Council being unable to provide the services you seek
Access/Correction:	Please contact Customer Service on 1300 434 434 to access or correct your personal information

APPLICATION FOR HARDSHIP RATE RELIEF FOR THE WHOLE OR PART OF THE YEAR COMMENCING 1 JULY	20
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Part 1

PLEASE ANSWER ALL QUESTIONS RELEVANT TO YOU USING BLOCK LETTERS AND TICKING APPROPRIATE BOXES.			
Rates Reference Number <i>(please refer to your Council rates and charges notice)</i>			
I, <i>(full name in block letters)</i>			
of <i>(address)</i>			
Suburb		Postcode	
Date of birth		Phone	
apply for a hardship relief on the basis of financial hardship			
Property Description (Lot/Plan) Office use only			

Part 2

I am the sole owner or part owner of the property	<input type="radio"/> Yes	<input type="radio"/> No
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PLEASE PROVIDE A COPY OF YOUR PENSIONER CONCESSION CARD WITH THIS APPLICATION
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Part 3

I am liable for the payment of rates and charges on this property, together with others as listed below (if no others write "SOLE OWNER").		<input type="radio"/> Yes	<input type="radio"/> No
ALL OTHER OWNERS including your spouse or de facto partner should be listed.			
Name		Relationship to Me (eg Spouse, Parent, Co-owner, De Facto etc)	
<input type="radio"/> Evidence of joint ownership is attached; or		<input type="radio"/> Evidence of joint ownership has been provided to council previously	
Note: if the rateable property is jointly owned by more than one person, each of whom are individually seeking hardship relief then each individual must complete a Hardship Rate Relief Application Form.			

Part 4

The property to which this hardship application applies is my sole / principal place of residence	
<input type="radio"/> No	<input type="radio"/> Yes
	If Yes, has been since

Part 5

Is the property owned as shares in a company title?	<input type="radio"/> Yes	<input type="radio"/> No
If you do not own or rent the property, please explain and provide evidence.		

Part 6

a) Are there people living at the property other than those listed at Part 3 above?	<input type="radio"/> Yes	<input type="radio"/> No
b) How many people live at the property?		
c) Please indicate who these people are?	<input type="radio"/> Self	<input type="radio"/> Spouse
<input type="radio"/> Children (state ages)	<input type="radio"/> Boarders	<input type="radio"/> Relatives
<input type="radio"/> Other (please specify)		

Part 7

Do you receive any pensions or benefits?	
<input type="radio"/> YES	If Yes, continue to part 8
<input type="radio"/> NO	If No, continue to part 9

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Part 8a

I am the holder of a current Centrelink or Veterans' Affairs Pensioner Concession Card (PCC) issued by the Commonwealth Government through Centrelink or the Department of Veterans' Affairs			
Applicant name			
PCC No.		Card start date	

OR

Part 8b

I am NOT the holder of a Pensioner Concession Card. I am the holder of a Gold Card issued by the Department of Veterans' Affairs (DVA) under the Veterans' Entitlement Act (VEA) or Military Rehabilitation and Compensation Act 2004 (MRCA) and embossed with either:	
<input type="radio"/> Totally & Permanently Incapacitation (TPI)	<input type="radio"/> Extreme Disablement Adjustment (EDA)
<input type="radio"/> War Widow/er (WW)	
War Widow (ers)/wholly dependent partners must be eligible for a PCC in order to claim the pensioner concession on their rates. DVA can assist in determining your eligibility; contact DVA on 133254 or visit www.factsheets.dva.gov.au for further information on the process.	

All DVA Applicants are also required to complete the following details:	
File No.	
Date of Grant of TPI, EDA or WW under VEA	
Date of eligibility for Special Rate Disability Pension (SRDP)* or wholly dependent partner payment** under the MRCA	
<p>* date of eligibility for SRDP is the eligibility date as notified in the letter from the DVA. ** date of eligibility for wholly dependent partner payment is the date of your partner's death.</p> <p>TPI/EDA applicants will need to submit a copy of DVA letter of grant.</p> <p>MRCA applicants will need to obtain a letter from DVA confirming eligibility. Call the DVA on telephone number: 133254, to obtain a letter.</p>	

Part 9

Have you claimed a pensioner concession on any other property this year?	<input type="radio"/> yes <input type="radio"/> No
If Yes, state the address of the other property:	

Part 10

Do you own (either fully or partially) any other land or buildings?	<input type="radio"/> Yes <input type="radio"/> No
If Yes, list addresses	

Part 11

How many children do you support?		State their ages	
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PLEASE PROVIDE A COPY OF YOUR PENSIONER CONCESSION CARD WITH THIS APPLICATION

Part 12

What is the cause of financial hardship? (Please attach extra page if necessary)

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Part 13

How long have you been experiencing hardship?

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Part 14

Please state gross fortnightly amounts received from the following sources of income:

a) Pensions and benefits	\$
b) Compensation, superannuation insurance or retirement benefits	\$
c) Spouse's income	\$
d) Income of other residents of the property	\$
e) Employment Income	\$
f) Family Allowance	\$
g) Interest from banks/credit unions/building societies	\$
h) Income from shares	\$
i) Rent from other properties	\$
j) Business income	\$
k) Any other form of income	\$
TOTAL	\$

Part 15

Please provide name and current balance of all bank, credit union or building society accounts held by you (either wholly or jointly owned).

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PLEASE PROVIDE A COPY OF YOUR PENSIONER CONCESSION CARD WITH THIS APPLICATION

Part 16

Please state details of fortnightly outgoings		
Outgoing	Owned to	Amount \$
Rent / Home Loan		
Other Mortgages		
Personal Loans / Hire Purchase		
Health Costs		
Council Rates and Charges		
Other - Please specify:		

Part 17

Please provide details of any assets other than your principal home, including household contents, land, furniture etc?	
Type of Asset	Estimated Value \$

Part 18

Please attach a separate page with any other relevant information you feel may assist your application.
* Please include copies of any documents which may support your application, examples of which may include but are not limited to a Last Will and Testament, Documents from the owner showing you are responsible for paying the rates or showing you have life tenancy or a life lease etc.

PLEASE PROVIDE A COPY OF YOUR PENSIONER CONCESSION CARD WITH THIS APPLICATION

Part 19: Declarations

<p>The information contained in this application form and any information requested for the purpose of assessing eligibility for hardship relief and/or a pensioner concession is required under the Local Government Act 1993 and the Local Government (General) Regulation 2005.</p>			
<p>You have right to withdraw your consent by contacting your Council. The information is private and confidential and your Council must not disclose the information to any person or body, if it is not directly related to the purpose for which the information was collected. If you have a complaint about the use of your personal information, contact your Council's Public Officer. The information contained or referred to in this application form may be corrected and updated by you, by contacting your Council.</p>			
<p>By submitting this form, I declare that the information provided is true and correct and I am the person making this application. If you make a false statement in an application, you may be guilty of an offence and fined up to \$2,220.</p>			
Applicant Signature		Date	

Part 20: Consent

<p>The information provided on this form is private and confidential and your Council must not disclose the information to any person or body, if it is not directly related to the purpose for which the information was collected. If you have a complaint about the use of your personal information, contact your Council's Public Officer. The information contained or referred to in this application form may be corrected and updated by you, by contacting your Council.</p> <p>Please read the conditions and tick box below to confirm your consent to your Council checking your concession eligibility with Centrelink or the Department of Veterans' Affairs.</p>			
I		Authorise	
<ul style="list-style-type: none"> • Council to use Centrelink Confirmation eServices to perform a Centrelink/DVA enquiry of my Centrelink or Department of Veterans' Affairs customer details and concession card status to enable Council to determine if I qualify for a rebate. • The Australian Government Department of Human Services (the department) to provide the results of that enquiry to Council. 			
<p>I understand that</p> <ul style="list-style-type: none"> • The department will disclose personal information to Council including my name, address, payment type, payment status and concession card type and status to confirm my eligibility for a rebate. • This consent, once signed, remains valid while I am a customer of Council unless I withdraw it by contacting Council or the department. • I can get proof of my circumstances/details from the department and provide it to Council so my eligibility for a rebate can be determined. • If I withdraw my consent or do not alternatively provide proof of my circumstances/details, I may not be eligible for the rebate provided by Council. <p>I have read and accepted the above consent</p>			
Applicant Signature		Date	

<p>PRIVACY AND PERSONAL INFORMATION PROTECTION ACT 1998 Compliance with Section 10</p> <p>The information contained in this application form and any information requested is for the purpose of assessing eligibility for hardship relief and pensioner concession, as required under the Local Government Act 1993 and the Local Government (General) Regulation 2005. This information is required before your application for hardship and pension concession can be processed. The information is private and confidential and council must not disclose the information to any person or body if it is not directly related to the purpose for which the information was collected.</p> <p>If you have a complaint about the use of your personal information, contact the council's Public Officer. The information contained or referred to in this application form may be corrected and updated by you, by contacting the council.</p>	
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PLEASE PROVIDE A COPY OF YOUR PENSIONER CONCESSION CARD WITH THIS APPLICATION

الغرض من هذا النموذج

يجب إكمال هذا النموذج بواسطة دافعي الرسوم البلدية، والراغبين في استلام تخفيض على رسوم المجلس البلدي. ويحق لدافعي الرسوم المؤهلين استلام مبالغ تصل إلى:

- على الرسوم العادية والتكاليف لخدمات إدارة النفايات المنزلية \$250,00
- من الرسوم السنوية وتكاليف الماء \$87,50
- من الرسوم السنوية وتكاليف تصريف مياه المجاري \$87,50

بصفة عامة، فإن التخفيضات متاحة للمتقاعدين المؤهلين، ومع ذلك فقد تُمنح التخفيضات لدافعي الرسوم الذين يعانون متاعب مالية في حالات خاصة. المعلومات المتوفرة بإكمال هذا النموذج سوف تجعل المجلس البلدي قادراً على تحديد الأهلية لاستلام تخفيض، ومستوى التخفيض الذي يستحقه دافع الرسوم.

此表格的用途

此表格供希望獲得市政稅優惠的納稅人填寫。符合資格的納稅人最高可獲得以下減價優惠：

普通市政稅及垃圾管理費減價250.00澳元
年度水費及管理費減價87.50澳元
年度廢水處理稅及管理費減價87.50澳元

符合資格的福利金領取者一般可獲得這些減價優惠。但是在某些情況下，有經濟困難的納稅人也可獲得這些優惠。

在此表格內填寫的訊息可協助市政會決定該納稅人是否有資格獲得減價優惠，以及優惠的等級。

A cosa serve questo modulo

Questo modulo deve essere riempito dai contribuenti che desiderano ricevere riduzioni sulle imposte comunali. I contribuenti che soddisfano i requisiti necessari possono ricevere le seguenti riduzioni:

- fino a \$250.00 sulle imposte comunali ordinarie e sulla bolletta per l'asporto dei rifiuti domestici;
- fino a \$87.50 sulla imposta annuale e bolletta dell'acqua;
- fino a \$87.50 sulla imposta annuale e bolletta delle fognature.

In linea generale le riduzioni vengono concesse solo ai pensionati aventine diritto ma, in alcune circostanze, possono essere estese anche ai contribuenti che si trovino in difficili situazioni economiche.

Le informazioni fornite riempiendo questo modulo consentiranno al Comune di determinare se il contribuente ha diritto alle riduzioni d'imposta e l'ammontare delle riduzioni stesse.

OBJETIVO DE ESTE FORMULARIO

Los contribuyentes que deseen recibir una rebaja en las contribuciones municipales deben responder a este formulario. Quienes reúnan los requisitos podrán recibir hasta:

- \$250,00 en contribuciones y tarifas ordinarias por servicios de administración de desechos domésticos;
- \$87,50 de rebaja anual en las contribuciones y tarifas por agua potable;
- \$87,50 de rebaja anual en las contribuciones y tarifas por alcantarillado.

En general, las rebajas están a disposición de los pensionados que reúnan los requisitos. Sin embargo, se podrán conceder rebajas a los contribuyentes que pasen por privaciones económicas en ciertas circunstancias.

La información que se proporcione respondiendo a este formulario permitirá al municipio determinar tanto si el contribuyente reúne los requisitos para recibir una rebaja como el monto de la rebaja a la cual tendrá derecho el contribuyente.

MỤC ĐÍCH CỦA ĐƠN NÀY

Đơn này cho những người đóng thuế địa phương muốn xin giảm thuế và lệ phí. Những người đóng thuế và lệ phí địa phương có thể được giảm đến:

- \$250 cho thuế địa phương thường và lệ phí cho dịch vụ đổ rác
- \$87.50 cho tiền nước và lệ phí hàng năm
- \$87.50 tiền cống rãnh và lệ phí hàng năm

Nói chung, những người hội đủ điều kiện để lãnh trợ cấp xã hội được giảm thuế và lệ phí địa phương, tuy nhiên trong một số trường hợp, những người gặp khó khăn về tiền bạc cũng có thể được giảm thuế và lệ phí.

Những chi tiết điền trong đơn này sẽ giúp hội đồng thành phố (council) ấn định xem quý vị có hội đủ điều kiện hay không và mức độ được giảm thuế và lệ phí.

PLEASE PROVIDE A COPY OF YOUR PENSIONER CONCESSION CARD WITH THIS APPLICATION

Attachment 2: Debt Recovery Guidelines

Recovery Action

Recovery of rates and charges is to be conducted according to the following:

- a) All owners are to be issued with an Annual Rates Notice in accordance with Section 546 of the Act and, where required, Rates Instalment Notices in accordance with Section 562 of the Act;
- b) The Rates Instalment Notice is to include any amount that is overdue. This amount is to be shown separately and identified as being overdue and subject to interest charges;
- c) An Instalment Reminder Notice will be issued to all owners who have not paid the instalment due amount in full, approximately 14 days after the due date;
- d) Interest charges are to accrue on overdue Rates and Annual Charges on a daily basis in accordance with Section 566 of the Act. Accrued interest is to be applied to assessments on a weekly basis subject to procedures for issuing Notices;
- d) Where an owner has rates and charges that are overdue (excluding accruing pensioners Rates staff will issue a letter (Final Notice) requiring payment or a mutually agreeable payment arrangement of the overdue amounts within 14 days from receipt of the letter;
- e) If rates and charges remain unpaid after the expiry of the Final Notice, Rates staff (or Council's agent) will forward a letter of demand allowing for seven days payment prior to instigation of legal action. Generally the legal action starts with a Statement of Claim, and where necessary, is followed by Judgment then a Writ of Execution or Garnishee Order, and/or other enforcement procedures as required.

If no payment is received or no arrangement made following the issue of the notice of intent, a statement of Claim will be prepared, issued and served by Council or its recovery agent. Following the expiration of the statutory period, to protect Council's interest in the matter and all available actions to recover the amount outstanding, if the debt is not cleared, a Notice of Motion Default Judgment will be lodged.

Recovery action by Council or it's agent to recover outstanding debts that will be considered include, but not be limited to a garnishee of income; a writ of execution on goods and chattels, an examinations summons, a service or a rent order where the property is tenanted and/or other enforcement procedures as required.

- f) In accordance with Section 459 of the Corporations Act 2001, where the ratepayer is a company and has been served with a creditors statutory demand (Section 459E of the Corporations Act 2001) and the ratepayer has not complied within the 21 day period, Council has the right to commence proceedings to have the debtor company wound up and a liquidator appointed. All debts regarding the issue of a creditors' statutory demand must exceed the sum of \$2,000.00;
- g) All legal costs and expenses incurred in recovering outstanding rates and charges shall be charged against the property in accordance with Section 605 of the Act;
- h) Arrangements for payment may be accepted after legal action has commenced, subject to the continuation of legal action should the ratepayer not adhere to the approved arrangement;
- i) As a result of Council entering judgment, debtors will automatically be listed on the Credit Reference Listing by credit listing bodies.
- j) Where legal action is unsuccessful and Rates and Annual Charges remain overdue for more than 5 years the property is to be sold by public auction in accordance with Section 713 of the Act, subject to a resolution of Council