



Blackall-Tambo Regional Council

Rates Recovery Policy

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Rates Recovery Policy

1 PURPOSE

Except for external funding received from the Commonwealth and the Queensland State governments, Blackall-Tambo Regional Council must rely on its Rates revenue to provide the necessary funding for the provision of Councils ongoing services. For this reason, it is imperative that Council keeps the levels of unpaid or outstanding Rates to a minimum, so that levels of service to the community are not adversely affected. This Rates Recovery Policy sets out the guidelines by which the recovery of outstanding Rates shall be pursued in a fair and equitable manner.

2 COMMENCEMENT OF POLICY

This Policy will commence from 15th May 2019 and shall replace all previous Rate Recovery Policies of the Blackall-Tambo Regional Council or of the former Blackall Shire Council or of the former Tambo Shire Council.

3 SCOPE

The Rates Recovery Policy applies to all rateable properties and mining leases within the Blackall-Tambo Regional Council boundaries.

4 DEFINITIONS

4.1 RATES

For the purposes of this Policy “Rates” shall include all levies, charges and interest on rateable land as defined in the Local Government Act 2009 (Sections 91 to 96) and the Local Government Regulations 2012 (Sections 80 to 82), and any costs associated with the recovery of outstanding levies, charges and/or interest owing as per Sections 132 and 133 of the Regulations.



4.2 DEBT RECOVERY ACTION

Includes

- a) any correspondence requiring payment within a given timeframe,
- b) any referral to a legal firm, Tribunal or Court for legal process,
- c) referral to a Collection Agency for action,
- d) requests to third parties for information on ratepayer whereabouts,
- e) any other action taken to legally recover outstanding Rates.

4.3 PENSIONERS

An individual who is a holder of either a Repatriation Health Card (Gold) from the Department of Veterans Affairs or a Pensioner Concession Card from Centrelink

5 INITIAL RECOVERY ACTION

5.1 REMINDER NOTICES

Upon the expiration of 14 days after the end of the discount period, a Reminder Notice is to be sent to all Ratepayers who have an outstanding balance; except Ratepayers who have an agreed payment arrangement with Council who will receive a letter advising of their current position. The Reminder Notice is to give the Ratepayer a further 14 days to either

- a) pay the outstanding amount in full or
- b) to negotiate an agreement with Council to pay the outstanding amount in instalments within an agreed timeframe,

Upon the expiration of 14 days after the Reminder Notice has been sent, any Ratepayer who still has an amount outstanding and who has not made an arrangement with Council to pay the amount in instalments, is to be sent a letter advising them that the matter has been referred to Councils solicitor for further action.

The Rates Officer shall then prepare a list of Ratepayers who have been sent the letter, and action as per point 5.3 below.



5.2 ARRANGEMENTS TO PAY IN INSTALMENTS

A Ratepayer may, at any time prior to the issuing of a Notice of Intention to Sell for Arrears of Rates, approach Council to make an arrangement to pay any outstanding arrears by instalments within a set timeframe.

This timeframe must also take into account any further levies which may be raise before the outstanding amount is repaid, and the arrangement must include, as far as practicable, how any of these subsequent levies will be repaid, and whether or not they are part of the arrangement. Any outstanding legal costs must be paid immediately and not be included as part of the arrangement.

Payment of arrears by instalments, where the Ratepayer has made no contact with Council, does not, of itself, constitute an arrangement, and shall only be used to defer debt recovery action at Councils discretion.

When a Ratepayer defaults on an arrangement, then the remaining outstanding balance shall become due and payable forthwith. Council may, at its discretion, enter into a further arrangement with the Ratepayer (if there were exceptional circumstances which contributed to the default) or proceed with debt recovery action for the arrears.

Where a ratepayer defaults on an arrangement and Council decides not to make a further arrangement, the Ratepayer will be sent a courtesy letter giving them 14 days to make payment in full before the commencement or continuation of debt recovery action.

5.3 LEGAL ACTION

Upon the expiration of 14 days after the Reminder Notice has been sent, a list of all Ratepayers who have an amount outstanding which is not subject to an arrangement is to be sent to the Councils solicitor. This list is to be accompanied by a letter instructing the solicitor to either commence debt recovery action or to continue with any action already in progress.

If a Ratepayer who has been referred to the solicitor either makes a payment (whether in full or part payment of arrears) or an arrangement to pay by instalments, the solicitor must be notified immediately, and advised of what action Council wishes the solicitor to take from that point on.

5.4 PENSIONERS

If a Ratepayer is a Pensioner, then Council may give special consideration to what assistance it can provide to help the Ratepayer manage their arrears. This assistance may include

- a) Giving a longer period of time in which to repay the arrears
- b) Deferring any legal action or referral to debt collection agencies

However, where a Ratepayer is a Pensioner but makes no effort to pay their outstanding Rates, then no special consideration shall be given.



5.5 SALE OF LAND FOR RATE ARREARS

Where Rates remain overdue and unpaid, and there is no arrangement to pay by instalments in place, and any debt recovery action taken as per procedures in 5.2 and 5.3 of this Policy has failed to produce payment of the arrears, then Sections 140 to 147 of the Local Government Regulations 2012 shall apply.

Section 140 deals with how and when a Local Government is to give Notice of Intention to Sell Land for overdue rates.

Section 141 deals with when the procedures for selling the land must be started.

Section 142 deals the procedures for selling the land.

Section 143 deals with the conduct of the auction

Section 144 deals with procedures after the sale of land to local government

Section 145 deals with procedures after the sale of land other than to local government

Section 146 deals with the application of the proceeds of sale of land

Section 147 is concerned with the Local Governments failure to comply with the legislation.

6 RECORDS

When completed and approved the original, signed hard copy of the policy is filed in the Master File.

Electronic copies are saved in the appropriately labelled folder in InfoXpert