

HARDSHIP POLICY RATES, WATER & SEWERAGE CHARGES

POLICY STATEMENT:

In the consideration of any application for assistance in respect of significant financial hardship, Council is committed to:

1. Providing where possible, assistance to ratepayers who are suffering significant financial hardship with the payment of rates and charges.
2. Providing an administrative process to determine applications quickly.
3. Promoting the image of Council as both efficient and fair.

RELATED LEGISLATION, CIRCULARS OR GUIDELINES:

Local Government Act 1993 No. 30 and Local Government (General) Regulation 2005.

DOES THIS DOCUMENT REPLACE AN EXISTING POLICY, PROCEDURE OR PLAN?

Yes, this document replaces Council's:

- Hardship Water Rate Relief, Adopted 21 August 1992

RELATED COUNCIL POLICY OR PROCEDURE:

- Debt Recovery Policy
- Pension Rebate Policy
- Water and Sewerage Charging Policy

APPLICATION AND DISTRIBUTION

It is mandatory for all Council officials to comply with this Policy.

This Policy and Guidelines are available on Council's website under Council Policies.

APPROVED BY:

Council Meeting: 8 November, 2011 MN 408/11

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EFFECTIVE: 8 November, 2011

REVIEW DATE: November, 2013

DISTRIBUTION: All Managers, Intranet, Internet

RESPONSIBLE COUNCIL DEPARTMENT/OFFICER: MANAGER, FINANCIAL SERVICES

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| <p>VERSION HISTORY TABLE: Hardship Water Rate Relief, Adopted 21 August 1992</p> |
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KEY RESPONSIBILITIES

| <i>Position</i> | <i>Responsibility</i> |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mayor | To lead Councillors in their understanding of, and compliance with, this Policy and Guidelines. |
| General Manager | To lead staff (either directly or through delegated authority) in their understanding of, and compliance with, this Policy and Guidelines. To approve resources to develop, implement and review this Policy and Guidelines. |
| Director Corporate Services | To ensure (directly or through delegation) the distribution and communication of the Policy and Guidelines to specified persons. To ensure (directly or through delegation) the approved Policy and Guidelines are available in hard copy and electronically on Council's website. |
| Financial Services Manager | To communicate, implement and comply with this Policy and related Guidelines. |
| Revenue Accountant | To implement this policy, guidelines and related procedures. To lead staff in their understanding of, and compliance with, this policy and guidelines. |

HARDSHIP GUIDELINES RATES, WATER & SEWERAGE CHARGES

DIVISION: CORPORATE SERVICES

SECTION: FINANCE

SUBJECT: HARDSHIP RELIEF – RATES, WATER & SEWERAGE
CHARGES

BACKGROUND

This is a procedure to determine what action is to be taken when a ratepayer claims to be suffering financial hardship with the payment of rates and charges.

OBJECTIVE

1. To provide where possible assistance to ratepayers who are suffering financial hardship with the payment of rates and charges.
2. To provide an administrative process to determine applications quickly.
3. To promote the image of Council as both efficient and fair.

PROCEDURE STATEMENT

Any ratepayer who cannot pay their rates or charges for reason of financial hardship can apply to Council for assistance at any time. Each individual case will be considered on its merits.

An application for Hardship Relief on a property must be made by completing the form shown in Appendix 1.

This policy does not apply to rental properties.

The criteria for assessment will be, but is not limited to, the following;

- Income from ALL sources.
- Living expenses.
- Length of occupancy.
- Reason for financial hardship.
- The applicant must occupy the rateable property as their sole and principle place of residence and must not own any other property either within or without the Council area.

HARDSHIP PROVISIONS

The Local Government Act, 1993 provides Council with options for providing assistance to ratepayers who are finding it difficult to pay their rates and charges because of financial hardship. Some of these options are listed hereunder:

Section 564 – Agreement to Periodical Payment of Rates and Charges

Council may enter into payment agreements with ratepayers who cannot meet their normal instalment payments as provided by the Local Government Act, 1993.

The applicant is responsible for providing accurate and timely information to Council.

Section 567 – Writing off accrued interest

Council may write off accrued interest and costs on rates and charges payable by a person where if, in its opinion, that payment of accrued interest would cause the person hardship.

Assessment

Assessment for financial hardship assistance is to be based on the criteria stated in these guidelines. To receive financial assistance committed outgoings are to be 75% or more of stated fortnightly income.

Assistance

That an interest free period be granted if the full amount (including current accounts) is finalised within 12 months of the application.

That interest charges up to a maximum of 50% be written off if the full amount (including current accounts) is finalised in full within 2 years from the date of application.

The above assistance is only to be granted providing a payment arrangement is made by either Direct Debit or Centrepay deductions.

Section 577

Under Section 577 of the Local Government Act, 1993, in order to avoid hardship, Council may extend the pensioner concession to ratepayers who jointly occupy a dwelling and are jointly liable for the rates and charges with an eligible pensioner, if it considers it proper to do so.

In situations where an eligible pensioner is a joint owner and finds themselves where they assume full and sole responsibility for the paying of rates and charges, Council agrees to grant the full pensioner concession under Section 577 of the Local Government Act, 1993.

Additionally if circumstances arise on the death of a sole owner when the deceased's spouse has been left a life interest in the residence, Council agrees to grant the full pensioner concession under Section 577 of the Act. A copy of the will is to be provided in support of the application.

A Deed of Family Agreement (legal document) or Life Tenancy Agreement (legal document) must be produced if the eligible pensioner does not own the property and is solely responsible for the payment of rates and charges levied on the land

A Deed of Family Agreement (legal document) must be produced if the eligible pensioner owns the property with other family members (eg. son/daughter/brother) and is solely responsible for the payment of rates and charges levied on the land.

Section 582 - Voluntary Council Rebate

Council may waive or reduce rates, charges and interest due by any person prescribed by the regulations who is in receipt of a pension, benefit or allowance under the Social Security Act 1991 of the Commonwealth. This provision is not subsidised by the State Government and is not available from Council.

Section 601 – Hardship caused from the use of new valuations.

Any ratepayer who incurs a rate increase following a revaluation of land values can apply to Council for rate relief if the increase in the amount of rates payable would cause substantial hardship. This provision is not currently available from Council.

In addition to the above, Council may determine applications for assistance which are to be submitted to Council on an individual basis for consideration.

AUTHORISATION

Council's Revenue Accountant and Finance Manager will review the application and recommend to the Director of Corporate Services and/or General Manager any offer of assistance as provided by the Local Government Act, 1993, having regard to the circumstances of the applicant.

The Director of Corporate Services and/or General Manager can approve or not approve the recommendation.

The ratepayer will be informed of Council's decision in writing and if not satisfied with the outcome may request the Council to reconsider its decision and the Council at its discretion may do so.

After the Council reconsiders the application and makes a decision the ratepayer has no further right to appeal.

PENSIONER REBATE POLICY

RATES, WATER & SEWERAGE CHARGES 1.32

POLICY STATEMENT:

This policy applies to eligible pensioners and is pursuant to Chapter 15, Part 8, Division 1 of the Local Government Act, 1993 and Part 5 Division 4 of the Local Government (General) regulation. Council is committed to:

1. Providing an administrative process to determine applications quickly.
2. Promoting the image of Council as both efficient and fair.

RELATED LEGISLATION, CIRCULARS OR GUIDELINES:

Local Government Act 1993 No. 30 and Local Government (General) Regulation 2005.

DOES THIS DOCUMENT REPLACE AN EXISTING POLICY, PROCEDURE OR PLAN?
No

RELATED COUNCIL POLICY OR PROCEDURE:

- Debt Recovery Policy
- Hardship Policy

APPLICATION AND DISTRIBUTION

It is mandatory for all Council officials to comply with this Policy.

The Policy and Guidelines are available on Council's website under Council Policies.

APPROVED BY:

Council Meeting: 8 November, 2011 MN 408/11

EFFECTIVE: 8 November, 2011

REVIEW DATE: 8 November, 2012

DISTRIBUTION: All Managers, Intranet, Internet

RESPONSIBLE COUNCIL DEPARTMENT/OFFICER: MANAGER FINANCIAL SERVICES

VERSION HISTORY TABLE:

Pension Rebate Policy, Adopted 9 October, 1996 Min No. OC207/96

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KEY RESPONSIBILITIES

| Position | Responsibility |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mayor | To lead Councillors in their understanding of, and compliance with, this Policy and Guidelines. |
| General Manager | To lead staff (either directly or through delegated authority) in their understanding of, and compliance with, this Policy and Guidelines. To approve resources to develop, implement and review this Policy and Guidelines. |
| Director Corporate Services | To ensure (directly or through delegation) the distribution and communication of the Policy and Guidelines to specified persons. To ensure (directly or through delegation) the approved Policy and Guidelines are available in hard copy and electronically on Council's website. |
| Financial Services Manager | To communicate, implement and comply with this Policy and related Guidelines. |
| Revenue Accountant | To implement this policy, guidelines and related procedures. To lead staff in their understanding of, and compliance with, this policy and guidelines. |



PENSIONER REBATE GUIDELINES RATES, WATER & SEWERAGE CHARGES

DIVISION: CORPORATE SERVICES

SECTION: FINANCE

SUBJECT: PENSIONER REBATES – RATES, WATER & SEWERAGE CHARGES

FILE NOS:

APPROVAL DATE: 8 November, 2011

MINUTE NO: 408/11

POLICY GUIDELINES

BACKGROUND

Section 575 of the Local Government Act 1993 provides for a rebate for eligible pensioners to reduce the amount payable on property that is deemed to be their sole place of residence.

Additionally Section 577 of the Local Government Act, 1993 allows the extension of a concession to avoid hardship.

OBJECTIVE

1. To provide a rebate to eligible pensioners in accordance with the Local Government Act, 1993.
2. To provide an administrative process to determine applications promptly.
3. To promote the image of Council as efficient and fair.

RELATIVE LEGISLATION

Local Government Act 1993

Local Government (General) Regulation 2005

POLICY STATEMENT

This policy applies to eligible pensioners and is pursuant to Chapter 15, Part 8, Division 1 of the Local Government Act, 1993 and Part 5 Division 4 of the Local Government (General) regulation.

A mandatory rebate of Rates and Charges (including Domestic Waste Management, Water and Sewerage Charges) to the maximum amount will apply for eligible pensioners as determined by Section 575 (3) of the Local Government Act 1993.

Where an owner becomes an eligible pensioner after the commencement of the rates instalment period, the rebate will commence from the start of the next full quarter.

Where an owner ceases to be an eligible pensioner or sells the property to which the rebate applies, the rebate will cease at the end of the current rates quarter.

Pension rebates for Water and Sewerage charges are calculated on a daily basis and commence from the date of eligibility and will cease when the entitlement ceases.



Pensioner rebate concessions are to be granted only in the year the application is made and the rating periods immediately preceding it.

Council is committed to fairness and equity towards pensioners and will allow an interest free period to the 31 May each year on the current year's rates. However if rates and charges are not paid by 31 May of each year, interest charges will accrue from the due date of each instalment.

Application for reimbursement of 55% of the amounts written off is to be made to the Department of Local Government after verification by Council's auditor. Such application/s are to be submitted on dates prescribed by the Department.

Assistance to Eligible Pensioners

Section 577

Under Section 577 of the Local Government Act, 1993, in order to avoid hardship, Council may extend the pensioner concession to ratepayers who jointly occupy a dwelling and are jointly liable for the rates and charges with an eligible pensioner, if it considers it proper to do so.

In situations where an eligible pensioner is a joint owner and finds themselves where they assume full and sole responsibility for the paying of rates and charges, Council agrees to grant the full pensioner concession under Section 577 of the Local Government Act, 1993.

Additionally if circumstances arise on the death of a sole owner when the deceased's spouse has been left a life interest in the residence, Council agrees to grant the full pensioner concession under Section 577 of the Act. A copy of the will is to be provided in support of the application.

A Deed of Family Agreement (legal document) or Life Tenancy Agreement (legal document) must be produced if the eligible pensioner does not own the property and is solely responsible for the payment of rates and charges levied on the land

A Deed of Family Agreement (legal document) must be produced if the eligible pensioner owns the property with other family members (eg. son/daughter/brother) and is solely responsible for the payment of rates and charges levied on the land.

Section 582 - Voluntary Council Rebate

Council may waive or reduce rates, charges and interest due by any person prescribed by the regulations who is in receipt of a pension, benefit or allowance under the Social Security Act 1991 of the Commonwealth. This provision is not subsidised by the State Government and is not available from Council.

EVALUATION

A report/s is to be prepared and presented to Council incorporating the total amount abandoned and the amount funded from the Government subsidy.

CONTACT

Any enquiries relating to the Debt Recovery Policy should be directed to Council's Revenue Accountant.

REVIEW

The policy will be reviewed at a minimum within 12 months of the election of a new Council or as required due to legislative changes.



POLICY GUIDELINES

DEBT RECOVERY POLICY RATES, WATER & SEWERAGE AND SUNDRY DEBTOR ACCOUNTS 1.45

POLICY STATEMENT:

1. Payments for Rates in properties within the Shire

The payment of Rates and Charges each year are in accordance with Section 562 of Local Government Act 1993 with due dates as follows:

- If payment is made in a single instalment, the instalment is payable by 31 August.
- If payment is made by quarterly instalments, the instalments are payable by 31st August, 30th November, 28th February and 31st May.

Any outstanding amounts after these dates are subject to interest on a daily basis at a rate determined by the minister each year in accordance with Section 566 of the Local Government Act 1993 with the exception of eligible pensioners. (please refer below)

Interest - Pensioners

Council is committed to fairness and equity towards pensioners and will allow an interest free period to the 31 May each year on the current year's rates. However if rates and charges are not paid by 31 May of each year, interest charges will accrue from the due date of each instalment.

Recovery action will commence when rates and/or charges are not paid by the due date, unless an agreement has been entered into by the debtor to make periodical payments in accordance with Section 564(1) of the Local Government Act 1993.

Any costs associated with the recovery of the outstanding amounts will be added to the account.

When legal action is unsuccessful or owners cannot be located, the Rates and Charges will remain outstanding and the relevant property is to be considered for land sale in accordance with Section 713 of the Local Government Act, 1993, subject to the concurrence of Council.

The debt recovery guideline for rate accounts is attached.

2. Water and Sewerage accounts are due for payment 30 days from the date of issue.

Late payments will be subject to interest on a daily basis at a rate determined by the minister each year, for outstanding rates and charges in accordance with Section 566 of the Local Government Act 1993.

Recovery action will commence when water and sewerage charges are not paid by the due date, unless an agreement has been entered into by the debtor to make periodical payments in accordance with Section 564(1) of the Local Government Act 1993.

Should the amount remain unpaid the water supply to the property maybe reduced by the installation of a water flow restrictor.

If a flow restrictor is installed, an additional charge, as set out in the annual fees and



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| <p>charges will be added to the account.</p> <p>Any costs associated with the recovery of the outstanding amounts will be added to the account.</p> <p>The debt recovery guideline for water and sewerage accounts is attached.</p> <p>3. Any Sundry Debtor account that is still owing 30 days after the date of issue.</p> <p>Recovery action will commence when Sundry Debtor accounts are not paid by the due date, unless an agreement has been entered into by the debtor to make periodical payments.</p> <p>Any costs incurred by Council in regards to actions taken to recover overdue amounts will be added to the account.</p> <p>Where small balances (under \$5) deemed to be uneconomical to recover that delegation be given to the Financial Services Manager through the General Manager to write these amounts off.</p> <p>The debt recovery guideline for sundry debtor accounts is attached.</p> | |
| <p>RELATED LEGISLATION, CIRCULARS OR GUIDELINES:</p> <ul style="list-style-type: none"> ▪ <i>Local Government Act 1993 No. 30 and Regulation (Sections 562, 564(1), 566,713)</i> | |
| <p>DOES THIS DOCUMENT REPLACE AND EXISTING POLICY, PROCEDURE OR PLAN?</p> <p>No</p> | |
| <p>RELATED COUNCIL POLICY OR PROCEDURE:</p> <ul style="list-style-type: none"> ▪ Nil | |
| <p>APPLICATION AND DISTRIBUTION: All Council</p> <p>It is mandatory for all Council officials to comply with this Policy.</p> <p>This Policy and Guidelines are available on Council's website under Council Policies.</p> | |
| <p>APPROVED BY:</p> <p>Council Meeting: 8 February, 2012 OC 16/12</p> | |
| <p>EFFECTIVE: 8 February, 2012</p> | <p>REVIEW DATE: 8 February, 2014</p> |
| <p>DISTRIBUTION:</p> | |

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| RESPONSIBLE COUNCIL DEPARTMENT/OFFICER: Manager Financial Services |
| VERSION HISTORY TABLE: Version 1 |

KEY RESPONSIBILITIES

| <i>Position</i> | <i>Responsibility</i> |
|------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mayor | To lead Councillors in their understanding of, and compliance with, this Policy and Guidelines. |
| General Manager | To lead staff (either directly or through delegated authority) in their understanding of, and compliance with, this Policy and Guidelines. To approve resources to develop, implement and review this Policy and Guidelines. |
| Responsible Officer | Outline responsibilities of person(s) whose role it will be to carry out most of the functions under the policy |
| Directors | To communicate, implement and comply with this Policy and related Guidelines. |
| Director of Corporate Services | To ensure (directly or through delegation) the distribution and communication of the Policy and Guidelines to specified persons. To ensure (directly or through delegation) the approved Policy and Guidelines are available in hard copy and electronically on Council's website. |
| Manager Organisational Development | Facilitate the provision of regular training to all Council officials on their role and responsibilities in relation to this Policy, Guidelines and related procedures. |
| Executive and Managers | To implement this Policy, Guidelines and related procedures. To lead staff in their understanding of, and compliance with, this Policy and Guidelines |
| Manager Information Services | To assist with the development of access methods to support public access to this Policy, Guidelines and related information. |
| All Council officials | To comply with this Policy, Guidelines and related procedures. |

POLICY

DEBT RECOVERY POLICY GUIDELINES RATES, WATER & SEWERAGE AND SUNDRY DEBTOR ACCOUNTS

DIVISION: CORPORATE SERVICES

SECTION: FINANCE

SUBJECT: DEBT RECOVERY

FILE NOS: 104/5

APPROVAL DATE: 8 February, 2012

MINUTE NO: OC 16/12

BACKGROUND – This is a policy to identify what action is to be taken when accounts default and the collection steps to ensure the outstanding debts are collected.

OBJECTIVE –

1. To ensure collection of rates, charges and other debts owing to Council.
2. To ensure consistency, fairness, integrity and confidentiality of all proceedings for both Council and the debtor.

SCOPE – This policy relates to all accounts that are not paid by the required due date.

POLICY

1. RATE ACCOUNTS

If paying the current years rates in full, they must be paid by 31 August to avoid incurring interest.

Alternatively, payment of rates can be made interest free under quarterly instalment arrangements.

The due dates for payment are:

- 1st Instalment by 31 August
- 2nd Instalment by 30 November
- 3rd Instalment by 28 February
- 4th Instalment by 31 May

Instalment notices are to be sent at least 30 days prior to the due dates as per the Local Government Act, 1993.

Late payments will be subject to interest on a daily basis at a rate determined by the minister each year, for outstanding rates and charges in accordance with Section 566 of the Local Government Act 1993. (refer below for pensioners).



Recovery action will commence when rates and/or charges are not paid by the due date for each quarterly instalment, unless an agreement has been entered into by the debtor to make periodical payments under Section 564(1) of the Local Government Act, 1993.

Interest - Pensioners

Council has determined that pensioners will not be charged any interest on current rates and charges for the current year up until the 31 May each year. If rates and charges are not paid by 31 May of each year, interest charges will accrue from the due date of each instalment.

Stage 1 – Debts \geq \$20.00

All ratepayers, excluding those who have made an agreement with Council and are maintaining that agreement, shall be issued with a Reminder Notice requesting full payment of the overdue amount within 7 days or to make a suitable arrangement with Council. This reminder notice shall be issued within 10 days of the expiry of the instalment due date.

Stage 2 – Debts \geq \$50.00 Urgent Reminder

Stage 2 involves an Urgent Reminder being issued by Council requesting payment of the overdue amount within 7 days.

Stage 3 – Debts \geq \$50.00 (LOD-Reminder), \geq \$400 (LOD)

Stage 3 involves a Letter of Demand (LOD) being issued by Council's external debt recovery agency requesting payment of the overdue amount within 7 days.

Stage 4 – Debts \geq *\$400 Statement of Liquidated Claim (Summons)

This stage incurs reasonably significant costs, both in terms of court charges and other legal fees and are payable by the debtor.

If payment of the overdue amount still remains outstanding or an agreement with Council has not been made, legal action will continue involving standard debt recovery practice that may include:

- Statement of Liquidated Claim (Summons)
- Affidavit of Debt (Judgement)
- Garnishee of Income
- Writ of Execution of goods
- Examination Summons
- Service of Rent Order where property is tenanted.

When legal action is unsuccessful or owners cannot be located, the Rates and Charges will remain outstanding and the relevant property is to be considered for land sale in accordance with Section 713 of the Local Government Act, 1993, subject to the concurrence of Council.

**\$400 this amount could vary if minimum SLC increases (currently \$357.60). This amount was nominated to ensure costs did not exceed the outstanding rate balance.*

2. WATER & SEWERAGE ACCOUNTS

Payment of water and sewerage accounts are due for payment 30 days from the date of issue date.

Late payments will be subject to interest on a daily basis at a rate determined by the minister each year, for outstanding rates and charges in accordance with Section 566 of the Local Government Act 1993.



Recovery action will commence when water and sewerage accounts are not paid by the due date, unless an agreement has been entered into by the debtor, to make periodical payments under Section 564(1) of the Local Government Act, 1993.

Water Metered Properties

Stage 1 – Debts \geq \$20.00

All ratepayers, excluding those who have made an agreement with Council and are maintaining that agreement, shall be issued with a Reminder Notice requesting full payment of the overdue amount within 7 days or to make a suitable arrangement with Council. This reminder notice shall be issued within 7 days of the expiry of the due date.

Stage 2 (a) – Debts $<$ \$100.00

Stage 2(a) involves a Final Reminder Notice being issued by Council's Water and Sewerage Department requesting payment of the overdue amount within 7 days from the date of the notice.

Stage 2 (b) – Debts \geq \$100.00

Stage 2(b) involves a Final Notice being issued by Council's Water and Sewerage Department requesting payment of the overdue amount within 7 days from the date of the notice. This notice advises the owner that the water supply will be restricted and an additional fee as prescribed in Council's Fees and Charges for the current year will be added to the account.

Stage 3 – Debts \geq \$100.00

Stage 3 involves the issue of an Intent to Restrict Water Supply. This notice is issued by Council's Water and Sewerage Department and is sent to the owner and also the occupier of the property. This notice requests payment of the overdue amount within 2 working days from the date of the notice or alternatively a suitable arrangement made with Council.

Stage 4 – Installation of Flow Restrictor

Stage 4 involves the installation of a flow restrictor to the water meter. Prior to the installation of a flow restrictor Council's contractor will attempt to notify the resident that a restrictor will be installed within 2 days.

Once a flow restrictor is installed an additional fee as prescribed in Council's Fees and Charges for the current year will be added to the account. Council's external contractors will install a flow restrictor and place a Notice of Installation of Flow Restrictor letter under the door of the property.

This flow restrictor will be removed if the account is paid in full or a lump sum payment (preferably 50% of the arrears) and an arrangement is made to finalise the balance.

Stage 5 – Debts \geq \$50.00 (LOD-Reminder), \geq \$400 (LOD)

Should the account remain unpaid and an arrangement not made following the installation of a flow restrictor, a Letter of Demand (LOD) will be issued by Council's external debt recovery agency requesting payment of the overdue amount within 7 days.

Stage 6 – Debts \geq \$400 Statement of Liquidated Claim (Summons)

This stage incurs reasonably significant costs, both in terms of court charges and other legal fees and are payable by the debtor.



If payment of the overdue amount still remains outstanding or an agreement with Council has not been made, legal action will continue involving standard debt recovery practice that may include:

- Statement of Liquidated Claim (Summons)
- Affidavit of Debt (Judgement)
- Garnishee of Income
- Writ of Execution of goods
- Examination Summons
- Service of Rent Order where property is tenanted.

Non Metered Properties

Stage 1 – Debts \geq \$20.00

All ratepayers, excluding those who have made an agreement with Council and are maintaining that agreement, shall be issued with a Reminder Notice requesting full payment of the overdue amount within 7 days or to make a suitable arrangement with Council. This reminder notice shall be issued within 7 days of the expiry of the due date.

Stage 2 - Debts \geq \$20.00

Stage 2 involves a Final Reminder Notice being issued by Council's Water and Sewerage Department requesting payment of the overdue amount within 7 days from the date of the notice.

Stage 3 – Debts \geq \$50.00 (LOD-Reminder), \geq \$400 (LOD)

Stage 3 involves a Letter of Demand (LOD) being issued by Council's external debt recovery agency.

Stage 4 – Debts \geq \$400 Statement of Liquidated Claim (Summons)

This stage incurs reasonably significant costs, both in terms of court charges and other legal fees and are payable by the debtor.

If payment of the overdue amount still remains outstanding or an agreement with Council has not been made, legal action will continue involving standard debt recovery practice that may include:

- Statement of Liquidated Claim (Summons)
- Affidavit of Debt (Judgement)
- Garnishee of Income
- Writ of Execution of goods
- Examination Summons
- Service of Rent Order where property is tenanted.

3. SUNDRY DEBTOR ACCOUNTS

The term for payment of a Sundry Debtor Account is 30 days from the date of issue.

Recovery action will commence when Sundry Debtor accounts are not paid by the due date, unless an agreement has been entered into by the debtor to make periodical payments.

Stage 1 – Debts over 30days \geq \$5.00

All sundry debtors are issued with a Statement requesting payment of all overdue amounts within 14 days. This statement shall be issued within 5 days from month end.

Stage 2 – Debts => \$10.00

Stage 2 involves a Final Notice being issued by Council's Debtor Revenue Officer requesting payment of the overdue amount within 7 days from the date of the notice. This letter states the debtor will incur additional costs associated with the recovery of the outstanding amount.

Stage 3 – Debts => \$10.00 (Letter of Demand)

Stage 3 involves a Letter of Demand being issued by Council's external debt recovery agency requesting payment of the overdue amount within 7 days.

Stage 4 – Debts => \$45.00 Statement of Liquidated Claim (Summons)

This stage incurs costs, both in terms of court charges and other legal fees and are payable by the debtor.

If payment of the overdue amount still remains outstanding or an agreement with Council has not been made, legal action will continue involving standard debt recovery practice that may include:

- Affidavit of Debt (Judgement)
- Garnishee of Income
- Writ of Execution of goods
- Examination Summons
- Service of Rent Order where property is tenanted.

4. ARRANGEMENTS/AGREEMENTS

An agreement can be made on a weekly, fortnightly, quarterly (Sundry Debtors) or monthly basis and must not extend beyond 12 months unless otherwise approved.

Interest charges will apply where applicable on a daily basis as determined by the minister each year on overdue accounts in accordance with Section 566 of the Local Government Act 1993.

Arrangement Application

A debtor wanting to make periodical payments must either:

- (a) Complete an “**Agreement to Make Regular Payments**” form or
- (b) Submit a letter outlining the proposed agreement, including:
date of the first payment,
amount of periodical payment and frequency.

Council will respond in writing either accepting or declining the proposed agreement. Provided the agreement is adhered to no further legal action will be commenced.

Failure to Meet Arrangement/Agreement

If a debtor fails to meet the terms of the agreement the following process will occur:

1. A letter of default will be sent to the debtor requesting the missed arrangement payments.
2. If the debtor does not either contact Council or forward the missed payments requested within 7 days from the date of the letter, the



agreement shall be automatically terminated and recovery action shall be taken immediately for the total due including any applicable interest.

If an arrangement has been defaulted twice (2), Council requires a minimum payment of 50% of the debt upfront followed by regular payments. If this is defaulted then Council will require full payment of the account to cease any further recovery action and in the case of metered properties a 2 day Intent to Restrict Notice is to be sent to the owner and occupier.

Payment of Future Accounts with No Overdue Amounts

Agreements may be made to make regular payments throughout the year to finalise the current Charges.

It is the debtors responsibility to monitor the accounts to ensure the payments cover the current account by the due date, as all overdue amounts are subject to interest charges.

Arrangements when Property Listed for Sale (Rates)

Where a ratepayer is in the process of selling a property and confirmation with the agent has been sought, minimum regular payments are to be made each month until the property is sold. These arrangements will be reviewed each 3 months with the intention of increasing the repayments if the sale is protracted.

Current Arrangements to Pay

All current arrangements are reviewed on a regular basis and in July following the levying of the current years rates. Ratepayers that wish to continue with an arrangement must submit a new application form each financial year.

CONTACT – Any enquiries relating to the Debt Recovery Policy should be directed to Council's Revenue Accountant.

REVIEW – The policy will be reviewed at a minimum within 12 months of the election of a new Council or as required due to legislative changes.



The General Manager
 Wingecarribee Shire Council
 PO Box 141
 MOSS VALE NSW 2577

AGREEMENT TO MAKE REGULAR PAYMENTS

Council appreciates the fact that circumstances can prevent people paying rate instalments, water and sewerage charges and sundry debtor accounts by the due date, and for this reason is prepared to accept regular payments, provided the account is settled within twelve months. A new Agreement is required at the start of each Financial Year.

Other arrangements may be accepted, but only if submitted in writing to Council outlining reasons why the account cannot be settled within this timeframe.

COMMENCEMENT DATE: _____ COMPLETION DATE: _____

PROPERTY NO: _____ CONTACT NO: _____

PROPERTY ADDRESS _____

I, _____
 (Insert Name)

Of, _____
 (insert postal address) Should this address be recorded for Rate, Water & Sundry Debtor Notices (tick if yes)

Hereby agree to make regular WEEKLY/FORTNIGHTLY/MONTHLY payments of:
 (cross out whichever does not apply)

(Please Note: Both sides are to be completed below)

| | | | | |
|------------------------------------------------|----------|--------------------------|------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> | \$ _____ | Rates | <input type="checkbox"/> | Arrears only (current accounts must be paid as they due) |
| <input type="checkbox"/> | \$ _____ | Water & Sewerage charges | <input type="checkbox"/> | Arrears + Current Accounts |
| <input type="checkbox"/> | \$ _____ | Sundry Debtors | <input type="checkbox"/> | Current account only |
| (Please tick appropriate box and enter amount) | | | (Please select one of the above options) | |

With my first payment beginning on _____ (insert date) and undertake to settle all rates, water and sewerage charges, and/or Sundry Debtors due by me, by the above stated completion date.

I agree to notify Council in writing immediately if there is any substantial change to my financial situation.

I understand that interest charges, in accordance with the Local Government Act 1993, will continue to apply on overdue rates, water and sewerage charges until paid.

I acknowledge that if these payments are not strictly adhered to, my agreement will be cancelled and legal proceedings will commence to recover the total balance outstanding, including extra charges, owed to Council.

Should you have any further enquiries please contact Council's Credit Controller on (02) 4868 0740.

Signature: _____ Date: _____