

# Policy

## STRATEGIC

# RATES AND CHARGES DEBT COLLECTION AND RECOVERY

## Head of Power

*Local Government Regulation 2012* - sections 132 - 134

### Key Supporting Council Document

Lockyer Valley Regional Council Corporate Plan 2022-2027:  
Lockyer Leadership and Council –

- *Commit to open and accountable governance to ensure community confidence and trust in council and our democratic values*
- *Compliant with relevant legislation*

## Definitions

Rates and charges are defined in the *Local Government Regulation 2012* as including differential general rates, minimum general rate levies, separate rates and charges, special rates and charges, utility charges and accrued interest on outstanding balances.

In addition, as defined in Section 132 of the *Local Government Regulation 2012*, overdue rates or charges are made up of:

- if the local government takes the property owner to court to recover rates or charges and the court orders the property owner to pay Council's costs—the costs; and
- the interest, if interest is payable, on the rates or charges, or costs

## Policy Objective

The objective of this policy is to set out Council's principles regarding the management of debt, and to provide a process which is consistent and ethical for the recovery of outstanding rates and charges across the organisation in accordance with the parameters and requirements of the *Local Government Regulation 2012*.

## Policy Statement

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Group: Executive Office  
Unit: Financial Services  
Approved: Budget Meeting (Resolution Number: 24-28/0080)  
Date Approved: 26/06/2024

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Superseded/Revoked: Rates and Charges Debt Collection and Recovery Policy ECM: 4547485

The management and recovery of outstanding revenue is an important aspect of Council’s financial management function. It is Council’s policy to pursue the collection of outstanding revenue diligently but with due concern for any financial hardship faced by property owner.

The principles that will apply in the management of and recovery of debt are as follows:

- Transparency by making clear the obligations of the property owner and the processes used by Council in assisting them meet their financial obligations
- Making the processes used to recover overdue rates and charges simple to administer and cost effective
- Equity by having regard to providing the same treatment for property owners with similar circumstances
- Flexibility by responding where necessary to changes in the local economy

Recovery Actions – Overdue Rates and Charges

STAGE	TIMING	ACTION TYPE	AUTHORITY LEVEL
1.	14 days after expiration of the discount period	<p>Reminder Letter 1 - Notice advising of overdue rates and charges amount and interest charges are continuing to accrue at 12.35%. Legal action may be initiated unless the debt is paid in full or approved repayment arrangements are entered into. A reminder notice will be sent to all property owners with an outstanding balance greater than \$5.00.</p> <p>Separate Reminder Notice to property owners who are already with a Debt Recovery Agent – Notice advising of the balance outstanding with the debt recovery agent and the balance that remains with Council and interest charges are continuing to accrue at 12.35%.</p> <p>Further action will be suspended if:</p> <ul style="list-style-type: none"> <li>• Payment is made in full or</li> <li>• Property owner enters into and maintains an approved repayment arrangement</li> </ul>	Coordinator Financial Operations

STAGE	TIMING	ACTION TYPE	AUTHORITY LEVEL
2.	21 days after issue date of Reminder Letter 1	<p>Reminder Letter 2 – Notice advising of overdue rates and charges amount and interest charges are continuing to accrue at 12.35%. Legal action may be initiated unless the debt is paid in full or approved repayment arrangements are entered into. A reminder notice will be sent to all property owners with an outstanding balance greater than \$100.00 and up to \$1,499.00.</p> <p>Notice of Proposed Legal Action – Notice advising property owner and mortgagee (if any) that legal action may be initiated unless the debt is paid in full or approved repayment arrangements are entered into within twenty one (21) days of the issue date of Notice of Proposed Legal Action. A notice of Proposed Legal Action will be sent to all property owners with an outstanding balance greater than \$1,500.00.</p> <p>Further action will be suspended if:</p> <ul style="list-style-type: none"> <li>• Payment is made in full or</li> <li>• Property owner enters into and maintains an approved repayment arrangement</li> <li>• Hardship application form has been submitted to Council</li> </ul>	Chief Financial Officer
3.	21 days after issue date of Notice of Proposed Legal Action	<p>Council shall proceed with legal recovery action against any property owner who has not satisfactorily responded to any Notices previously sent.</p> <p>Council will advise the property owner that the debt has been referred to Council’s appointed Legal Representative or Debt Recovery Agent, if applicable. Generally, the debt outstanding will be greater than \$1,500.00.</p> <p>Council or Council’s appointed Legal Representative or Debt Recovery Agent will issue a letter of final demand to advise that if payment in full or an agreed payment arrangement is not entered into within twenty one(21) days, legal recovery action may commence. Council will seek full payment of outstanding rates and charges. It will also advise that action may involve the Sale of Land should rates and charges be in arrears for:</p> <ul style="list-style-type: none"> <li>• 1 year - vacant land; and</li> <li>• 3 years - for all other land</li> </ul>	Chief Financial Officer

STAGE	TIMING	ACTION TYPE	AUTHORITY LEVEL
4.	Potential Sale of Land Letter	Notice informing owners their property will be considered for the Sale of Land process if the outstanding rates and charges are not paid in full or an approved payment commitment is not entered into and honoured with the outstanding balance being reduced to under the three years in arrears within the time frame stated on the Potential Sale of Land Notice (1 month from the date of notice)	Council
5.	Notice of Sale of Land	Notice in accordance with legislation informing owner of Council's intention to make a resolution to sell the land for recovery of outstanding rates and charges in arrears for: <ul style="list-style-type: none"> <li>• 1 year - vacant land; and</li> <li>• 3 years - for all other land</li> </ul> Full payment including costs will be required to cease action.	Council
6.	Sale of Land within Legislative Timeframes	Sale of Land should rates and charges be in arrears for: <ul style="list-style-type: none"> <li>• 1 year - vacant land; and</li> <li>• 3 years - for all other land</li> </ul> Full payment including costs will be required to cease action.	Council

*Reminder Letter 1 will not be issued to:*

- Property owners with an outstanding balance of less than \$5.00
- Property owners who are maintaining an approved payment commitment
- Property owners who have lodged a formal notice of Objection or have advised Council of a formal dispute with their most recent notice of rates and charges
- Property owners who have lodged a hardship application

**Council does not verbally contact property owners who are in arrears via telephone. If Council has a current mobile number of a property owner, Council will contact via text message, utilising a bulk distribution method. Council will not use the text message contact if the property owners opt out to receiving the text message reminders.**

## Payment Arrangements

Council will consider any reasonable offer for periodic payments. To avoid recovery action these requests are to be made to Council **in writing** at which time the Chief Financial Officer or administrative delegate will consider the offer on a case-by-case basis. If approved, the Chief Financial Officer or administrative delegate will document the arrangement to be brought into effect and a copy will be provided in writing to the property owner.

An agreed periodic payment commitment should ensure all current rates and charges are paid as issued, to ensure the account does not fall further into arrears. An appropriate periodic payment commitment will generally

result in all overdue rates and charges being paid in full, by the end of the half year period in which the payment commitment is made.

Council reserves the right to renegotiate or cancel a payment commitment should circumstances change where the debt will not be paid within Council's current policy time frame. In these circumstances, Council will not initiate further recovery action without reference to the property owner concerned.

Council will not pursue further recovery action against a property owner who has an agreed written periodic payment commitment, while the commitment is current, and the property owner adheres to the agreed repayment schedule.

In the event that a payment commitment is not maintained within the agreed terms, the following action will occur:

**The first payment default** - A payment commitment First Notice of Default Letter will be issued to the property owner, advising that the commitment has been dishonoured, the overdue amount and the next payment commitment due date.

**The second and final payment default** - The payment commitment will be removed from Council's rate assessment and the debt forwarded to Council's external debt recovery agency. The Chief Financial Officer will formally advise the property owner that the debt has been referred to Council's appointed Legal Representative or Debt Recovery Agent.

## Hardship Application

Hardship application can be completed if property owners are unable to meet financial obligations due to unexpected events or unforeseen changes resulting in their inability to meet basic requirements including food, clothing, medicine, housing and other necessities due to family tragedy, financial misfortune, serious illness, natural disaster, and other serious or difficult circumstances.

The objective of the hardship policy is to set out Council guidelines for the assessment of requests for rates and charges or other financial obligation relief due to financial hardship.

The hardship policy applies to property owners and/or customers experiencing financial hardship. They are recognised as those who intend to pay but do not have the financial capacity to make payment in full by the end of the current rating period or by a payment commitment applicable under the current Rates and Charges Debt Collection and Recovery Policy or Sundry Debt Collection and Recovery Policy process.

## Sundry Debt Transferred to Rates

Unpaid sundry debts for administration and slashing charges on properties are transferred to the land as unpaid rates under the provisions of section 142 of the *Local Government Act 2009* which states that if the debt is not paid within 30 days after the date of the notice, Council may recover the debt as if the debt were overdue rates.

## Interest

In accordance with Section 133 of the *Local Government Regulation 2012*, rates and charges which remain outstanding for greater than 30 days, shall bear interest at the rate of 12.35%, compounding on daily rests.

## Unrecoverable Application Charges Transferred to Rates

Overdue Infrastructure charges are transferred to the land as unpaid rates under the provisions of section 144 of the Planning Act 2016 (PA) (previously section 664 of the Sustainable Planning Act 2009 (SPA)), levied infrastructure charges are, for the purpose of their recovery, taken to be rates.

## Debt Write Off

Amounts deemed unrecoverable up to \$25.00 per property may be written off by delegated authority granted to the Coordinator Financial Operations.

Amounts deemed unrecoverable up to \$500.00 per property may be written off by delegated authority granted to the Chief Financial Officer.

Amounts deemed unrecoverable up to \$1,000.00 per property may be written off by delegated authority granted to the Chief Executive Officer.

Amounts deemed unrecoverable of greater than \$1,000.00 per property can only be written off by Council resolution.

## Monthly Reporting

End of Month reporting will be completed to review balances of all outstanding rates and charges at a property level.

## Human Rights

Council is committed to respecting, protecting and promoting human rights. Council has an obligation under the Human Rights Act 2019 to give proper consideration to human rights when making a decision, and to act and make decisions in a way that is compatible with human rights. To the extent that an act or decision under this policy may engage human rights, Council will have regard to the Human Rights Act 2019 in undertaking the act or making the decision.

## Related Documents

Lockyer Valley Regional Council - Hardship Policy