

1. BACKGROUND AND PRINCIPLES

In order to minimise the rate arrears position to an acceptable level, a recovery process needs to be undertaken in each financial year. It is envisaged this system will simplify the process and assist in achieving the goals set for the recovery of arrears of rates.

2. SCOPE

This policy applies to all ratepayers of the Whitsunday Regional Council.

3. POLICY OBJECTIVES

The objectives of this policy are to consistently proceed for the recovery of rates, and to monitor the process to ensure all arrears are reviewed regularly until the action is completed.

4. POLICY STATEMENT

- 4.1 The *Local Government Regulation 2012* notes that rates are due for payment a minimum of thirty (30) days after the date of issue.
- 4.2 The *Local Government Regulation 2012* provides for the selling or acquiring of land to recover overdue rates or charges outstanding for a period greater than three (3) years. This policy does not preclude such action being taken.
- 4.3 When rates remain unpaid, and no advice or payment is received from the ratepayer, Council may proceed with recovery action as set out in this Policy.
- 4.4 When an arrangement to pay outstanding rates is cancelled due to default by the ratepayer, Council may proceed with recovery action as set out in this Policy.
- 4.5 Recognition is given to the fact the professional judgment of Rates Staff must be exercised from time to time in the follow up of rates debtors. Matters such as payment history and compliance to previous dealings may be taken into account and discretion shall be exercised in this regard due to the diverse nature of recovery actions.

Final Notice

- 4.6 Where payment has not been received, a final notice will be issued to all ratepayers after fourteen (14) days from the due date of the notice. The notices will be worded similar to the following:

“Council records indicate that the Rates for this Assessment remain outstanding and interest is accruing at the rate of 7% (per Council’s Revenue Statement) per annum compounding and applied on daily rests.

If you have not made an arrangement for payment of these arrears, you will need to do so immediately. Legal expenses incurred as a result are payable by you as the registered owner of this property.

Full payment or an arrangement for payment is required within fourteen (14) days from the date of this notice to avoid any further action.”

4.7 When no response to the Final Notice is received, Council may proceed with recovery action.

4.8 Priority for recovery action will be given to larger debts.

For debts \$5,000.00 or more

4.9 Details of the outstanding assessments shall be forwarded to Council's Solicitors for the issue of a Letter of Demand, requesting payment to the Council within fourteen (14) days or legal action will commence.

For debts \$1,000.00 to \$4,999.99

4.10 Action will commence generally in descending order. After the due date given on the Final Notice, ratepayers who have not paid or entered into a satisfactory arrangement with Council, will have the details of their outstanding assessments forwarded to Council's solicitors for a letter of demand requesting payment to Council within fourteen (14) days or legal action will commence.

4.11 If the debt remains unpaid, appropriate legal action will be commenced in line with solicitors' advice, and Section 134 of the *Local Government Regulation 2012*.

5. RELEVANT LEGISLATION

Local Government Act 2009

Local Government Regulations 2012, Part 9 & 12

6. DEFINITIONS

Council shall mean the Whitsunday Regional Council

7. RELATED DOCUMENTS

Payment of Rates by Arrangement Policy

Hardship Policy

8. DATE REVIEWED

June 2017

9. NEXT REVIEW

June 2018