

Purpose

To minimise the Rates and Charges that are in arrears and owing to Council, and in seeking to keep it to an acceptable level, a recovery process needs to be undertaken by Council regularly and at least in each financial year.

The objectives of this Policy are to simplify the processes for Council to achieve maximum recovery of Rates and Charges arrears, in an efficient, cost-effective, fair, and consistent manner.

Scope

This policy applies to all outstanding Rates and Charges due to Council.

Guiding Principles

1. General

- 1.1 Section 118 of the Regulation states that the date by which Rates and Charges must be due is at least thirty (30) days after the date the rate notice is issued.
- 1.2 When Rates and Charges remain unpaid, and full payment is not received from the ratepayer or alternative payment arrangements made, Council may proceed with recovery action as set out in this Policy.
- 1.3 Likewise, 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.
- 1.4 Priority for recovery action will be given to larger debts.
- 1.5 The Regulation allows for Council to commence court proceedings against the ratepayer, or to sell or acquire the land, in order to recover overdue Rates and Charges outstanding.
- 1.6 However, the professional judgement and discretion of Council's staff may be exercised from time to time in the recovery of Rates and Charges. In this regard, Council staff may (but are not obliged to) have regard to matters such as payment history and previous dealings with the debtor, timing considerations which may impose additional pressures on the debtor (for example, Christmas or a natural disaster) and any extenuating circumstances.
- 1.7 When exercising any professional judgement or discretion, Council staff must ensure that it does so in a fair and consistent manner and without a conflict of interest.

2. Payment Arrangements

- 2.1. Where the ratepayer is unable to meet their financial obligations due to hardship, Council staff may direct the debtor to make an application in accordance with Council's Rate Relief Policy for a payment arrangement.

3. Final Notice

- 3.1. Where full payment has not been received by Council, a final notice will be issued to the ratepayer after fourteen (14) days from the due date of the rate notice ("Final Notice") using an appropriate medium at Council's discretion.

4. Letter of Demand

- 4.1. Where no response is received to the Final Notice in clause 3.1, and the ratepayer has not paid or entered into a satisfactory payment arrangement with Council, then Council may issue, or caused to be issued (i.e. by its solicitor or other agent) one or more letter/s of demand, indicating legal action will be initiated unless payment is made to Council within a specified period of time (Letter of Demand).
- 4.2. If the debt remains unpaid after the time specified in the Letter of Demand has expired, legal action may be commenced in line with Council's solicitors' advice, and the Regulation.

5. Sale for Arrears

- 5.1. A list of all ratepayers with Rates and Charges outstanding for timeframes exceeding those set out in section 140 of the Regulation must be tabled for Council's consideration in accordance with the Regulation.
- 5.2. If the liability to pay the overdue Rates and Charges is not the subject of court proceedings, then Council may resolve to sell the land in accordance with Chapter 4, Part 12, Division 3 of the Regulation.

6. Write Off of Rates & Charges

- 6.1. Subject to clause 6.2 and 6.3, where it is determined that a debt for unpaid Rates and Charges, including any interest (in keeping with Council's Interest on Overdue Rates, Charges and General Debts Policy) or other costs or charges, is minor (i.e. not greater than \$5,000), the minor debt may be written-off.
- 6.2. The minor debt may be written off only if:
 - 6.2.1 there are no reasonable prospects of recovering the debt (after reasonable attempts have been made to recover or legal advice to that effect has been received);
 - 6.2.2 the costs of recovery are likely to equal or exceed the amount of the debt; or
 - 6.2.3 it will result in full settlement of the remaining overdue Rates and Charges.
- 6.3. Any minor debts (including any interest accrued thereon and other costs or charges) must be written off in accordance with the appropriate delegated authority as follows:
 - (a) by the CEO for amounts up to \$10,000;
 - (b) by the DCS for amounts of up to \$5,000; or
 - (c) by the Manager Financial Services for amounts up to \$1,000.
- 6.4. Debts of an amount greater than \$10,000 must only be written off by way of Council resolution.
- 6.5. No Employee must exercise their delegated authority to write-off a minor debt if they have any real, potential, or perceived conflict of interest in writing off the debt.

7. Interest

- 7.1. Rates notices that are not paid in full by the date that the Rates and Charges become overdue may attract an interest rate as permitted by the Act and/or the Regulation, and in keeping with Council's Interest on Overdue Rates, Charges and General Debts Policy and Revenue Statement.

STRATEGIC POLICY: Finance

Rates & Charges Recovery Policy

Endorsed by Council

18 June 2025

Related Policies and Legislation

Local Government Act 2009 (Qld) (Act)

Local Government Regulation 2012 (Qld) (Regulation)

Rate Relief Policy

Interest on Overdue Rates, Charges and General Debts Policy

Revenue Statement

Definitions

Council refers to the Whitsunday Regional Council.

CEO refers to the Chief Executive Officer of Council appointed in accordance with the Act, or any person acting in that role.

DCS refers to the Director Corporate Services of Council appointed in accordance with the Act, or any person acting in that role.

Employee refers to any employee, contractor, volunteer etc. of Council.

MFS refers to the Manager Financial Services of Council appointed in accordance with the Act, or any person acting in that role.

Rates and Charges refers to levies imposed on land and for a service, facility or activity that is supplied or undertaken by Council or someone on behalf of Council, including:

- (a) General Rates (including differential rates);
 - (b) Special Rates and Charges;
 - (c) Utility Charges; and
 - (d) Separate Rates and Charges;
- as well as any accrued interest on outstanding balances (as applicable).

COUNCIL POLICY			
Date Adopted by Council	18 June 2025	Council Resolution	SM2025/06/18.13
Effective Date	01 July 2025	Next Review Date	30 June 2026
Responsible Officer(s)	Manager Financial Services	Revokes	