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<b>Classification:</b>	Corporate and Community Services – Fines/Rates Recovery Policy
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<b>Responsible Officer(s):</b>	Rates Officer, Manager Corporate Services
<b>Council File Reference:</b>	9.63.1
<b>Applicable Legislation:</b>	Local Government Act 1999, Part 1, Chapter 10 – Rates & Charges, Division 9 – Imposition and recovery of rates and charges.
<b>Relevant Policies:</b>	Rate Policy; Rate Capping Policy; Rate Rebate Policy; Rate Remission Policy; Debt Recovery;
<b>Related Procedures:</b>	Subject to Annual Business Plan provisions/adoption – including Public Consultation – Section 151
<b>Delegations:</b>	Berri Barmera Council Delegations Register

### Purpose

This document sets out the Policy of the Berri Barmera Council for the process involved in running of fines and/or interest and the collection of outstanding Rates from its community.

The Policy Covers:

- Payment Arrangements
- Fines
- Fines – Write-Off
- Issuing of Final Notices
- Debt Collection
- Sale of Land for Non-Payment of Rates

### Principles

This Policy has been developed in accordance with the Local Government Act 1999, Chapter 10, Part 1, Division 9, and sets out the principals of the Berri Barmera Council to ensure consistency in the process of running fines and/or interest and the recovery of outstanding Rates.

### FRAMEWORK FOR POLICY

### **Internal Review of Council Decisions Framework**

The Berri Barmera Council is committed to transparent decision making processes and to providing access to a fair and objective procedure for the hearing or review of decisions.

### **Payment Arrangements**

Applications can be made to the Berri Barmera Council under Sec 181 (15) of the Local Govt Act 1999 to pay rates other than the four standard instalments. Applications may be approved on the condition that fines, costs and other charges applicable under the Local Govt Act 1999 are also paid.

Any application made under this section must be of a reasonable amount as to ensure full payment of the outstanding amount by 30<sup>th</sup> June of that year or at the discretion of the Rates Officer taking the amount and time of year into account.

### **Fines**

Fines and/or interest will be processed in accordance with the Section 181 (8) of the Local Govt Act 1999;

- (8) If an instalment of rates is not paid on or before the date on which it falls due-
  - (a) the instalment will be regarded as being in arrears; and
  - (b) a fine of 2 per cent of the amount of the instalment is payable; and
  - (c) on the expiration of each full month from that date, interest at the prescribed percentage of the amount in arrears (including the amount of any previous unpaid fine and including interest from any previous month) accrues.
- (8a) Subsection (8) does not apply with respect to the postponement of the payment of rates under another section of the Act (while the postponement is occurring in accordance with the relevant section).

All fines/interest will be processed after giving five (5) working days grace from the due date that the instalment falls due.

### **Fines – Write-Off**

The Berri Barmera Council may write off fines and/or interest levied on Rates as per the Sec 181 (9) of the Local Govt Act 1999:

- (9) A council may remit any amount payable under subsection (8) in whole or in part.

Applications can be made under the above Act to the Berri Barmera Council under the following circumstances only:

- Where the applicant can demonstrate that the rate notice was forwarded to the wrong address, the error being with the Berri Barmera Council.
- Where the applicant can demonstrate that special legal action prevented the rates from being paid by the due date.
- Where Council is of the opinion that such a write-off is appropriate using the following guidelines.
  1. Commencing 1 month after the relevant due date for payment of rates, or the final instalment if appropriate, and monthly thereafter, any account in the rates area with a total debt of less than \$1.00, is to be written-off.

2. Where the outstanding amount comprises only of fines, in the instance of a property settlement, the amount is to be written-off to clear the debt. This only applies to the amount being less than \$20.00. If the amount exceeds \$20.00 then the debt is to remain on the books for reimbursement to be sought from the Land Broker/Solicitor handling the transfer.
3. Where the Council has made a decision pursuant to Section 182 of the Local Govt Act 1999.

### **Issuing of Final Notices**

The Berri Barmera Council may issue final notices to all ratepayers with an outstanding rate amount after each quarter has fallen due and the quarter remains unpaid.

The exception to the above being that no final notice may be issued to any property that is already in the process of legal action or has rates that have been postponed or deferred under the relevant acts or if the property has a payment arrangement in place that is still current.

Fourteen (14) working days shall be given for ratepayers with outstanding amounts to respond to a final notice.

### **Debt Collection**

If no response or no payment or no payment arrangement has been received or made to any final notice that has been issued then those outstanding accounts will then be collated and forwarded on to the Berri Barmera Council's designated Debt Collection Agency.

As per the Local Govt Act 1999 all charges associated with the recovery of outstanding rates will become a charge upon the property and is recoverable as a part of those rates.

### **Sale of Land For Non-Payment of Rates**

Where rates have remained unpaid for a period of three (3) years or more the Berri Barmera Council will invoke the powers under Chapter 10, Part 1, Division 9, Section 184 of the Local Government Act and commence action of the sale of the property. A full report is to be presented to Council documenting the processes taken prior to invoking the powers under Chapter 10 in order to fully apprise the Council and to mitigate any adverse community publicity that may ensue.

This process shall be instigated only after all reasonable attempts have been made with the ratepayer concerned.

All charges associated with the recovery of outstanding rates will become a charge upon the property and is recoverable as part of those rates.

The steps in this process will be fully documented to satisfy any ombudsman enquiry.

### **For Further Information**

For further information about the procedure and options available in relation to the above policy, please contact the Rates Officer, Berri Barmera Council, PO Box 229, Berri 5343, Telephone 8582 1922, facsimile 8582 3029, or email: [bbc@bbc.sa.gov.au](mailto:bbc@bbc.sa.gov.au)

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