

<b>Policy Reference Number:</b>	1.18
<b>Classification:</b>	General
<b>Last Reviewed:</b>	April 2023 (Res 376/2023)
<b>Next Review Date:</b>	April 2027
<b>Responsible Officer:</b>	Chief Executive Officer
<b>Approved By:</b>	Council Resolution
<b>Applicable Legislation:</b>	Local Government Act 1999 Local Government (Financial Management) Regulations 2011
<b>Relevant Policies, Procedures and Standards:</b>	

## 1. PURPOSE

To provide a method of debt collection, within the parameters of the legal system and the Local Government Act, 1999, whereby each and every outstanding debt owed to the District Council of Robe may be pursued and recovered.

For all debtors the minimum amount of a debt to be pursued via legal channels is to be no less than \$500.00. For instances where multiple debts exist, these debts should be "grouped" before being sent to Council's Debt collection Agent.

## 2. DEBTORS – RATES

- 2.1 Rate Notices are issued annually stating total amount of rates and charges levied, quarterly instalment amounts payable and their due dates.
- 2.2 At the expiration of one calendar month debt collection procedures are to commence on overdue rates. (Provided no formal arrangement to pay off the debt has been made).
- 2.3 In the first instance a reminder letter is to be sent to the debtor advising that their quarterly instalment payment is now overdue and requesting that they either pay the amount within the next seven (7) days or contact Council to make a formal repayment arrangement. The letter should also advise that if no contact is made with Council or the outstanding amount is not paid, formal debt collection procedures may be commenced against them. The cost of the legal action should also be stated in the letter and it should also be noted that the ratepayer will be deemed liable for any legal fees incurred in the recovery of the debt.
- 2.4 If no response is received from the ratepayer at the expiration of the seven (7) day period as set out above, then formal debt collection action should be commenced. This would entail sending the outstanding accounts to Council's Debt Collection Agent for recovery. Once the debt has been placed in the hands of the debt collection agency standard recovery procedures will apply as a matter of course such as the issuing of a statement of liquidated claim, the issuing of a summons, the issuing of an examination summons or the issuing of a writ of execution. In extreme cases a garnishee order may be placed on the debtor's wages.
- 2.5 In the most extreme cases, where an amount payable in respect of land rates has been in arrears for three (3) years or more, the Council may sell the ratepayers land for unpaid rates under Section 184 of the Local Government Act 1999.

### **3. DEBTORS OTHER THAN RATES**

- 3.1 After the prescribed period or “terms” have expired, either seven (7) days or thirty (30) days, a statement of account should be sent out with a “reminder payment is overdue” sticker attached.
- 3.2 Overdue 60 day letters are sent out around the 15th of each month, requesting payment of overdue account in full within 14 days, or contact Council to make a formal repayment arrangement. The letter should also advise if no contact is made with Council or debt is not paid by the due date, formal debt collection procedures may commence against them and further legal costs may be incurred.

If no response is received from the ratepayer at the expiration of the fourteen-day (14) day period as set out above, then formal debt collection action should be commenced by sending the debt to Council’s Debt Collection Agent for recovery.

In all cases, repayment arrangements should be reviewed on a quarterly basis enabling any “broken” arrangements to be terminated and debt collection procedures to be commenced.

### **4. WRITE OFFS**

Every effort must be made to ensure that outstanding debts have been attempted to be recovered. In instances where debt recovery is unachievable i.e. can not locate, bankrupt, the Chief Executive Officer is authorised to write off outstanding debts of up to \$1000.00.

### **5. FURTHER INFORMATION**

This policy will be available for inspection at the Council offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council’s internet site: [www.robe.sa.gov.au](http://www.robe.sa.gov.au)

Royal Circus, Robe SA 5276

Copies will be provided to interested parties upon request. Email [council@robe.sa.gov.au](mailto:council@robe.sa.gov.au)

Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer of Council.

### **6. POLICY REVIEW**

This policy may be amended at any time and must be reviewed at least every four years since its adoption (or latest amendment).