

1.1.19 Defer, Grant Discounts, Waive or Write off Debts

Delegator:	Local Government	
Express Power to Delegate:	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO	
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> 6.12 Power to defer, grant discounts, waive or write off debts	
Delegate:	Chief Executive Officer	
Function:	<ol style="list-style-type: none"> Waive a debt which is owed to the Town. Write of an amount of money which is owed to the Town. 	
Council Conditions on this Delegation:	<ol style="list-style-type: none"> This Delegation does not apply to debts, which are prescribed as debts that are taken to be a rate or service charge <u>however the write off of penalty interest (excluding the penalty interest on any State Government charge such as the emergency services levy) or of any instalment fee or payment plan fee is not considered a rate or service charge.-</u> <u>A debt in relation to penalty interest or the fee for instalment charges or payment plans on a rate or service charge may be written off where it meets the requirements of Policy 308 Financial hardship.</u> A debt may only be waived where it meets the criteria specified in Policy 303 Debt collection A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated continued action to recover the debt will outweigh the net value of the debt if recovered by the Town. Limited to individual non rates debts valued below \$5000 or cumulative non rates debts of a debtor valued below \$5000. Write off of debts greater than these values must be referred for Council decision. Limited to individual rates debts valued below \$10 or cumulative rates debts of a debtor valued below \$10. Write off of debts greater than these values must be referred for Council decision. 	
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> 5.44 CEO may delegate some powers and duties to other employees	
Sub-Delegate/s:	1003.01	Chief Financial Officer
	1027.01	Manager Business Services
	1026.01	Manager Corporate Services
	1028.01	Financial Services Controller
CEO Conditions on this Sub-Delegation:	Nil.	
Compliance Links:	Collection of Rates Debts – refer Delegations: <ol style="list-style-type: none"> 1.1.22 Agreement as to Payment of Rates and Service Charges 1.1.23 Recovery of Rates or Service Charges 1.1.24 Recovery of Rates Debts – Require Lessee to Pay Rent 1.1.25 Recovery of Rates Debts – Actions to Take Possession of the Land Policy 303 Debt collection Policy 308 Financial hardship	

Record Keeping:		Exercise of authority to be recorded in TRIM.			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	28/6/2019	CEO	-	Sub-delegates revised
4	Amended		Council		

1.1.22 Agreement as to Payment of Rates and Service Charges

Delegator:	Local Government				
Express Power to Delegate:	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO				
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> 6.49 Agreement as to payment of rates and service charges				
Delegate:	Chief Executive Officer				
Function:	Authority to make an agreement with a person for the payment of rates or service charges.				
Council Conditions on this Delegation:	<p><u>1. Agreements must be in writing and must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied within two financial years, including the year that the rates notice was issued.</u></p> <p><u>2. Applicants for agreements as to alternate payment arrangements must meet the requirements of Policy 308 Financial Hardship.</u></p>				
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> 5.44 CEO may delegate some powers and duties to other employees				
Sub-Delegate/s:	1003.01	Chief Financial Officer			
	1026.01	Manager Corporate Services			
	1028.01	Financial Services Controller			
	1034.01	Senior Rates Officer			
CEO Conditions on this Sub-Delegation:	Nil.				
Compliance Links:	Policy 308 Financial Hardship Nil.				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
<u>3</u>	<u>Amended</u>		<u>Council</u>		

1.1.24 Recovery of Rates and Service Charges

Delegator:	Local Government				
Express Power to Delegate:	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO				
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> 6.56 Rates or service charges recoverable in court				
Delegate:	Chief Executive Officer				
Function:	Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction.				
Council Conditions on this Delegation:	Nil. Compliance with the requirements of Policy 303 Debt collection and Policy 308 Financial hardship.				
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> 5.44 CEO may delegate some powers and duties to other employees				
Sub-Delegate/s:	1003.01	Chief Financial Officer			
	1026.01	Manager Corporate Services			
	1028.01	Financial Services Controller			
	1034.01	Senior Rates Officer			
CEO Conditions on this Sub-Delegation:	Nil.				
Compliance Links:	Policy 303 Debt collection Policy 308 Financial Hardship				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended		Council		

1.1.25 Recovery of Rates Debts – Require Lessee to Pay Rent

Delegator:	Local Government				
Express Power to Delegate:	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO				
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> 6.56 Rates or service charges recoverable in court				
Delegate:	Chief Executive Officer				
Function:	<ol style="list-style-type: none"> 1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Town. 2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice. 				
Council Conditions on this Delegation:	Nil.				
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> 5.44 CEO may delegate some powers and duties to other employees				
Sub-Delegate/s:	1003.01	Chief Financial Officer			
	1026.01	Manager Corporate Services			
	1028.01	Financial Services Controller			
	1034.01	Senior Rates Officer			
CEO Conditions on this Sub-Delegation:	Nil.				
Compliance Links:	Policy 303 Debt collection Policy 308 Financial Hardship				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended		Council		

1.1.26 Recovery of Rates Debts – Actions to Take Possession of Land

Delegator:	Local Government				
Express Power to Delegate:	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO				
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> 6.64(1) & (3) Actions to be taken 6.69(2) Right to pay rates, service charges and costs, and stay proceedings 6.71 Power to transfer land to Crown or local government 6.74 Power to have land revested in Crown if rates in arrears 3 years				
Delegate:	Chief Executive Officer				
Function:	<ol style="list-style-type: none"> 1. Authority to take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years, including: <ol style="list-style-type: none"> a. lease the land, or b. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: <ol style="list-style-type: none"> i. cause the land to be transferred to the Crown; or ii. cause the land to be transferred to the Town. 2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears. 3. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within 7 days of and prior to the proposed sale. 				
Council Conditions on this Delegation:	In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale without having, within the previous 3-years attempted to recover the outstanding rates / charges through a court under 6.56, as 6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes.				
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> 5.44 CEO may delegate some powers and duties to other employees				
Sub-Delegate/s:	Nil.				
CEO Conditions on this Sub-Delegation:	Nil.				
Compliance Links:	Policy 303 Debt collection Policy 308 Financial hardship				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended		Council		