

## Rates Recovery

Policy Number: POL-028                      Date Adopted: 19 June 2024  
Version: 3.0                                      Review Date: 30 June 2025

### INTENT/PURPOSE

This Policy outlines the process established by the Weipa Town Authority (WTA) for the recovery of outstanding rates from ratepayers.

### LEGISLATIVE FRAMEWORK

RTA Weipa Pty Ltd (RTAW), in its capacity as the WTA exercising the powers and functions of a local government conferred in accordance with the provisions of the *Commonwealth Aluminium Corporation Pty Limited Agreement Act 1957 (Qld)*, is entitled to collect rates and charges from residents within the Weipa Township under the relevant provisions of the agreement annexed to the *Commonwealth Aluminium Corporation Pty Limited Agreement 1957 (Qld)*.

This Policy considers the following:

- *Local Government Act 2009* –
  - section 95 – Overdue rates and charges are a charge over rateable land
  - section 96 – Regulations may provide additional actions
- *Local Government Regulation 2012*
  - section 134 – bringing court proceedings against a person who is liable to pay overdue rates
  - section 140 – sell property to recover overdue rates

### POLICY

It is WTA's policy to pursue the collection of outstanding rates and charges but with due concern for any financial hardship faced by the relevant ratepayer.

This Policy is to be read in conjunction with WTA's Revenue Policy.

### PROCESS

WTA follows an internal process when pursuing the recovery rates. The process includes:

- written payment reminders
- phone calls
- further reminders
- final notices
- payment plans
- charges on property

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WTA will not contact ratepayers more than 2 times per week. WTA will respect ratepayers privacy at all times, and will not discuss the debt (including the existence of the debt) with any other person other than the ratepayer, without written authorisation from the ratepayer.

If ratepayers are unable to pay the amount by the due date, they are encouraged to contact the WTA on 4030 9400 to make a payment arrangement.

Please note that interest on rates which remain unpaid for 60 days or more will accrue at the rate of 11.64% p.a. compounded daily for 2023/24 and 12.35% compounded daily for 2024/25.

## PAYMENT ARRANGEMENTS

WTA may, at its discretion, accept deferrals of overdue rates by entering into payment arrangements with ratepayers. WTA is guided by the following principles:

- the amount and age of the debt;
- payment frequencies must be a minimum of monthly;
- payment amounts must be sufficient to cover the outstanding amounts in the agreed timeframe;
- WTA will only consider arrangements >12months in limited circumstances

WTA and ratepayers must confirm payment arrangements in writing.

WTA will not enter into a payment plan with ratepayers that have demonstrated delinquency in previously agreed payment arrangements.

If payments are not made within the agreed terms of the agreement, the recovery actions below may commence immediately.

## HARDSHIP

Ratepayers experiencing financial hardship are encouraged to contact WTA in writing as soon as possible. WTA requires reasonable evidence of financial hardship, where possible.

Where WTA determines a ratepayer is in financial hardship, WTA may enter into a payment arrangement which do not meet the minimum requirements as stated above or take other steps as WTA considers appropriate.

## RECOVERY ACTION

WTA has the following options available to it to recover outstanding rates, which it may exercise at its discretion:

1. **Register a charge on the land** - Overdue rates and charges are a charge on the land.<sup>1</sup> The WTA may register a charge over the land through the registration of a Form 14 General Request accompanied by a statement by the chief executive officer.<sup>2</sup>

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<sup>1</sup> *Local Government Act 2009* (Qld), section 95(2).

<sup>2</sup> *Local Government Act 2009* (Qld), section 95(3).

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Such a charge will not act to immediately recover outstanding amount but acts as notice that the charge exists so that in the event of a sale, the purchaser will divert settlement funds to payment of rates.

2. **Take a landowner to court to recover the rates** - WTA may recover overdue rates or charges by bringing court proceedings for a debt against a person who is liable to pay the overdue rates or charges in accordance with section 134 of the *Local Government Regulation 2012*.
3. **Sell property to recover overdue rates** – If some or all of the rates have been overdue for at least 3 years, a decision may be made by resolution to sell the land in accordance with section 140 of the *Local Government Regulation 2012*.

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