POLICY NO	**CP/FIN-3212**	
POLICY	**Rates and Charges Debt Collection**	
RESPONSIBLE DIRECTORATE	Corporate Services	
RESPONSIBLE OFFICER	~~Senior~~ Rates Officer	
COUNCIL ADOPTION	Date: 26 May 2014	Resolution No: 10938
REVIEWED/MODIFIED	Date: 24 November 2015	Resolution No: 11169
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	Date: 27 October 2020	Resolution No: TBC
REVIEW DUE	~~March 2023~~ October 2025	
LEGISLATION	1. *Local Government Act 1995 – Sections 6.12, 6.13, 6.16, 6.45, 6.56, 6.60, 6.64, 6.68* 2. *Local Government (Financial Management) Regulations - Regulations 19A, 19B, Regulations 58 to 66.* 3. *Magistrates Court (Civil Proceedings) Act 2004 – Section 12* 4. *Civil Judgments Enforcement Act 2004 – Section 8* 5. *Civil Judgments Enforcement Regulations 2005 – Regulation 4*	
RELATED POLICIES	1. CP/FIN-3211 Fees and Charges Pricing	
RELATED ORGANISATIONAL DIRECTIVES	1. Code of Conduct for Council Members, Committee Members and Employees 2. Audit (Finance and Risk) Committee Terms of Reference 3. Organisational Directive – Rates and Charges Debt Collection (under development)	

PURPOSE:

This policy will establish clear guidelines for the efficient, effective and economical collection of rates and charges debts to reduce the likely occurrence of unrecoverable debts and to ensure consistency for all debt collection activities; and also enable the flexibility and choice in the payment or rates and charges imposed by the Council.

DEFINITIONS:

Claim means a claim made to the Court by a party (whether a claimant, a defendant or another party).

Council means the Council of the Shire of Wyndham East Kimberley**.**

Court means the Magistrates Court.

Default means that the customer has failed to meet their obligations in accordance with the special payment arrangement that they have entered into with the Shire of Wyndham East Kimberley.

Financial year means the period commencing on 1 July and ending on the next following 30 June.

General procedure claim means a claim where the value of the claim or the relief claimed does not exceed $75,000.

Judgment means —

(a) a monetary judgment; or

(b) a judgment or an order of a court that requires or has the effect of requiring a person —

(i) to give possession of any property to another person; or

(ii) to do an act, to not do an act, or to cease doing an act.

Judgment creditor means a person who is entitled to the benefit of a monetary judgment, including a person to whom the benefit of a monetary judgment has passed (by assignment or any other way).

Judgment Debtor means a person against whom a monetary judgment has been given or may be enforced.

Judgment sum means the amount of money ordered to be paid under a monetary judgment, whether or not the money is or includes costs or pre judgment interest.

Local Government is the Shire of Wyndham East Kimberley.

Magistrate means a magistrate of the Court.

Means Enquiry is an enquiry conducted in Court to determine whether the judgment debtor is able to pay the judgment debt.

Memorandum of Consent is an application to the Court requesting orders to have the judgment or claim dismissed.

Notice of Discontinuance is a notice lodged at the Court that updates the status of the claim to "discontinued".

Property (Seizure and Sale) Order authorises a bailiff to seize and sell as much of the judgment debtor's real or personal property as necessary to satisfy the judgment debt wholly or partially, and is effective for 12 months from the date the order is made.

Waive means to provide a special concession to a person or organisation that extinguishes a debt that would have been owed to the Shire. A waiver may be provided prior to, or subsequent to the date that the debt is incurred.

Write Off occurs following the realisation that the asset can no longer be converted into cash (e.g. a bad debt), can provide no further use to the Shire, or has no market value.

Suspension order means an order made under section 15(3) of the *Civil Judgments Enforcement Act 2004* which states *"On such an application, the court may only make such an order if there are special circumstances that justify doing so."*

Time for payment order means an order made under section 32(2) of the *Civil Judgments Enforcement Act 2004* which states *"The court may make such an order, subject to sections 21 and 22."*

POLICY STATEMENTS:

This Policy covers the recovery of all revenues owed to the Shire of Wyndham East Kimberley in relation to Rates and Service Charges. The Shire of Wyndham East Kimberley will exercise its debt recovery powers in order to reduce the overall sundry debt. It will be guided by the principles of:

1. **Equity**
   Ensuring that the debt collection procedures are undertaken in a fair and equitable manner and therefore providing the same treatment for all ratepayers with similar circumstances.

2. **Administrative Efficiency**
   Providing the Shire of Wyndham East Kimberley with a more effective method over the collection of outstanding debtors and ensuring that the processes used to recover outstanding debts are clear, simple to administer and cost effective.

3. **Transparency**
   Ensuring the obligations of the Shire's ratepayers are clear and assisting them to meet their financial obligations where possible.

4. **Compliance**
   Ensuring that the Shire of Wyndham East Kimberley is compliant with the *Local Government Act 1995* and all associated regulations.

POLICY

Upon the Council adopting the annual budget for the following financial year, the Rates Notices will be issued.

1. Options for Payment of Rates and Charges

The options for payment of a rate or service charge may be:-

a. In full by the specified due date; or
b. By two (2) instalments by the specified due date (or as adopted by the Council in the Annual Budget); or
c. By four (4) instalments by the specified due date; or
d. By a special payment arrangement with payments made by the agreed due dates.

1.1. Instalment Options (Either Two (2) or Four (4) Instalments)

1.1.1. The charges for paying by instalments will be those adopted by the Council in the Annual Budget each year.

1.1.2. Ratepayers initially electing to pay by the two (2) or the four (4) instalment option must pay the first instalment by the due date on the annual rates notice.

1.1.3. A ratepayer may elect to pay by either the two (2) or four (4) instalments up

until 14 days from the date of issue of the Final Notice.

1.1.4. If the four (4) instalments option is selected and the ratepayer does not make the second instalment by the due date, the ratepayer will remain on the instalments option until such time that clause 1.1.5 is relevant.

1.1.5. If the four (4) instalments option is selected and on the third instalment due date, the second and third instalment remain unpaid the ratepayer will be removed from instalments and will be notified in writing with the reasons for the revocation, and a final notice will be issued for the full amount of outstanding rates and service charges.

1.2. Scope & Limitations of Instalment Options

In accordance with the *Local Government (Financial Management) Regulations 1996 –*

58. Instalments not available if land in arrears (Act s. 6.45)

Payment of a rate or service charge on any land may not be made by instalments if, at the date for payment of the first instalment, any part of a rate or service charge imposed on that land in a previous financial year (or interest accrued thereon at the date of issue of the rate notice) remains unpaid.

59. Instalments not available if total less than $200 (Act s. 6.45)

Payment may not be made by instalments if the total amount shown in the rate notice as being payable to the local government for rates, service charges or minimum payments, other than amounts remaining unpaid from a previous financial year, is less than $200.

60. Instalments, manner of electing to pay by (Act s. 6.45)

For the purposes of section 6.45 an election to pay by instalments is made (whether a person indicates to the local government that payment will be made by instalments, or not) if, before the close of business on the due date of the first instalment under an option specified in the rate notice, the local government receives payment of the amount set forth in the rate notice as being payable for that instalment.

61. Instalments, additional circumstance when rates may be paid by
Where a local government imposes rates after amending the rate record under section 6.39(2)(b) payment of the total amount of the rates may be made by the method of payment by instalments set forth in the local government's annual budget for the financial year in which the rates are imposed.

62. Rates re-assessed under Act s. 6.40, when rates due etc.

*(1) Section 6.50(1) and (2) are to be applied to a rate notice given after a re-assessment of rates under section 6.40 (***interim notice***).*

(2) If —

(a) the person to whom an interim notice is given elects to make payment by instalments pursuant to section 6.45(2)(b); and

(b) the period between the payment of the initial instalment and the due

date of the next instalment is less than 2 months,

the initial instalment is deemed to have been paid on the due date of the previous instalment as set forth in the local government's annual budget.

63. Instalments, effect on if land sold

If, after the date for making an election to pay by instalments in a financial year, land is sold or otherwise disposed of, the rates and service charges due on the land for that financial year are payable to the local government by a single payment.

64. Instalments, when to be paid

(1) The due date for payment of the first instalment is to be the date a rate or service charge is due and payable if the payment is to be by a single payment.

(2) When adopting its annual budget the local government is to determine, in accordance with the Act, the due date for payment of instalments after the first instalment.

(3) In respect of the 4 instalment option referred to in section 6.45(1)(a), if the local government does not determine the due date for payment of instalments after the first instalment in accordance with subregulation (2) the due date of each of those instalments is at intervals of 3 months from the due date of the first instalment.

65. Instalment due on public holiday, payment of

When the due date for payment of an instalment falls on a weekend or public holiday, payment of that instalment is to be received by the local government before the close of business on the first working day after the due date.

66. Instalments, when right to pay ceases

(1) Subject to subregulation (2), where an election has been made to pay a rate or service charge by instalments, payment may continue to be made by instalments notwithstanding that an instalment (other than the first instalment) remains unpaid after it is due and payable

(2) If an instalment remains unpaid after the day on which the next instalment becomes due and payable, the local government may revoke the ratepayer's right to pay by instalments

(3) Where the right to pay by instalments is revoked under subregulation (2) –

(a) the unpaid rate becomes due and payable on the day after the day of the revocation, or such day as the local government decides and

(b) the local government must, in writing, immediately notify the ratepayer of the revocation and give details.

1.3. <u>Special Payment Arrangements</u>

Before authorising any special payment arrangement in accordance with sub-delegation provided by the CEO, the Director Corporate Services will consider the following:

a) That the terms of the agreement require that all outstanding rates will be recovered

by the Shire of Wyndham East Kimberley by 30 June of the financial year in which the agreement is entered into.

b) That the ratepayer is aware of the costs and charges associated with entering into a payment arrangement, of which the charges will be those adopted by the Council in the Annual Budget each year.

c) At the discretion of Chief Executive Officer, or their sub delegate, a payment arrangement term may be extended beyond the 30 June, but not exceed three (3) successive financial years.

d) Where a ratepayer fails to meet their full obligation under the agreement, the agreement will be terminated and legal action ~~shall~~ may commence for outstanding rates and service charges.

e) If the ratepayer defaults on the special payment arrangement agreement twice in any 12 month period, ~~no~~ further special payment arrangements ~~can be made and rates are required to be paid in full~~ may not be approved and rates may be required to be paid in full.

2. Recovery of Rates and Charges in Arrears

Rates and Charges are due and payable within 35 days from the date of issue of the annual rate (or interim rate) notice, as shown on that notice in accordance with section 6.50(2) of the *Local Government Act 1995*.

These procedures also apply to those ratepayers who decide to pay by one of the instalment options.

a) Should any amount of rates or service charges remain outstanding after the due date stated on the Annual Rates Notice penalty interest shall be applied at the interest rate adopted by Council in its annual budget in accordance with section 6.13(1) of the *Local Government Act 1995*.

b) The interest rate set by the Council is not to exceed the maximum rate of interest as prescribed within regulation 19A of the *Local Government (Financial Management) Regulations 1996*.

c) Interest is calculated on the number of days from the due date of payment until the day the payment is received by the Shire of Wyndham East Kimberley. This includes overdue amounts where the debtor has elected the instalment option.

2.1. Accounts 35 Days in Arrears after the Initial Rates Notice

a) 7 days after the due date of the Annual Rates Notice a Final Notice ~~will~~ may be issued allowing 14 days for payment unless the ratepayer has elected to pay by instalments or has agreed to enter into a special payment arrangement.

b) Final Notices are **not** to be issued to eligible pensioners or seniors under the Rates and Charges (Rebates and Deferments) Act 1992 as such persons have until 30 June in the year of rating to make payment, without incurring any late payment

penalties.

2.2. Accounts 57 Days or more in Arrears after the Initial Rates Notice

a) Any assessments with outstanding rates and charges after 14 days from the date of issue of the Final Notice ~~will~~ may be issued with a Letter of Demand by the Shire's debt collection agency allowing 7 days for payment or for the ratepayer to contact the Shire.

b) If no response is received after the 7 days period a General Procedure Claim (GPC) may be lodged at the discretion of the Director Corporate Services or the Coordinator ~~Financial Operations~~ Finance. It will be determined in consultation with the Shire's debt collection agency whether it is economical to proceed with a General Procedure Claim.

d) Ratepayers are required to either pay the full amount including debt collection costs or enter into an alternative payment arrangement that has been authorised by the Director Corporate Services.

e) If no response to the General Procedure Claim (GPC) is received within fourteen (14) days after being issued, Judgment ~~will~~ may be applied for and any or all of the following legal processes may be undertaken, depending on the circumstances, to be determined in consultation with the Shire's debt collection agency.

i. Means Enquiry
ii. Property (Seizure and Sale) Order on Goods
iii. Property (Seizure and Sale) Order on Land

OR

f) If no response to the General Procedure Claim (GPC) is received within fourteen (14) days after being issued, and the assessment is a leased or rented property, a notice ~~will~~ may be served to the lessee/tenant under section 6.60 of the *Local Government Act 1995* requiring the lessee or tenant to pay to the Shire the rent due that they would otherwise pay under the lease/tenancy agreement as it becomes due, until the amount in arrears has been paid. The approval of the Council is required to be obtained before this course of action is undertaken.

2.3. Payments Received or Contact Made After Legal Action Commenced

a) If any payments or contact is made by the ratepayer against whom legal action has commenced the Shire's debt collection agency will be notified that legal action is to be placed on hold immediately.

b) If the ratepayer defaults a payment or no further contact is received from the ratepayer, legal action ~~will~~ may resume and the payment arrangement will may be terminated.

b) When payment has been received in full, the Shire's debt collection agency will be notified to close the account. If payment in full is received prior to Judgment, a Notice

of Discontinuance will be lodged. A Memorandum of Consent may be lodged at the request of the ratepayer if payment in full is received either before or after judgment has been obtained.

2.4. Options to Recover Rates and Service Charges Where Rates Are In Arrears In Excess of Three (3) Years

a) If rates and service charges in respect of any rateable land are outstanding for three (3) or more years, Council may take possession of the land under the provisions of section 6.64 of the Local Government Act 1995, and may:-

i. From time to time lease the land; or
ii. Sell the land; or
iii. Cause the transfer of the land to the Crown; or
iv. Cause the transfer of the land to itself.

The approval of the Council is required to be obtained before any of these courses of action may be undertaken.

3. Pensioners/Seniors

1. Pensioners/Seniors have until 30 June to pay rates and service charges.

2. The Shire will send a letter on 1 May (or thereabouts) reminding the Pensioner/Senior that payment is require by 30 June for them to be eligible for the Pensioner Rebate.

3. Service charges must be paid in full.

4. Debt Collection / Legal Expenses

Debt collection and legal fees associated with the recovery of outstanding rates debts will be recovered from the ratepayer to the extent allowable under legislation and will be assessed on a case by case basis.

5. Responsibility of Ratepayers

It is the responsibility of the ratepayer to ensure that rates and charges payments made electronically use the correct reference number. If the incorrect reference number is used, and the Shire is not advised by the ratepayer that this error has occurred, then the ratepayer will be responsible for the payment of any debt collection charges that may have been incurred in the meantime.

6. Write off of Rates and Charges

1. Write off of rates and service charges debts will only be considered when all recovery processes available under this policy and allowable under legislation have been followed and there is no prospect of recovery of the debt.

2. Write off of rates and service charges can occur under Council delegation 11 for amounts up to $200 or by resolution of the Council for amounts over $200.

EXPLANATORY NOTES:

The collection of rates and charges is an important component of the Shire's management of adequate cash flows as well as the overall management of the Shire's financial performance and position.

This policy aims to provide manageable and efficient control over rates debts by closely monitoring outstanding rates accounts in order to reduce the likely occurrence of unrecoverable debts.

Scope & Limitations

In accordance with the *Local Government Act 1995*:-

6.12. Power to defer, grant discounts, waive or write off debts

(1) Subject to subsection (2) and any other written law, a local government may —

(a) when adopting the annual budget, grant a discount or other incentive for the early payment of any amount of money; or*

(b) waive or grant concessions in relation to any amount of money; or

(c) write off any amount of money,

which is owed to the local government.

** Absolute majority required.*

(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

(3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.

(4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

6.13. Interest on money owing to local governments

(1) Subject to any other written law, a local government may resolve to require a person to pay interest at the rate set in its annual budget on any amount of money (other than rates and service charges) which —*

(a) that person owes to the local government; and

(b) has been owed for the period of time referred to in subsection (6).

** Absolute majority required.*

(2) A resolution under subsection (1) is to be included in the annual budget.

(3) The rate of interest that may be set by the local government under this section is not to exceed the rate for the time being prescribed as the maximum rate of interest that may be set for the purposes of this section.

(4) Where a local government imposes interest under subsection (1) on any outstanding amount of money the local government is not to also impose an additional charge in relation to that amount.

(5) Accrued interest is, for the purpose of its recovery, taken to form part of the money owed to the local government on which it is charged.

(6) A local government is not to impose interest on any amount of money under

subsection (1) until the money has been owed to the local government for the period of time set by the local government in its annual budget (not being less than 35 days) after the date which is stated on the relevant account for payment as being the date the account was issued.

(7) Regulations may provide for the method of calculation of interest.

6.16. Imposition of fees and charges

(1) A local government may impose and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

(2) A fee or charge may be imposed for the following —

(a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;

(b) supplying a service or carrying out work at the request of a person;

(c) subject to section 5.94, providing information from local government records;

(d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;

(e) supplying goods;

(f) such other service as may be prescribed.

(3) Fees and charges are to be imposed when adopting the annual budget but may be —

(a) imposed during a financial year; and*

(b) amended from time to time during a financial year.*

** Absolute majority required.*

6.45. Options for payment of rates or service charges

(1) A rate or service charge is ordinarily payable to a local government by a single payment but the person liable for the payment of a rate or service charge may elect to make that payment to a local government, subject to subsection (3), by —

(a) 4 equal or nearly equal instalments; or

(b) such other method of payment by instalments as is set forth in the local government's annual budget.

(2) Where, during a financial year, a rate notice is given after a reassessment of rates under section 6.40 the person to whom the notice is given may pay the rate or service charge —

(a) by a single payment; or

(b) by such instalments as are remaining under subsection (1)(a) or (b) for the remainder of that financial year.

(3) A local government may impose an additional charge (including an amount by way of interest) where payment of a rate or service charge is made by instalments and that additional charge is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.

(4) Regulations may —

(a) provide for the manner of making an election to pay by instalments under subsection (1) or (2); and

(b) prescribe circumstances in which payments may or may not be made by instalments; and

(c) prohibit or regulate any matters relating to payments by instalments; and

(d) provide for the time when, and manner in which, instalments are to be paid; and

(e) prescribe the maximum amount (including the maximum interest component) which may be imposed under subsection (3) by way of an additional charge; and

(f) provide for any other matter relating to the payment of rates or service charges.

6.49. Agreement as to payment of rates and service charges

A local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.

6.50. Rates or service charges due and payable

(1) Subject to —

(a) subsections (2) and (3); and

(b) any concession granted under section 6.47; and

(c) the Rates and Charges (Rebates and Deferments) Act 1992, a rate or service charge becomes due and payable on such date as is determined by the local government.

(2) The date determined by a local government under subsection (1) is not to be earlier than 35 days after the date noted on the rate notice as the date the rate notice was issued.

(3) Where a person elects to pay a rate or service charge by instalments the second and each subsequent instalment does not become due and payable at intervals of less than 2 months.

6.51. Accrual of interest on overdue rates or service charges

(1) A local government may at the time of imposing a rate or service charge resolve to impose interest (at the rate set in its annual budget) on —*

(a) a rate or service charge (or any instalment of a rate or service charge); and

(b) any costs of proceedings to recover any such charge,

that remains unpaid after becoming due and payable.

** Absolute majority required.*

6.56. Rates or service charges recoverable in court

(1) If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction;

(2) Rates or service charges due by the same person to the local government may be included in one writ, summons, or other process.

6.60. Local government may require lessee to pay rent

(1) In this section —

lease *includes an agreement whether made orally or in writing for the leasing or*

subleasing of land and includes a licence or arrangement for the use of land;

lessor *and* **lessee** *mean the parties to a lease and their respective successors in title.*

(2) If payment of a rate or service charge imposed in respect of any land is due and payable, notice may be given to the lessee of the land requiring the lessee to pay to the local government any rent as it falls due in satisfaction of the rate or service charge.

6.64. Actions to be taken

(1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and –

(a) from time to time lease the land or

(b) sell the land or

(c) cause the land to be transferred to the Crown or

(d) cause the land to be transferred to itself.

6.68. Exercise of power to sell land

(1) Subject to subsection (2), a local government is not to exercise its power under section 6.64(1)(b)(in this Subdivision and Schedule 6.3 referred to as the power of sale) in relation to any land unless, within the period of 3 years prior to the exercise of the power of sale, the local government has at least once attempted under section 6.56 to recover money due.

In accordance with the *Local Government (Financial Management) Regulations 1996*:-

19A. Maximum rate of interest prescribed (Act s. 6.13(3))

The maximum rate of interest to be imposed under section 6.13(1) is prescribed as 11%.

19B. Interest on money owing, calculating (Act s. 6.13)

*(1) Interest on money that remains owing after the date determined in accordance with section 6.13(6) (the **due date**) is to be calculated on a simple interest basis for the number of days from the due date until the day before the day on which a payment is received by the local government.*

(2) The principal sum on which interest is calculated for a financial year may include interest accrued but not paid in a previous financial year but is not to include interest accrued in the current financial year.

(3) If payment is received by the local government during the period from 1 July in a financial year until the annual budget for that financial year is adopted, interest referred to in sub regulation (1) for that period is to be at the rate of interest imposed under section 6.13(1) for the previous financial year.

(4) If under section 6.13 interest is to be imposed on money owing, a request for payment of that money is to include or be accompanied by a statement that interest is to accrue on money that remains owing after the due date and stating —

(a) the date from which interest will be imposed; and

(b) the rate of interest.

In accordance with the *Magistrates Court (Civil Proceedings) Act 2004*:-

12. Pre judgement interest may be awarded

(1) If the Court gives judgment in favour of a claim for money, including a debt, damages or the value of goods, it may include in the judgment sum either —

(a) interest, at a rate decided by the Court, on the whole or a part of the money for the whole or a part of the period that —

(i) begins on the date when the cause of action arose; and

(ii) ends on the date when the judgment is given;

or

(b) a lump sum of money in lieu of such interest.

In accordance with the *Civil Judgments Enforcement Act 2004*:-

8. Interest on judgment sums

(1) Interest is to be paid on the unpaid amount of a judgment sum from the date of the judgment until the date on which the judgment sum is paid —

(a) at the rate prescribed by the regulations; or

(b) at the rate set by the court in the judgment or by an order made after the judgment is given.

(2) Subsection (1) applies whether or not —

(a) a suspension order has been made; or

(b) a time for payment order or an instalment order has been made,

unless the court that made such an order orders otherwise.

(3) The judgment creditor may waive the payment of the whole or a part of the interest referred to in subsection (1).

(4) A judgment creditor who waives interest under subsection (3) must advise the court of the fact when applying for an enforcement order under Part 4.

(5) Subsection (1) does not apply to —

(a) a judgment that is registered under section 105(1) of the Service and Execution of Process Act 1992 of the Commonwealth; or

(b) a judgment sum on which interest is payable under another written law.

In accordance with the *Civil Judgments Enforcement Regulations 2005*:-

4. Interest on unpaid amount of judgment sum

(1) The rate of interest for the purposes of the Act section 8(1)(a) is 6.00% per annum.

(2) The waiver of the payment of the whole or a part of the interest by a judgment creditor under the Act section 8(3) must be in writing.

In accordance with Council Delegation 11. - Waive, grant concessions or write off debts

Legislative power Local Government Act 1995, Section 6.12(1)(b) and (c)

Delegate: Chief Executive Officer

Function to be performed

The Council delegates its authority and power to the Chief Executive Officer in exceptional circumstances to:

1. Waive or grant concessions in relation to sundry debts owed to the Shire (other than rates and services charges)

2. Write off money owed to the Shire

3. Determine the conditions to be applied to waive, grant a concession or write off money owed to the Shire

Conditions:-

a) Limited to individual debts not exceeding $2,000

b) Write-off rates and service charges not exceeding $200

c) Report to the Audit (Finance and Risk) Committee on the exercise of this delegation

In this delegation:-

***Waive** means to provide a special concession to a person or organisation that extinguishes a debt that would have been owed to the Shire. A waiver may be provided prior to, or subsequent to the date that the debt is incurred.*

***Write Off** occurs following the realisation that the asset can no longer be converted into cash (e.g. a bad debt), can provide no further use to the Shire, or has no market value.*

RISK:

Risk: Failure to adequately resource and manage funding requirements which meet the needs of the Shire's service delivery requirements and strategic objectives

Control: Policies updated in accordance with schedule and operational requirements