



ANABRANCH

BURONGA

COOMEALLA

CURLWAA

DARETON

ELLERSLIE

GOL GOL

MONAK

PALINYEWAH

POMONA

POONCARIE

RUFUS RIVER

TRENTHAM CLIFFS

WENTWORTH



# Debt Recovery

Policy No: AF014

Approved: 17 February 2022

# INTERPRETER SERVICES



## MAHALAGA | FILIPINO

Kung kailangan mo ng tulong sa pagbabasa at pag-unawa sa dokumentong ito, ang mga kawani ng customer service ng Wentworth Shire Council ay masaya na tumulong sa pag-aayos ng isang libreng serbisyo ng interpretasyon. Upang ayusin ang isang interpreter, mangyaring makipag-ugnayan sa Council sa 03 5027 5027, o bisitahin ang isang Council Office na nakalista sa ibaba.



## IMPORTANT | FRANÇAIS

Si vous avez besoin d'aide pour lire et comprendre ce document, le personnel du service client du Wentworth Shire Council se fera un plaisir de vous aider à organiser un service d'interprétation gratuit. Pour organiser un interprète, veuillez contacter le Conseil au 03 5027 5027 ou visitez un bureau du Conseil indiqué ci-dessous.



## ΣΗΜΑΝΤΙΚΟ | ΕΛΛΗΝΙΚΟ

Εάν χρειάζεστε βοήθεια για την ανάγνωση και την κατανόηση αυτού του εγγράφου, το προσωπικό εξυπηρέτησης πελατών του Wentworth Shire Council είναι πρόθυμο να σας βοηθήσει στη διευθέτηση μιας δωρεάν υπηρεσίας διερμηνείας. Για να κανονίσετε έναν διερμηνέα, επικοινωνήστε με το Δήμο στο 03 5027 5027 ή επισκεφθείτε ένα Γραφείο του Συμβουλίου που αναφέρεται παρακάτω.



## IMPORTANTE | ITALIANO

Se hai bisogno di assistenza per leggere e comprendere questo documento, il personale del servizio clienti del Wentworth Shire Council sarà lieto di assisterti nell'organizzazione di un servizio interpretativo gratuito. Per organizzare un interprete, contattare il Comune allo 03 5027 5027 o visitare uno degli uffici del Comune elencati di seguito.



## PENTING | MELAYU

Jika anda memerlukan bantuan membaca dan memahami dokumen ini, kakitangan perkhidmatan pelanggan Wentworth Shire Council berbesar hati untuk membantu dalam pengatur perkhidmatan tafsiran percuma. Untuk mengatur jurubahasa, sila hubungi Majlis di 03 5027 5027, atau lawati Pejabat Majlis yang disenaraikan di bawah.



## 重要 | 普通话 (简体中文)

如果您在阅读和理解本文件时需要帮助, 温特沃思郡议会的客户服务人员很乐意协助安排免费口译服务。如需安排口译员, 请致电 03 5027 5027 联系议会, 或前往下列议会办公室。



## મહત્વપૂર્ણ | અંગ્રેજી

જેકર તુહાનું દિસ દસઝાવેજી તું પઝગન અઝે સમઝતે વૈંચિ સઘાઈઝા દી લેઝ રૈ, ઝાં વૈનટવરથ સઘાઈર કાઉન્સિલ દે ગાઠક મેટા સટાઢ દિંક મુઢઝ વૈઆધિઆ મેટા દે પુરંચપ વૈંચિ સઘાઈઝા કરન લઈ ખુસ ઠન। દુઝામીદે દા દિંઝામી કરન લઈ, કચિપા કરવે 03 5027 5027 'ઝે કાઉન્સિલ નાલ મંપરક કરે, જાં ઠેઠાં સુચીચંપ કમિ કાઉન્સિલ દઢઝર 'ઝે જાઈ।



## สำคัญ | แบบไทย

หากคุณต้องการความช่วยเหลือในการอ่านและทำความเข้าใจเอกสารนี้ เจ้าหน้าที่บริการลูกค้าของ Wentworth Shire Council ยินดีให้ความช่วยเหลือในการจัดการบริการล่ามฟรี หากต้องการจัดเตรียมล่าม โปรดติดต่อสภาที่ 03 5027 5027 หรือไปที่สำนักงานสภาตามรายการด้านล่าง



## ÖNEMLİ | TÜRKÇE

Bu belgeyi okuma ve anlama konusunda yardıma ihtiyacınız varsa, Wentworth Shire Belediyesi'nin müşteri hizmetleri personeli, ücretsiz tercümanlık hizmetinin ayarlanmasında yardımcı olmaktan mutluluk duyacaktır. Bir tercüman ayarlamak için lütfen 03 5027 5027 numaralı telefondan Belediye ile iletişime geçin veya aşağıda listelenen bir Belediye Ofisini ziyaret edin.



## QUAN TRỌNG | TIẾNG VIỆT

Nếu bạn cần trợ giúp để đọc và hiểu tài liệu này, nhân viên dịch vụ khách hàng của Hội đồng Wentworth Shire sẵn lòng hỗ trợ sắp xếp dịch vụ thông dịch miễn phí. Để sắp xếp một thông dịch viên, vui lòng liên hệ với Hội đồng theo số 03 5027 5027 hoặc đến Văn phòng Hội đồng được liệt kê bên dưới.

## IMPORTANT | ENGLISH

If you require assistance reading and understanding this document, customer service staff of Wentworth Shire Council are happy to assist in the arrangement of a free interpretive service.

To arrange an interpreter, please contact Council on 03 5027 5027, or visit a Council Office listed below.

COUNCIL  
OFFICES



**Midway Community Centre**  
3 Midway Drive, Buronga NSW 2739



**Wentworth Visitor Centre (Main Administration Office)**  
61 Darling Street, Wentworth NSW 2648

## POLICY OBJECTIVE

Council will carry out debt recovery in a fair and consistent manner and in accordance with the provisions of the *Local Government Act 1993* (Act) and the regulations.

### 1. POLICY STATEMENT

The intent of this policy is to ensure that Wentworth Shire Council establishes systems which:

- outline clear and appropriate debt recovery procedures which will be undertaken by Council;
- ensure effective control over all invoiced debts owed to Council (including Rates and Charges, Sundry Debtors and Water Usage Charges);
- are sympathetic to those ratepayers and debtors suffering genuine financial hardship;
- fulfil statutory requirements of both the Act and the *Civil Procedure Act 2005*, with respect to the recovery of rates and other debts; and
- ensure the integrity and confidentiality of all proceedings for both Council and the debtor.

### 2. POLICY COVERAGE

This policy applies to all ratepayers, sundry debtors and account holders within the Wentworth Shire Council Local Government Area.

This policy applies to Council staff with delegated responsibility for carrying out the procedures, and debt recovery agents who act on behalf of Council.

### 3. STRATEIC PLAN LINK

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

### 4. DEFINITIONS AND ABBREVIATIONS

Term/Word	Definition
Act	Local Government Act 1993 (NSW)
Council	Council of the Shire of Wentworth.

### 5. POLICY CONTENT

#### Rates and Annual Charges

Annual rates and charges notices are issued in July each year. They may be paid in a single instalment or by quarterly instalments. If a payment is made in a single instalment, the instalment is payable by 31st August. If a payment is made by quarterly instalments, the instalments are payable by 31st August, 30th November, 28th February and 31st May.

An Annual Rates and Charges notice and quarterly instalment reminder notices are issued 30 days before the due date.

#### Water Usage Charges



Council's water usage charges are billed every 4 months (3 accounts per year). Accounts are issued 30 days before the due dates.

#### Interest on overdue Rates and Annual Charges

Interest is calculated daily on overdue rates and charges at the maximum rate announced by the minister for Local Government each year in accordance with section 566 (3) of the Act. Interest is not charged on legal costs

#### Payment Arrangements

Council is empowered under Section 564 of the Act to enter into an agreement with a person to accept variable payments of rates and charges due and payable.

Where Council staff deem it to be appropriate in the circumstances, prior to the commencement of legal action, Council shall accommodate an agreement for the period payment of the debt that extinguishes it within a reasonable timeframe.

Failure to adhere to a payment arrangement that has been put in place will result in legal action for recovery, in accordance with this policy.

Where a debtor defaults on approved arrangements for payment and there has been no contact from the debtor to discuss the missed payments, Council may recommence recovery action from the stage which had been reached prior to the last arrangement being negotiated.

#### Recovery Action

If payment is not received or a suitable arrangement made to have the outstanding balance paid following the issue of a reminder notice and a final notice, legal action will be commenced on all accounts with an outstanding balance greater than \$1,000.

When legal action commences, a statement of liquidated claim (summons) will be issued and served. Where judgement is entered in Council's favour, Council will seek to recover the judgement debt through appropriate recovery actions. Action to recover outstanding debts that will be considered, may include, but is not limited to:

- A garnishee of income;
- Writ of execution on goods and chattels;
- Examination notice;
- Examinations summons;
- Service or a rent order where the property is tenanted; or
- Sale of Land for unpaid rates in accordance with section 713 of the Act.

Arrangements for payment may be accepted after legal action has commenced, subject to the continuation of legal action should the ratepayer not adhere to the approved arrangement.

Section 712 (1) of the Act 1993 provides that proceedings for the recovery of an ordinary rate or annual charge may be commenced at any time within 20 years from the date when the rate or charge became due and payable.

All legal costs and expenses incurred in recovering outstanding rates and charges shall be charged against the property in accordance with section 605 of the Act.

In accordance with Section 459 of the *Corporations Act 2001*, where the ratepayer is a company and has been served with a creditors statutory demand (Section 459e of the Act) and the ratepayer has not complied within the 21 day period, Council has the right to commence proceedings to have the

debtor company wound up and a liquidator appointed. All debts regarding the issue of a creditors' statutory demand must exceed the sum of \$2,000.00.

#### Sale of Land for unpaid Rates and Charges

Where any rate or charge is overdue and has remained unpaid for more than three (3) years from the date on which it became payable, Council may proceed to sell the land in accordance with division 5, part 2, chapter 17 of the Act.

Where any rate or charge is overdue in respect of vacant land and the amount exceeds the valuer general's current valuation of the property, Council may proceed to sell the land in accordance with division 5, part 2, chapter 17 of the Act.

## **6. Related Documents & Legislation**

### Legislation

- *Local Government Act (NSW) 1993*
- *Local Government (General) Regulation 2021*
- *Privacy and Personal Information Protection Act (NSW) 1998*
- *Health Records and Information Privacy Act (NSW) 2002*
- *Civil Procedures Act (NSW) 2005*
- *Corporations Act (Cth) 2001*

### Council Policies

- AF013 – Hardship Policy
- GOV022 – Legislative Compliance Policy

### Council Documents

- Legislative Compliance Framework

### Other Documents/Guidelines

- OLG Circular 15-40, December 2015, A30931
- Debt Collection Guideline for collectors and creditors ACCC/ASIC

## **7. ATTACHMENTS**

Nil.

8. DOCUMENT APPROVAL

This document is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on 16 February 2022. All previous versions of this policy are null and void.

This policy may be amended or revoked by Council at any time.

A PDF copy of the signed document can be accessed from Council’s record management system and Reliansys.

Signed:  .....

17 February 2022

General Manager Wentworth Shire Council

Date

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## Contact

 **Main Service Centre**  
61 Darling Street, Wentworth

 **Postal Address**  
PO Box 81, Wentworth NSW 2648

 **(03) 5027 5027**

 **council@wentworth.nsw.gov.au**

 **wentworth.nsw.gov.au**

**Have Your Say:**  
[wentworth.nsw.gov.au/have-your-say](https://wentworth.nsw.gov.au/have-your-say)