



Blackall-Tambo **Regional Council**

Rates Recovery Policy

1 PURPOSE

The management and recovery of outstanding revenue is an important aspect of Council's financial management function. Council requires payment of rates and charges within a specified time period and will pursue the collection of overdue rates and charges diligently. It is imperative that Council keeps the levels of unpaid or outstanding rates and charges to a minimum so that levels of service to the community are not adversely affected. This policy sets out the guidelines by which the recovery of outstanding rates shall be pursued in a fair and equitable manner.

When pursuing the collection of overdue rates or charges Council will have due concern for any financial hardship faced by ratepayers and will allow appropriate times to pay overdue rates where financial difficulty is identified.

2 SCOPE

The Rates Recovery Policy applies to all rateable properties and mining leases within the Blackall-Tambo Regional Council boundaries.

Principles

This policy is guided by the following principles:

- Debt Recovery – Council aims to ensure effective control over debts owed to Council, including overdue rates, charges and interest and to establish debt management procedures for the efficient collection of receivables and the recovery of overdue debts including deferment and alternative payment arrangements;
- Transparency – by making clear the obligations of ratepayers and processes used by Council in assisting to meet its financial obligations;
- Simplicity – making the processes used to recover overdue rates and charges clear, simple to administer and cost effective;
- Capacity to pay – in determining the appropriate arrangements for ratepayers; and
- Equity – by treating all ratepayers in similar circumstances in the same way.

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3 DEFINITIONS

To assist in interpretation, the following definitions apply:

CEO	The person appointed to the position of Chief Executive Officer under section 194 of the <i>Local Government Act 2009</i> and to anyone acting in that position under section 195 of the <i>Local Government Act 2009</i> .
Council	Blackall-Tambo Regional Council
Financial Hardship	Where a ratepayer is unable to meet their financial obligations to Council due to unexpected events or unforeseen changes resulting in them being unable to meet basic requirements including food, clothing, medicine, housing and other necessities.
Hardship	A significant, appreciable detriment to a ratepayer when compared with the 'general body' of ratepayers with the same similar rates and charges. The detriment must transcend mere inconvenience or annoyance or a sense of 'injustice'; it must be a real and atypical burden imposed on the ratepayer.
Payment Arrangement	A formal agreement between Council and the ratepayer made under this policy for the regular repayment of a portion of the overdue rates and charges balance owing at the time the payment arrangement is agreed, at agreed intervals until the debt is paid in full.
Rates and Charges	<p>Levies that the Council imposes on land; and for a service, facility or activity that is supplied or undertaken by Council or someone acting on behalf of Council as per section 92(2) of the <i>Local Government Act 2009</i> (the Act). This includes:</p> <ul style="list-style-type: none">a) General rates (including differential general rates), separate rates and charges, special rates and charges, and utility charges (section 92(1) of the Act); andb) Interest accrued on overdue rates and charges (section 132(1)(d) of the LG Regulation; andc) Legal costs to take a ratepayer to court to recover overdue rates and charges, subject to a court order in Council's favour (section 132(1)(b) of the LG Regulation); andd) If the Council decides to sell land under section 140 of the LG Regulation and the land is not sold within one year after Council gives the registered owner a notice of intention to sell – the expenses incurred by Council



	in relation to selling the land (section 132(1)(c) of the LG Regulation).
Serious Medical Condition	Means illness, injury, impairment or physical or mental condition that involves any of the following: <ul style="list-style-type: none">• Multiple overnight stays in a hospital, not including an overnight stay related to a routine or elective procedure; and• Terminal stages of a disease.
The LG Act	<i>Local Government Act 2009</i>
The LG Regulation	<i>Local Government Regulation 2012</i>

4 POLICY STATEMENT

4.1 INITIAL RECOVERY ACTION

Upon the expiration of 14 days after the end of the final discount period, a reminder notice is to be sent to all ratepayers who have an outstanding balance; except ratepayers who have an agreed payment arrangement with Council who will receive a letter advising of their current position. The reminder notice is to give the ratepayer a further 14 days to either

- a) pay the outstanding amount in full or
- b) to negotiate an agreement with Council to pay the outstanding amount in instalments within an agreed timeframe,

Upon the expiration of 14 days after the reminder notice has been sent, a letter of demand may be sent to these property owners with unpaid balances should they not respond to the reminder notice.

If the balance remains unpaid after the due date of the letter of demand Council will attempt to have the debt paid OR an instalment plan established by:

- a) contacting the ratepayer by phone;
- b) contacting the ratepayer by email;
- c) contact the ratepayer personally, which may include entering their property in accordance with section 129 of the *Local Government Act 2009*.

Should all attempted contact with ratepayer be unsuccessful and the unpaid balance not clear OR an instalment payment plan has not been established the ratepayer will be notified in writing that Council has referred the matter to Council's solicitor for further action.

Should an approved instalment agreement fall into default and be cancelled then the appropriate recovery action is to be recommenced from the stage where it was suspended.

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4.2 SALE OF LAND

Where some or all of the overdue rates and charges remain overdue for three (3) years, Council, by resolution, may decide to proceed to Sale of Land in accordance with Chapter 4, Part 12, Division 3, Section 140(2) of the *Local Government Regulation 2012*.

Periodically a review will be undertaken to select properties that have rates and charges remaining overdue for at least three (3) years. A report shall be presented to Council to request a resolution to proceed to the Sale of Land process for the selected properties.

As soon as practicable after the resolution, a Notice of Intention to Sell detailing arrears, land and terms of the resolution must be issued to all parties who have an interest in the land.

For the procedures of Sale of Land process refer to the *Local Government Regulation 2012*, Subdivision 2, Sell land for overdue rates or charges.

The *Local Government Act 2009* provides capacity for Council to take sale of land action to recover rates or charges arrears outstanding for periods less than three (3) years in certain circumstances. This policy does not preclude such action being taken.

4.3 ARRANGEMENTS TO PAY IN INSTALMENTS

A ratepayer may, at any time prior to the issuing of a Notice of Intention to Sell for Arrears of Rates, approach Council to make an arrangement to pay any outstanding arrears by instalments within a set timeframe.

This timeframe must also take into account any further levies which may be raised before the outstanding amount is repaid, and the arrangement must include, as far as practicable, how any of these subsequent levies will be repaid, and whether or not they are part of the arrangement. Any outstanding legal costs must be paid immediately and not be included as part of the arrangement.

Payment of arrears by instalments, where the ratepayer has made no contact with Council, does not, of itself, constitute an arrangement, and shall only be used to defer debt recovery action at Council's discretion.

When a ratepayer defaults on an arrangement, then the remaining outstanding balance shall become due and payable forthwith. Council may, at its discretion, enter into a further arrangement with the ratepayer (if there were exceptional circumstances which contributed to the default) or proceed with debt recovery action for the arrears.

Where a ratepayer defaults on an arrangement and Council decides not to make a further arrangement, the ratepayer will be sent a courtesy letter giving them 14 days to make payment in full before the commencement or continuation of debt recovery action.

4.4 APPLICATION FOR RATES RELIEF ON THE GROUNDS OF HARDSHIP

Ratepayers may apply for rate relief with an application on the basis of hardship support by relevant documentation as outlined in Appendix A. Rates and Charges Hardship.

Applicants will only be considered to be eligible for a rate concession on the grounds of financial hardship upon complying with the following criteria:

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- The applicant does not have reasonable assets external to the land on which the application for relief on the grounds of hardship applies to;
- Full payment of rates by the applicant would cause financial hardship within the next twelve (12) months; and
- The property is not vacant land and is the property owner's principal place of residence.
- The ratepayer generally had an on-time payment history of Rates and Charges prior to the circumstances causing the financial hardship arising.

Under section 127 of the *Local Government Regulation 2012* the current owner of the land is liable for payment of rates and charges relating to the land. An application for hardship does not release a ratepayer from their statutory obligation to pay rates.

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Appendix A

Rates and Charges Hardship

Council's objective is to:

- Provide, where possible, support and assistance to ratepayers who are suffering genuine financial hardship due to circumstances beyond the normal frustration and trial experienced by other similar ratepayers from time to time. This hardship may occur as a result of illness, death of a partner or other sudden and unexpected circumstances.
- Provide an administrative process to determine applications quickly.
- Promote the image of Council as both efficient and fair.

However, Council is required under legislation to recover unpaid rates and charges. Financial hardship relief provided does not forgo Council's normal debt recovery action, including Council's ability to sell land for arrears of rates nor does it release a ratepayer from their statutory obligation to pay rates and charges as outlined in section 127 of the *Local Government Regulation 2012*.

This is not intended to provide indefinite support to ratepayers whose financial circumstances mean they cannot pay their rates and charges, and there is no prospect of their financial circumstances improving over time.

Any ratepayer who cannot pay their rates or charges for reason of financial hardship can apply to Council for payment arrangements at any time. Each individual case will be considered on its merits and the support provided to the ratepayer should be appropriate and commensurate with the level of financial hardship experienced by the ratepayer.

Applicants will only be considered to be eligible for rate assistance on the grounds of financial hardship upon complying with the following criteria:

- The applicant does not have reasonable assets external to the land on which the application for relief on the grounds of hardship applies to;
- Full payment of rates by the applicant would cause financial hardship within the next twelve (12) months; and
- The property is not vacant land and is the property owner's principal place of residence.
- The ratepayer generally had an on-time payment history of Rates and Charges prior to the circumstances causing the financial hardship arising.

In addition to this criteria, applications made by a single party where there is a perceived threat to their health and/or safety because of domestic violence will be considered.

An application for hardship relief on a property must be made by completing the form shown in Appendix B.

A determination under this policy will be assessed against financial data provided by the applicant. Supporting documentation may include but is not limited to:

- A completed and signed statement of financial position (Appendix C);
- Copy of most recent pay slip, government benefit statement(s) or work cover statement;
- Copy of most recent mortgage statement;
- Copy of most recent other creditor statement (e.g., credit card or personal loan);
- Copy of recent bank statements for all accounts;
- Medical practitioner or health professional letter (if applicable);

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- Letter confirming financial hardship from a recognised financial counsellor or financial planner (if applicable); and
- Any other supporting documents considered relevant in supporting the request.

Applications that do not have sufficient information will be returned to the applicant for further information. Should sufficient information not be provided, or information cannot be substantiated, the application will not be considered.

All applications for hardship relief will be reviewed and final approval given by the Chief Executive Officer or an authorised delegate.

Council will consider all matters under this policy confidentially.

The criteria for assessment will be, but is not limited to, the following:

- Income from all sources
- Living expenses
- The applicant must occupy the rateable property as their sole and principal place of residence and must not own any other property either within or outside the Council area.

Consideration should be given to whether the ratepayer could meet the rate liability by rescheduling commitments or by selling non-essential assets.

If the assessment of Council is that the restoration of a ratepayer's financial situation over the medium to long-term is unlikely, the application for a concession will not be approved.

Ratepayers who meet the criteria may be offered assistance by:

- An agreed payment plan outside the current debt recovery action.

Ratepayers who do not meet the criteria for hardship may be afforded a plan to pay by instalments outside the current debt recovery action.

Any payment plan negotiated must take into account the ratepayer's capacity to pay and allow for the plan to be renegotiated if there is a demonstrable change in circumstances.

For any agreed payment plan the debt must be cleared in full by the end of the payment plan, including new charges and interest accrued during the plan. Payments must be made on at least a monthly basis. Under section 133 of the *Local Government Regulation 2012* interest is payable on overdue rates or charges.

In the event that a payment plan is not maintained within the agreed terms, the ratepayer will be offered an opportunity to make a revised payment plan. Failure to make and maintain an appropriate payment plan will result in an escalation of recovery actions. Payment plans and adherence to these must ensure that no arrears extend beyond a two-year timeframe.

Two consecutive failures to make payment as per the agreed plan will result in the plan being terminated and full payment of the amount outstanding due immediately.

Failure to meet any of the requirements outlined in this policy may result in Blackall-Tambo Regional Council commencing court proceedings in accordance with section 134 of the *Local Government Regulation 2012*.

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Appendix B

Application for Rates Relief on the Grounds of Hardship

Information Privacy Act 2009 Blackall-Tambo Regional Council is collecting the information you supply on this form in accordance with the *Local Government Act 2009* for the purpose of considering your application. Your information will not be disclosed to a third party without your consent unless required or authorised by law.

Applicant Details

Given Name/s:		Surname:	
Postal Address:			
Residential Address:			
Contact Number/s:			
Date financial difficulty commenced:			
Date financial difficulty expected to cease:			
Grounds for Application: (attach separate sheet with more information if required)			

Required Documentation

In the case of an application for rate relief on the ground of hardship, the documentation outlined in the checklist needs to be included with the application. The documentation shall be assessed by the Chief Executive Officer or delegated officer.

Accountant or Tax Agent Details:			
Documentation Checklist: Please ensure the following documentation is attached and return with this application		A completed and signed statement of financial position.	
		Copy of most recent pay slip, government benefit statement(s) or work cover statement.	
		Copy of most recent mortgage statement.	
		Copy of most mortgage statement.	



		Copy of most recent other creditor statement (e.g., credit card or personal loan)
		Copy of recent bank statement for all accounts.
		Medical practitioner or health professional letter (if applicable).
		Letter confirming financial hardship from a recognised financial counsellor or financial planner (if applicable).

Acknowledgement

The applicant acknowledges the information provided is being collected and recorded for the purposes of resolving the account.

The applicant acknowledges the right of the Chief Executive Officer, or delegated officer, to hold further discussions with the applicant and with the applicant's approval, the applicant's accountant, financial counsellor and/or tax agent to assist in providing any report to Council. The applicant may incur professional costs from accountants/tax agents through any investigations carried out by the CEO.

Information provided with this application will be held on a confidential basis.

If the applicant is in receipt of benefits through Centrelink, Council will be entitled to check on the eligibility for assistance by this Government Agency.

Declaration

I, _____ do solemnly declare that the information set forth herein has been truthfully and correctly supplied by me, and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867*.

Property Owner:			
Signature:		Date:	

Please ensure any additional property owners sign

Name:			
Signature:		Date:	
Email:		Phone:	

Name:			
Signature:		Date:	
Email:		Phone:	



Appendix C

Statement of Financial Position

Information Privacy Act 2009 Blackall-Tambo Regional Council is collecting the information you supply on this form in accordance with the **Local Government Act 2009** for the purpose of considering your application. Your information will not be disclosed to a third party without your consent unless required or authorised by law.

Name:				
Property Address:				
			Postcode:	
Phone:	Home:		Mobile:	
	Work:			
Email:				
Date of Birth:				
Are you employed?	YES / NO		Occupation:	
Employment Status:	Full Time	Part Time	Casual	Self Employed
Employers Name:				
Employer's Address:				
If not employed, please advise when you expect to return to work, or if you receive benefits please indicate type:				
Full name, address and contact phone number of a relative not living at your address:				
Name:			Phone Number:	
Address:				
			Postcode:	



MONTHLY EXPENSES	AMOUNT	MONTHLY EXPENSES	AMOUNT
Mortgage / Rent / Board	\$	Rates	\$
Gas / Electricity	\$	Home Insurance	\$
Food	\$	Health/Life Insurance	\$
Telephone/Internet	\$	Personal Loan Repayments	\$
Goods & Household Items	\$	Medical Expenses	\$
School/Childcare	\$	Leisure/Entertainment	\$
Clothing	\$	Other	\$
Petrol	\$		
Car Expenses	\$	<u>TOTAL EXPENSES</u>	\$
OUTSTANDING DEBTS	AMOUNT	OUTSTANDING DEBTS	AMOUNT
Chattel Mortgage	\$	Other	\$
Credit Card/s	\$	Other	\$
Personal Loan/s	\$		
Other	\$	<u>TOTAL DEBTS</u>	\$

ASSETS		
List your Assets	WORTH	BALANCE OWING
House, Flat/Unit, Property	\$	\$
Additional House, Flat/Unit Property	\$	\$
Motor Vehicle (Reg No:_____)	\$	\$
Caravan / Boat	\$	\$
Shareholdings/Investments	\$	\$
Superannuation	\$	
Other	\$	
<u>TOTAL</u>	\$	\$



INCOME	AMOUNT
Wages (Week / Fortnight / Month)	\$
Pension / Benefit	\$
Workers Compensation	\$
Superannuation	\$
Board / Other (Week / Fortnight / Month)	\$
Allowances, e.g. Child	\$
Other	\$
<u>TOTAL</u>	\$




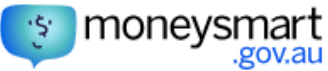




I confirm this is a true and accurate reflection of my current financial position. Further, I acknowledge that _____ is outstanding on my account and I will update Blackall-Tambo Regional Council on any changes to my financial circumstances. I acknowledge the information provided is being collected and recorded for the purposes of resolving my account.

Property Owner:			
Signature:		Date:	

Name:			
Signature:		Date:	
Email:		Phone:	

Name:			
Signature:		Date:	
Email:		Phone:	



 Queensland Government	<p>Queensland Government – Financial Assistance</p> <p>www.qld.gov.au/community/loosing-your-job-income/financial-assistance</p> <p>13 74 68</p>
 Queensland Government	<p>Queensland Government – Mortgage Payment Support</p> <p>www.qld.gov.au/housing/buying-owning-home/homeowners-financial-help/mortgage-relief-loan</p> <p>13 74 68</p>
 <p>Australian Government Australian Financial Security Authority</p>	<p>Australian Financial Security Authority</p> <p>www.afsa.gov.au/i-cant-pay-my-debts/debt-help/where-find-help-managing-debts</p>
	<p>Moneysmart</p> <p>https://moneysmart.gov.au/managing-debt</p>
	<p>National Debt Helpline</p> <p>https://ndh.org.au/</p>
	<p>Financial Counselling Australia</p> <p>https://www.financialcounsellingaustralia.org.au/</p>
	<p>Lifeline</p> <p>https://www.lifeline.org.au/</p> <p>Call 13 11 14 – 24/7 Crisis Support</p>
	<p>The Salvation Army</p> <p>https://www.salvationsarmy.org.au/</p> <p>Call 13 SALVOS (13 72 58)</p>