



# **WEDDIN SHIRE COUNCIL**

**POLICY NUMBER: 1.4.5**

## **POLICY FOR LEGAL ACTION FOR OUTSTANDING DEBTS**

**Adopted: 16 March 2017**

## **POLICY FOR LEGAL ACTION FOR OUTSTANDING DEBTS (NO. 1.4.5)**

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1. **Title:** Policy for Legal Action for Outstanding Debts
2. **Number:** Policy Number 1.4.5
3. **Purpose:**  
The purpose of this policy is to set out the procedure for pursuing outstanding debts which may ultimately lead to legal action.
4. **Application**  
The policy applies to all debts of the Council including rates, charges, fees or other monies for kerb and guttering, foot paving, private works, etc.
5. **Associated Legislation and Other References**  
Local Government Act, section 695.
6. **Policy**
  - i) debtors are to be advised of the outstanding debt and invited in writing to make arrangements to pay off their debt over an agreed period of time.
  - ii) the repayment amount may include statutory interest.
  - iii) if the debtor has not responded, at least two reminders are to be forwarded at no sooner than fortnightly intervals.
  - iv) if the debtor has still not responded within one month of the third (or final) letter, then the debt may be referred for legal action.
  - v) every effort shall be made to encourage pensioners to pay off their debts.
  - vi) legal action may be terminated at any time provided the debtor makes satisfactory arrangements to pay the debt and any legal costs incurred.
  - vii) debts for unpaid rates may be recovered by sale of the property.
  - viii) debts may also be recovered from Estates.
7. **Non-compliance**  
Non-compliance with this policy renders the debtor liable for legal action and the additional costs involved, and may include sale of the property for unpaid rates.
8. **Review and Amendment**
  - This policy shall be reviewed at four (4) yearly intervals, to ensure it meets all statutory requirements and the needs of Council.
  - This policy may be amended or cancelled by Council at any time without prior notice or obligation to any employee.
9. **Adoption**
  - This policy commences as from the date of adoption by Council, being 16 March 2017 and replaces any previous policy.

10. **History**

<b>Version Number</b>	<b>Details</b>
-	NK, approximately 1980
1.4.1	Adopted 13 December 2007
1.4.3	Reviewed 18 June 2009
1.4.4	Adopted 21 March 2013
1.4.5	Adopted 16 March 2017