

 <p><b>warrumbungle</b> SHIRE COUNCIL</p>	<b>Debt Recovery and Financial Hardship Guidelines and Procedures</b>

## Annexure 1

### Support Services

Ratepayers or debtors suffering financial hardship or require legal support, may find the following organisations of assistance:

ASIC's Moneysmart

[www.moneysmart.gov.au/managing-your-money/managing-debts](http://www.moneysmart.gov.au/managing-your-money/managing-debts)

Legal Aid NSW

[www.legalaid.nsw.gov.au/get-legal-help/fina-a-service](http://www.legalaid.nsw.gov.au/get-legal-help/fina-a-service)

Telephone: (02) 6885 4233

Community Legal Centres NSW

[www.clcnsw.org.au/find-legal-help](http://www.clcnsw.org.au/find-legal-help)

Telephone: 1300 888 529

Centrelink

[www.centrelink.gov.au](http://www.centrelink.gov.au)

Telephone: 13 63 57

The Salvation Army

[www.salvos.org.au](http://www.salvos.org.au)

Telephone: 1300 371 288 or 02 6881 8280

Lifeline Central West

[www.lifelinecentralwest.org.au](http://www.lifelinecentralwest.org.au)

Telephone: 1300 798 258

National Debt Hotline operated by Financial Counsellors Association of NSW

[www.fcan.com.au](http://www.fcan.com.au)

Telephone: 1800 007 007

Rural Financial Counselling Service NSW Central Region

[www.rfcs-cw.com.au](http://www.rfcs-cw.com.au)

Telephone: 1800 940 404

## Annexure 2

### Unpaid Rates and Charges – Debt Recovery Process

(Where assessments are in the same name the balances may be consolidated in determining those with balances greater than the threshold of \$500 outstanding).

- 1) Quarterly rates instalment notices are sent at least 30 days prior to due date.
- 2) 1 week after the instalment due date, Council provides SR Law, (Council's current Debt Recovery Agency), with list of overdue ratepayers for over \$100 for them to send out reminder letter on Council's letterhead allowing 14 days to pay or contact Council to make payment arrangements.
- 3) After the expiry of fourteen days from the sending of the reminder letters, SR Law will send 'soft' demand letters on their letterhead to rate payers with a balance greater than \$500, allowing 7 days to pay, for those that have not made payment or an arrangement. If there has been a part-payment with no arrangement leaving that balance SR Law will send a balance letter instead of a demand letter.
- 4) After the expiry of 7 days from the sending of the soft demand letters, SR Law will send demand letters on their letterhead to rate payers with a balance greater than \$500, allowing a further 7 days to pay, for those that have not made payment or an arrangement. If there has been a part-payment with no arrangement leaving that balance SR Law will send a balance letter instead of a demand letter.
- 5) At the expiry of 7 days from the sending of the second demand letters on their letterhead SR Law will attempt to make contact with any ratepayers who have not made payment or come to an arrangement by email, SMS or telephone to request them to contact Council to try and resolve the matter within 48 hours.
- 6) Council will provide SR Law with the email, SMS or telephone contact details for the purpose in 5 above. Where council has not provided same SR Law will attempt to find them.
- 7) At the expiry of 48 hours from the sending of the email or SMS or from making telephone contact (or leaving a message asking them to contact council)

SR Law will send Council a list of rate payers to approve by Finance staff within 2 working days for a service of a 'Statement of Claim' on the rate payer with a balance greater than \$500 to pay who have not made payment or an arrangement. If there has been a part-payment since the demand letter with no arrangement SR Law will send a balance letter allowing seven days to pay or come to an arrangement, (and if they do not do either within that timeframe, SR Law will serve a 'Statement of Claim').

- 8) When the time comes for Judgment, SR Law will make application for same. If there has been a part-payment since proceedings commenced with no arrangement SR Law will send a balance letter allowing seven days to pay, or come to an arrangement, (and if the rate payers do not do either within that timeframe, SR Law will make application for Judgment).
- 9) Judgments to be enforced initially with writs and examination notices, (moving to an Examination Order, if the examination notice has not been complied with). SR Law will accept any arrangement that will have the debt and costs paid by 30 June (within the relevant financial year). Any others will be referred to Council for instructions.

If a payment under an arrangement is missed SR Law will send a default letter allowing seven days to pay. If that is not complied with then the matter will re-join the process above at the next stage from where it left initially.