

## 19.1 Review of Eligible Section 184 - Sale of Properties for Unpaid Rates

Purpose of Report	Report on Section 184 Sale of Properties for Unpaid Rates and the status of eligible ratepayers
Director	Director Corporate Services
Author	Finance Officer – Rates
Disclosure of Interest	No Council officers or contractors have declared a conflict of interest regarding the matter under consideration.
File Ref	GF/7.69.8
Strategic Plan Reference	Theme Five – Organisational Excellence Strategy 5.2 – Govern in a responsible and responsive way
Risk Assessment	Unlikely / Minor – Low
Budget Allocation 2018/19	\$ 15,000
Request for Budget Variation	\$ 0
Budget Spent to Date	\$ 633
Attachments	1. Review of Properties 3 Years in Arrears
In Confidence	Yes – Section 90(3)(a) - Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

### Summary

This report provides an overview of properties that are in excess of 3 years behind in their rate payments and will review a number of properties that have already progressed to Section 184 sale of property for non-payment of rates and the status of their accounts.

As at mid December 2018, Council has 21 properties (totalling \$152,678) that are in excess of 3 years in arrears. Of the 21 properties:

- 9 properties (totalling \$88,181), are currently progressing through the Section 184 process which commenced in April 2018;
- 1 property (totalling \$7,049) is currently being deferred under the provisions of Section 182A postponement of rates for seniors;
- 1 property (totalling \$10,137) has recently sold and settlement cheque is pending.
- 1 property (totalling \$8,695) hardship application – payments happening
- 8 properties (totalling \$38,449) could be progressed to Section 184 process at the completion of current process.

## RECOMMENDATION

1. Pursuant to Sections 90(2) and 90(3)(a) of the *Local Government Act, 1999*, the Council orders that the public be excluded from attendance at that part of this meeting relating to Item 19.1 excepting the following persons:

- Mr BJ Gower – Chief Executive Officer
- Mr PA Duka – Director Corporate Services
- Mr DK Sexton – Acting Director Engineering Services / Manager Assets
- Mr SW Chapple – Director Development Services
- Ms CP Allen – Executive Assistant / Minute Taker

to enable the Council to consider Item 19.1 Review of eligible section 184 sale of properties for unpaid rates in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 19.1:

Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

Specifically, the present matter relates to information pertaining to unpaid rates.

The disclosure of this information would be unreasonable because the information is sensitive / confidential and is not a matter of public knowledge.

2. Accordingly, on the basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

## RECOMMENDATION

That Council:

1. Supports the progression of the following properties to S184 sale of properties for unpaid rates:

Rate Assessment # A9485 – 7 Ann Street, KALANGADOO

Rate Assessment # A8176 – 41 Brown Street, MOUNT BURR

Rate Assessment # A12584 – 2-4 Elder Street, KALANGADOO

Rate Assessment # A9229 – 13 Sutton Road, KALANGADOO

## RECOMMENDATION

1. Pursuant to Section 91(7) of the *Local Government Act, 1999* Council orders that the following documents (or Part) shall be kept confidential being documents (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(a) of the Act:

- **The Attachment of Item No. 19.1**

On the grounds that the document contains:

Information the disclosure of which would involve the unreasonable disclosure or information concerning the personal affairs of any person (living or dead).

Specifically, the present matter relates to information pertaining to unpaid rates.

The disclosure of this information would be unreasonable because the information is sensitive / confidential and is not a matter of public knowledge.

This order shall operate **until further order of the Council** and will be reviewed at least annually in accordance with the Act.

2. Pursuant to Section 91(9)(c) of the Act, the Council delegations to the Chief Executive Officer the power to revoke this order and must advise the Council of the revocation of this order as soon as possible after such revocation has occurred

## Background & Analysis

This report provides an update as to how many properties are in excess of 3 years behind in their rate payments and recommends the progress of a number of properties to Section 184 sale of property for non-payment of rates.

By way of background, Section 184 (1) of the *Local Government Act 1999* (the Act) provides Council with the ability to sell land (including any building, structure or improvement) to recover unpaid rates, if an amount payable by way of rates in respect of the land has been in arrears for more than three (3) years.

Council staff have previously presented an annual updated report on the number of properties that are 3 years or greater in arrears. As at mid-December 2018, Council has 21 properties (totalling \$152,678) that are in excess of 3 years in arrears. Of the 21 properties:

- 9 properties (totalling \$88,181), are currently progressing through the Section 184 process which commenced in April 2018;
- 1 property (totalling \$7,049) is currently being deferred under the provisions of Section 182A postponement of rates for seniors;
- 1 property (totalling \$10,137) has recently sold and settlement cheque is pending.
- 1 property (totalling \$8,695) hardship application – payments happening
- 8 properties (totalling \$38,449) could be progressed to Section 184 process at the completion of current process.

Due to legalities and technicalities of undertaking the section 184 sale of properties, Council Staff will continue to utilise Norman Waterhouse Lawyers to progress these matters.

## Risk Management

Low risks have been identified and will be addressed at an operational level.

## Policy Considerations

Hardship Policy (for Residential Customers of Minor and Intermediate Retailers)

## Financial Implications

	2018/2019 Approved Budget (ex GST) \$	2018/2019 Budget Spent (ex-GST) \$	This Proposal (ex GST) \$	2018/19 Total (Ex GST) \$	Variance to Approved Budget (ex GST) \$
Revenue	\$-	\$0	\$0	\$0	
Expense	\$15,000	\$633	\$0	\$14,367	
Net Result	\$15,000	\$633	\$0	\$14,367	

## Legislative Implications

Section 184 & 185 *Local Government Act*.

## Environmental/Sustainability Impacts

There are no known environmental or sustainability impacts related to these matters.