

# CONFIDENTIAL



|               |   |            |            |
|---------------|---|------------|------------|
| REPORT FOR:   | <b>Council</b>  |            |            |
| MEETING DATE: | 23 March 2015   |            |            |
| REPORT FROM:  | Manager – Rates & Property                                      |            |            |
| REPORT TITLE: | <b>Arrears of Rates – Sale of Land for Non-payment of Rates</b> |            |            |
| FILE NAME:    | F14/557   | RECORD NO: | AR15/10373 |

## COMMUNITY VISION & STRATEGIC PLAN OBJECTIVE/S

### **6 We Achieve**

- 6.1 We deliver excellent services through good governance and compliance.
- 6.2 Our financial and physical resources are managed and evaluated to ensure community financial sustainability is achieved.

## **PURPOSE**

1. To inform Council of the amount of unpaid rates that are currently impacting on the revenue cash flow of the Council.
2. In order that the issue may be addressed, this report provides Council with information pertaining to the PROVISIONS contained in Section 184 of the Local Government Act 1999 that empowers a Council to sell land for non-payment of rates when rates in respect of land have been in arrears for three (3) years or more.
3. A schedule of lands where rates have been in arrears for three years or more has been prepared and is attached to this Report. **[Refer attachment 1 – AR15/10378]**

## **RECOMMENDATION**

### **It is recommended:**

1. Council receives and adopts the Report AR15/10373 entitled "Arrears of Rates – Sale of Land for Non-Payment of Rates".
2. As rates in respect of the following lands –

|                |   |
|----------------|---|
| Assessment 19  | Allotment 3 Deposited Plan 2355 Port Augusta - Certificate of Title 5308/954<br>Allotment 41 Deposited Plan 2355 Port Augusta - Certificate of Title 5125/993 |
| Assessment 336 | Allotment 12 Deposited Plan 2355 Port Augusta - Certificate of Title 5215/690   |
| Assessment 415 | Allotment 31 Deposited Plan 2355 Port Augusta - Certificate of Title 5784/267   |

|                         |   |
|-------------------------|---|
| Assessment 794          | Section 603 Hundred of Davenport - Certificate of Title 5458/321  |
| Assessment 1080         | Allotments 1 & 2 Deposited Plan 2358 Hundred of Davenport - Certificate of Title 5817/60  |
| Assessment 1145         | Allotment 269 Filed Plan 17455 Port Augusta - Certificate of Title 5331/897   |
| Assessment 1148         | Allotment 262 Filed Plan 17455 Port Augusta - Certificate of Title 5400/709   |
| Assessment 1169         | Allotment 12 Deposited Plan 2848 Port Augusta - Certificate of Title 5680/415<br>Allotment 13 Deposited Plan 2848 Port Augusta - Certificate of Title 5678/234  |
| Assessment 1715         | Allotment 229 Deposit Plan 6109 Port Augusta - Certificate of Title 5511/327  |
| Assessment 1335         | Section 1135 Hundred of Davenport - Certificate of Title 5421/899   |
| Assessment 1336         | Section 1134 Hundred of Davenport - Certificate of Title 5475/596   |
| Assessment 1754         | Allotment 35 Deposited Plan 4742 Port Augusta - Certificate of Title 5894/808   |
| Assessment 1758         | Allotment 4 Deposited Plan 4742 - Certificate of Title 5620/315   |
| Assessment 1784         | Allotment 43 Deposited Plan 4742 - Certificate of Title 5334/18   |
| Assessment 1936         | Section 223 Hundred of Davenport - Certificate of Title 5836/308  |
| Assessment 1955         | Section 188 Hundred of Davenport - Certificate of Title 5837/505  |
| Assessment 2000         | Allotment 92 Filed Plan 162290 Stirling North - Certificate of Title 5300/852   |
| Assessment 10057        | Allotment 793 Filed Plan 186495 Stirling North - Certificate of Title 5706/123  |
| Assessment 2038         | Allotment 76 Filed Plan 186466 Stirling North - Certificate of Title 5829/594   |
| Assessment 2151         | Allotments 93 Deposited Plan 12 Stirling North )<br>Allotment 116 Deposited Plan 12 Stirling North ) all comprised in Certificate of Title 5847/682<br>Allotment 117 Deposited Plan 12 Stirling North ) |
| Assessment 2776         | Allotment 29 Deposited Plan 2371 in the area named Wami Kata Hundred of Davenport -<br>Certificate of Title 5497/242  |
| Assessment 2889         | Section 126 Hundred Winninowie - Certificate of Title 5773/525  |
| Assessment 3002         | Allotment 97 Filed Plan 17364 Stirling North - Certificate of Title 5158/521  |
| Assessment 3228         | Allotment 331 Filed Plan 186033 Port Augusta - Certificate of Title 5742/157  |
| Assessment 3345         | Allotment 16 Deposited Plan 1095 Port Augusta - Certificate of Title 5939/639   |
| Assessment 3445         | Allotment 43 Deposited Plan 997 Port Augusta - Certificate of Title 5824/404  |
| Assessment 3604         | Allotment 9 Deposited Plan 976 Port Augusta - Certificate of Title 5286/947<br>Allotment 10 Deposited Plan 976 Port Augusta - Certificate of Title 5286/397   |
| Assessment 3746         | Allotment 6 Deposited Plan 982 Port Augusta - Certificate of Title 5773/778   |
| Assessments 5607 & 5609 | Allotment 126 Deposited Plan 9026 Port Augusta - Certificate of Title 5886/402  |
| Assessment 5850         | Allotment 115 Deposited Plan 9026 Port Augusta - Certificate of Title 5868/674  |
| Assessment 5900         | Allotment 92 Deposit Plan 6111 Port Augusta - Certificate of Title 5603/490   |
| Assessment 6496         | Allotment 758 Town Plan 540201 Port Augusta West - Certificate of Title 6118/583  |

|                            |   |
|----------------------------|---|
| Assessment 6684            | Allotments 1 & 2 Deposited Plan 1011 Port Augusta West - Certificate of Title 5695/443    |
| Assessment 6688            | Allotments 1,2,3,4 Town of Port Augusta West - Certificate of Title 5845/438              |
| Assessment 9026            | Allotment 30 Deposit Plan 42018 Hundred Davenport - Certificate of Title 5272/175         |
| Assessment 9549            | Allotment 131 Deposit Plan 658 Stirling North - Certificate of Title 5558/984             |
| Assessment 9936            | Allotment 50 Filed Plan 218998 Port Augusta - Certificate of Title 5934/439               |
| Assessment 10002           | Allotment 98 Filed Plan 214523 Port Augusta West - Certificate of Title 5620/115          |
| Assessment 1984            | Allotment 36 Filed Plan 10104 Port Augusta - Certificate of Title 5486/928                |
| Assessment 2669            | Allotment 2 Deposited Plan 17557 area named Port Auagusta - Certificate of Title 5773/176 |
| Assessment 4908            | Allotment 288 Filed Plan 185990 Port Augusta - Certificate of Title 5694/262              |
| Assessment 4935            | Allotment 281 Filed Plan 185983 Port Augusta - Certificate of Title 5793/553              |
| Assessment 5043            | Allotment 136 Deposited Plan 1209 Port Augusta - Certificate of Title 5273/399            |
| Assessments 5804 and 10311 | Allotment 17 Deposited Plan 6112 Port Augusta - Certificate of Title 5208/680             |
| Assessment 9226            | Allotment 1 Deposited Plan 20595 Hundred Davenport - Certificate of Title 5450/178        |

have been in arrears for a period of three (3) years or more, Council give notice pursuant to Section 184 of the Local Government Act 1999 to the principal ratepayers, owners and registered mortgagees of these lands, of the intention of Council to sell the land unless the amount of the total liability for rates presently outstanding in relation to the land, **is paid in full within one month** of service of the Notice; and,

where the address of persons to whom a notice is to be sent is unknown, Council effect service of the Notice by placing a copy of the Notice in the Advertiser Newspaper and placing a copy of the Notice in a conspicuous place on the land.

3. That Council engage Solicitors to undertake processes as detailed on the report titled 'Arrears of Rates – Sale of Land for Non-payment of Rates' dated 17/03/2015, pertaining to the sale and auction processes relating to sale of land for non-payment of rates.
4. That Council delegate to the Chief Executive Officer of Council the responsibility to -
  - Determine when it is unlikely that Notices required by Sections 184(2) and 184(3) would come to the attention of person/s to whom they are to be sent;
  - Determine a reserve price for land to be sold at auction for non-payment of rates pursuant to Section 184(6) of the Act;
  - Determine the date and locality of the Auction;
  - Appoint an auctioneer;
  - Sell land by private contract if the auction fails;
  - Appoint a solicitor to undertake processes as deemed necessary in relation to matters pertaining to the sale of land for non-payment of rates.

## **BACKGROUND**

Note:

- i) Throughout this Report the words 'the Act' will refer to the Local Government Act 1999.
  - ii) Pursuant to Section 155(9) of the Act, service charges imposed by a Council are recoverable as if they were a rate – therefore in this report no differentiation has been made and all rates and service charges are included in the term 'rates'
1. Rate Trial Balance on 09/03/2015 indicated that arrears of rates currently total \$893,168.17.
  2. Reasons for the unpaid rates vary and include:
    - some vacant land has been abandoned by owners who no longer wish to pay rates on low value land that they are unable to sell either because of the undesirable location or planning zone;
    - deceased estates being wound-up without inclusion of the land now proposed to be sold;
    - owners that cannot be located;
    - exhaustion of legal recovery action that had become uneconomic to pursue;
    - the failure of an owner to increase payments to meet the annual rate liability;
    - in one instance – refusal of the owner to pay rates on a number of assessments due to a dispute with council.
  3. The legislative processes to be followed when selling land for non-payment of rates have been described below in three (3) steps –
    - STEP 1 – Serving the initial Notice advising of Council's intent to sell the land unless arrears are paid in full; (the Notice)
    - STEP 2 – Selling the land by auction;
    - STEP 3 – Procedure where Council cannot sell the land.

## **DISCUSSION**

1. Section 184(1) of the Act provides that:

*"If an amount payable by way of rates in respect of land has been in arrears for three years or more, the council may sell the land"*

The Act quite clearly provides Council with the power to sell land when rates are a minimum of three years in arrears.

The following points of discussion in this report will inform Council of the processes that must be followed once a decision is made by Council to sell land for non-payment of rates.

### **STEP 1:**

2. Section 184(2) requires that:

*"Before a council sells land in pursuance to this section, it must send a notice to the principal ratepayer at the address appearing in the assessment record-*

- (a) *stating the period for which the rates have been in arrears; and*
- (b) *stating the amount of the total liability for rates presently outstanding in relation to the land; and*
- (c) *stating that if that amount is not paid in full within one month of service of the notice (or such longer time as the council may allow), the council intends to sell the land for non-payment of rates."*

- 2.1 Establishing and determining the period for which rates have been in arrears has been a laborious and time consuming process, principally because Council computer software does not produce a report that sets out the following process as provided by Section 183 of the Act:

*"If a Council receives or recovers an amount in respect of rates, the amount will be applied as follows:*

- (a) Firstly – in payment of any costs awarded to, or recoverable by, the council in any court proceedings undertaken by the council for recovery of the rates;*
- (b) Secondly – in satisfaction of any liability for interest;*
- (c) Thirdly – in payment of any fine;*
- (d) Fourthly – in satisfaction of liabilities for rates in the order in which those liabilities arose."*

The computer receipting process complies with this requirement, but does not retain the accumulative totals to enable a subsequent report to be obtained. It has therefore been necessary to manually compile this level of detail for each assessment.

Additionally, as each of the four annual instalments of rates fall into arrears following their individual due dates, it is a principal requirement to determine and state on notices pertaining to Section 184 of the Act "the period for which the rates have been in arrears" – not just the financial year that the arrears occurred – but the actual due date of the instalment that they first fell into arrears.

**[Example – Refer Attachment 2 -AR15/10382]**

- 2.2 Refer S184(2)(c) – The Act requires that an owner be given one month from service of the Notice to pay the arrears in full – or – such longer time as the council may allow.

Council may determine to allow longer than one month to pay the arrears in full.

- 2.3 With over-the-counter receipting we are able to 'flag' the land to be sold for non-payment of rates so that payments less than the total amount outstanding is not receipted, however, with rate payments being able to be made through a variety of external agencies (eg: BPay & Australia Post) and through other electronic transfers (eg: Centrepay & e-Services) it is not possible to control part payments. Council IT Manager consulted the Council software providers regarding this issue and were advised they are unable to prevent the electronic payments from being brought into our system. It will therefore be necessary for the electronic payment schedules to be manually scanned each day to ensure that part payments are not accepted and receipted.

However, acceptance and receipting of part payments, if they are sufficient to reduce the amount outstanding to less than the requisite three years, could have the effect of stopping the sale of the land.

3. Section 184(3) requires that a copy of the Notice sent to a principal ratepayer must also be sent to any other owner of the land who is not the principal ratepayer and to any registered mortgagee of the land.

- 3.1 All Certificates of Title to the lands described on the Schedule have been purchased from the Lands Titles Office in order to enable compliance with this requirement and also to ascertain if any other encumbrance has been noted.

4. Section 184(4) requires that where names and addresses of persons required to be given the Notice is not known, then notice may be given in a newspaper circulating throughout the State and leaving a copy of the Notice in a conspicuous place on the land.
  - 4.1 A newspaper circulating throughout the State will need to be the Advertiser as local regional papers could not be considered to circulate throughout the State.
  - 4.2 The assistance of an employee in Infrastructure will be needed to determine the locality of some of the vacant land & also with installing iron droppers on which to affix the notice.

5. Section 184(5) then provides that:

*"If the outstanding amount is not paid in full within the time allowed under subsection (2), the council may proceed to have the land sold."*

#### **STEP 2 - AUCTION:**

6. Section 184(6) requires that the sale must be by public auction and that Council can set a reserve price.
  - 6.1 Should it be Council decision to set a reserve price – then the reserve price would need to be determined in confidence so as not to compromise the auction or, Council could choose to delegate the setting of a reserve price to the Chief Executive Officer of the Council.  
Should land not meet the reserve price at auction, Council would still have the ability to negotiate with the highest bidder  
Council has a moral obligation to obtain the best price that it can reasonably obtain and in fact Section 184(10) places this obligation on the Council
  - 6.2 Location of the Auction – Adelaide or Port Augusta?
  - 6.3 Building in which to conduct the auction?
  - 6.4 Appointment of an Auctioneer:
    - 6.4.1 Enquiries today have revealed that known Port Augusta auctioneers are:
      - Greg Kipling – Raine & Horne
      - Michael Rowbottom – Century 21
      - Graham Jones – Elders
 It is suggested that each be invited to submit a quotation for their services and the Chief Executive Officer be delegated authority to appoint.
7. The Auction must be advertised on at least two (2) separate occasions in a newspaper circulating throughout the State – Section 184(8).
8. Section 184(9) provides:
 

*"If, before the date of such an auction, the outstanding amount and the costs incurred by the council in proceeding under this section are paid to the council, the council must call off the auction".*
9. Section 184(10) states:
 

*"If –*  
 (a) *an auction fails; or*  
 (b) (N/A) [This clause refers to land held from the Crown under lease or licence]  
*the council may sell the land by private contract for the best price that it can reasonably obtain.*

10. Section 184(11) specifies that:

*“Any money received in respect of the sale of land under this section will be applied as follows:*

- (a) Firstly – in paying the costs of the sale and any other costs incurred in proceeding under this section;*
- (b) secondly – in discharging any liabilities to the council in respect of the land;*
- (c) thirdly – in discharging any liability to the Crown for rates, charges or taxes, or any prescribed liability to the Crown in respect of the land;*
- (d) fourthly – in discharging any liabilities secured by registered mortgages, encumbrances or charges;*
- (e) fifthly – in discharging any other mortgages, encumbrances and charges of which the council has notice;*
- (f) sixthly – in payment to the owner of the land.*

10.1.1 If an owner cannot be found, any amount payable to the owner must be dealt with as unclaimed money under the Unclaimed Moneys Act 1891.

11. Subsections (13) to (16) of Section 184 pertain to transfer of the land following sale and provide administrative detail & processes.

**STEP 3 – PROCEDURE WHERE COUNCIL CANNOT SELL LAND:**

12. Section 185 of the Act provides that –

*(1) “If after a council has made reasonable attempts to sell land on account of arrears of rates it appears that the council has no reasonable prospect of selling the land within a reasonable time, or if the current valuation of land under this Part is less than the amount of outstanding rates, the council may apply to the Minister who is responsible for the administration of the Crown Lands Act 1929 for an order under this section”.*

12.1 The provisions of Section 185 further describe the processes that apply in asking the Minister to accept transfer to the Crown of lands that cannot be sold.

12.2 In the eventuality that this section is necessary a further report will be presented to Council to determine this matter as specific resolutions will be required.

13. **Further matters that Council need to consider:**

13.1 From the details of this report, Council would now have an understanding that the sale of land for non-payment of rates is onerous, time consuming and legalistic by nature.

13.2 To sell land on which is located an occupied residence also creates an added complication.

13.3 Former Hudson lawyer (Janelle Wilsch) advised that a very high percentage of overdue rates on occupied residential land are paid by either the owner or the mortgagee prior to an auction, however when the sale of residential land is required there are additional considerations.

13.4 Where dwellings are occupied by an owner or a tenant, Council may auction the land with the owner or tenant in residence and it would then be the responsibility of the purchaser to obtain a court order to enable possession of the land to be obtained.  
The Council does not have any powers available to it to apply to the Court to have any occupiers evicted.

- 13.5 However, please note that recent conversations with both solicitors and land agents in regard to this aspect all expressed the opinion that not providing vacant possession will likely reduce the selling price of the land.

It is possible to apply for a warrant to enter the land for the purpose of inspection.

- 13.6 It is considered desirable that a solicitor familiar with the provisions of Section 184 of the Act be employed to undertake the processes as set out in Step 2 of this Report. To facilitate a decision on outsourcing this process, three solicitors have been requested to provide Council with a quotation for their services – eg:

- Felice D’Agostino – Solicitor/Partner at Norman Waterhouse
- Janelle Scott (nee Wilsch) – (formerly with Hudson Lawyer) – but now Solicitor/Director of both Scott Lawyers and Kemps Credit Solutions.
- Hudson Lawyers – who are Solicitors to our debt collection agency, National Credit Management Limited

As at this date final quotations have not been received.

- 13.7 Now that all titles and details required for the initial Notices (STEP 1), have been obtained, it would be cost effective for these Notices to be issued from the Council office by rating staff.

### **CONFIDENTIALITY PROVISIONS**

Section 90(3)(a) of the Act provides:

*“information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)”*

Subsection 90(9) includes in the definition of personal affairs “financial affairs”

This report and the attachment schedule reveal the fact that money is owed to the Council, and it is the opinion of Felice D’Agostino, Solicitor at Norman Waterhouse that this report meets the test of ‘unreasonable’ disclosure.

It is therefore recommended that Council resolve:

“That Council -

- is satisfied that, pursuant to Section 90(3)(a) of the Local Government Act 1999, that the information received, discussed and considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of persons both living and dead; and,
- is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed.”

It is also recommended that Council maintains the confidential provisions as outlined above until 23 March 2025.

### **RISK MANAGEMENT**

#### **1: Financial/Budget**

- 1.1 Undoubtedly sale of much of the vacant land with long term arrears will not recoup either the rates that are outstanding or the cost of the sale. However there is a provision in the financial statements of \$130,000 for doubtful debts that will off-set some of the rates that must ultimately be written-off as a bad debt.



- 1.2 In all probability if occupied land is sold for non-payment of rates both rates and costs incurred in the sale of the land are likely to be recovered.
- 1.3 Recovery of outstanding rates would be beneficial to cash flow and reduce the overdraft costs and expenses.

## **2: Legal**

This report has been reviewed by Felice D'Agostino, Solicitor at Norman Waterhouse, for legal accuracy and/or additional comment.

## **3: Environment**

N/A

## **4: Community**

### 4.1 General

Sale of Land for non-payment of rates in most instances creates/causes adverse comments within the community.

Refer media and social media comments obtained several years ago following a Sunday Mail article concerning a proposed metropolitan council sale of land for non-payment of rates. **[Attachment 3 – AR15/10384]**

Should Council determine to proceed with the option of a sale pursuant to Section 184 of the Act, then a media release to address the Council reasons for the necessity of the sale would be advisable.

### 4.2 OPAL Program

N/A

**PHYLLIS ROBINSON**  
**17/03/2015**

Attach 1

REPORT - ARREARS OF RATES - SALE OF LAND FOR  
ATTACHMENT 1

SCHEDULE OF LANDS WHERE RATES HAVE BEEN IN ARREARS FOR THREE YEARS OR MORE

- SHEET 1 -

| Ass No:<br>Valuation No: | Description of Land  | Period for which<br>rates have been<br>in arrears | Amount of the<br>Total Liability for<br>Rates Outstanding<br>as at 20/02/2015 | Improvements<br>as listed by<br>Valuer-General   | Valuer-General's<br>Capital Value |
|--------------------------|--|---|---|--|-----------------------------------|
| 19<br>66/14169/08/3      | Allotment 3 Deposited Plan 2355 Port Augusta<br>Certificate of Title 5308/954<br>Allotment 41 Deposited Plan 2355 Port Augusta<br>Certificate of Title 5125/993  | 3/09/1999<br>to<br>5/03/2015                      | \$21,234.26   | 5H IG<br>eg: 5 Room House &<br>Iron Garage       | \$123,000                         |
| 336<br>66/14160/00/6     | Allotment 12 Deposited Plan 2355 Port Augusta<br>Certificate of Title 5215/690   | 07/06/2008<br>to<br>5/03/2015                     | \$9,957.11  | 5H   | \$127,000                         |
| 1145<br>66/12780/00/9    | Allotment 269 Filed Plan 17455 Port Augusta<br>Certificate of Title 5331/897   | 5/12/2008<br>to<br>5/03/2015                      | \$10,408.02   | 5H DIG<br>eg: 5 Room House<br>Double Iron Garage | \$40,000                          |
| 1148<br>66/12760/00/8    | Allotment 262 Filed Plan 17455 Port Augusta<br>Certificate of Title 5400/709   | 3/06/2011<br>to<br>5/03/2015                      | \$7,992.14  | 5H CP  | \$152,000                         |
| 1169<br>66/13432/20/9    | Allotment 12 Deposited Plan 2848 Port Augusta<br>Certificate of Title 5680/415<br>Allotment 13 Deposited Plan 2848 Port Augusta<br>Certificate of Title 5678/234 | 18/09/2008<br>to<br>5/03/2015                     | \$18,617.04   | 6H IGS<br>eg: 6 Room House<br>Iron Garages       | \$210,000                         |
| 1335<br>66/13847/00/9    | Section 1135 Hundred Plan 330600 Hundred Davenport<br>Certificate of Title 5421/899  | 30/09/2011 to<br>5/03/2015                        | \$13,979.74   | 7H RM DIG IG                                     | \$315,000                         |
| 1336<br>66/13846/00/6    | Section 1134 Hundred of Davenport<br>Certificate of Title 5475/596   | 30/09/2011 to<br>5/03/2015                        | \$13,628.56   | WKSHOP 2 DIGS                                    | \$210,000                         |
| 1715<br>66/16017/00/0    | Allotment 229 Deposited Plan 6109 Port Augusta<br>Certificate of Title 5511/327  | 6/12/2011<br>to<br>5/03/2015                      | \$9,304.44  | 5H DIG CP RV                                     | \$187,000                         |

- SHEET 2 -

|                       |  |                            |            |   |           |
|-----------------------|--|----------------------------|------------|---|-----------|
| 1754<br>66/16128/00/* | Allotment 35 Deposited Plan 4742 Port Augusta<br>Certificate of Title 5894/808 | 03/12/2010 to<br>5/03/2015 | \$9,848.45 | 5H WS CP<br>EG: 5 Room House<br>Workshop<br>Carport | \$161,000 |
|-----------------------|--|----------------------------|------------|---|-----------|

|  |   |  |                          |  |                        |
|--|---|--|--------------------------|--|------------------------|
| 1758<br>66/16138/00/5                          | Allotment 4 Deposited Plan 4742<br>Certificate of Title 5620/315  | 30/09/2011 to<br>5/03/2015                             | \$7,818.70               | 5H IG RV CP<br>eg: 5 Room House<br>Iron Garage<br>Return Verandah<br>Carport | \$120,000              |
| 1784<br>66/16109/00/1                          | Allotment 43 Deposited Plan 4742<br>Certificate of Title 5334/18  | 03/03/2010 to<br>5/03/2015                             | \$8,173.83               | 5H DIG CP  | \$119,000              |
| 2000<br>66/16932/00/6                          | Allotment 92 Filed Plan 162290 Stirling North<br>Certificate of Title 5300/852  | 24/09/2010 to<br>5/03/2015                             | \$6,776.68               | Vacant Land  | \$65,000               |
| 10057<br>66/16931/00/3                         | Allotment 793 Filed Plan 186495 Stirling North<br>Certificate of Title 5706/123   | 24/09/2010 to<br>5/03/2015                             | \$8,241.30               | Vacant Land  | \$85,000               |
| 3002<br>66/16428/00/3                          | Allotment 97 Filed Plan 17364 Stirling North<br>Certificate of Title 5158/521   | 16/12/2011 to<br>5/03/2015                             | \$7,259.71               | 5H IG  | \$124,000              |
| 3228<br>66/10072/00/9                          | Allotment 331 Filed Plan 186033 Port Augusta<br>Certificate of Title 5742/157   | 30/09/2011 to<br>5/03/2015                             | \$7,635.47               | 4H IG RV   | \$136,000              |
| 3445<br>66/13115/00/0                          | Allotment 43 Deposited Plan 997 Port Augusta<br>Certificate of Title 5824/404   | 21/09/2009 to<br>5/03/2015                             | \$10,250.53              | 5H   | \$62,000               |
| 3604<br>66/13049/00/7                          | Allotment 9 Deposited Plan 976 Port Augusta<br>Certificate of Title 5286/947<br>Allotment 10 Deposited Plan 975 Port Augusta<br>Certificate of Title 5286/397 | 04/06/2003 to<br>5/03/2015                             | \$17,672.04              | 4H IG  | \$180,000              |
| 3746<br>66/13406/00/0                          | Allotment 6 Deposited Plan 982 Port Augusta<br>Certificate of Title 5773/778  | 24/09/2010 to<br>5/03/2015                             | \$8,200.27               | 5H CP  | \$148,000              |
| - SHEET 3 -                                    |   |  |                          |  |                        |
| 5607<br>66/15602/00/5<br>5609<br>66/15601/00/2 | Allotment 126 Deposited Plan 9026 Port Augusta<br>Certificate of Title 5886/402   | 5/03/2009 to<br>5/03/2015<br>5/03/2009 to<br>5/03/2015 | \$9,815.98<br>\$9,874.46 | 5H<br>5H   | \$112,000<br>\$112,000 |
| 5850<br>66/15660/50/4                          | Allotment 115 Deposited Plan 9026 Port Augusta<br>Certificate of Title 5868/674   | 30/03/2011 to<br>05/03/2015                            | \$10,919.90              | 4H   | \$215,000              |

|   |  |   |                           |   |                        |
|---|--|---|---------------------------|---|------------------------|
| 5900<br>66/15692/50/6                           | Allotment 92 Deposited Plan 6111 Port Augusta<br>Certificate of Title 5603/490   | 03/12/2006 to<br>5/03/2015                              | \$14,643.89               | 10H IG  | \$210,000              |
| 6496<br>66/11406/00/7                           | Allotment 758 Town Plan 540201 Port Augusta West<br>Certificate of Title 6118/583  | 16/12/2011 to<br>5/03/2015                              | \$5,091.41                | 5H DIG CP AGSP<br>(eg: Above Ground<br>Swimming Pool) | \$220,000              |
| 9026<br>66/25245/05/6                           | Allotment 30 Deposited Plan 42018<br>in the area named Stirling North Hundred Davenport<br>Certificate of Title 5272/175 | 01/03/2006 to<br>5/03/2015                              | \$14,285.92               | 4H  | \$110,000              |
| 9549<br>66/16593/00/8                           | Allotment 131 Deposit Plan 658 Stirling North<br>Certificate of Title 5558/984   | 07/12/2007 to<br>5/03/2015                              | \$14,137.41               | 5H RV   | \$205,000              |
| 1984<br>66/16063/00/7                           | Allotment 36 Filed Plan 10104 Port Augusta<br>Certificate of Title 5486/928  | 28/09/2007 to<br>5/03/2015                              | \$9,568.12                | LAND  | \$10,000               |
| 2669<br>66/25032/05/0                           | Allotment 2 Deposited Plan 17557 area named Port Augusta<br>Certificate of Title 5773/176                                | 24-09-2010 to<br>5/03/2015                              | \$19,462.51               | SHEDS   | \$240,000              |
| 4908<br>66/14767/00/0                           | Allotment 288 Filed Plan 185990 Port Augusta<br>Certificate of Title 5684/262  | 03-06-2010 to<br>5/03/2015                              | \$8,153.81                | 4H - ROOM & G   | 105,000                |
| 4935<br>66/14903/00/9                           | Allotment 281 Filed Plan 185983 Port Augusta<br>Certificate of Title 5793/553  | 05/06/2009 to<br>5/03/2015                              | \$13,742.03               | 5H CP   | \$154,000              |
| 5043<br>66/14870/00/8                           | Allotment 136 Deposited Plan 1209 Port Augusta<br>Certificate of Title 5273/399  | 05/12/2008 to<br>5/03/2015                              | \$12,701.03               |   | \$105,000              |
| - SHEET 4 -                                     |  |   |                           |   |                        |
| 5804<br>66/15619/00/*<br>10311<br>66/15618/00/7 | Allotment 17 Deposited Plan 6112 Port Augusta<br>Certificate of Title 5208/680   | 5/12/2008 to<br>5/03/2015<br>24/09/2010 to<br>5/03/2015 | \$12,795.96<br>\$9,529.96 | 5H<br>5H  | \$112,000<br>\$112,000 |
| 9226<br>66/25232/05/2                           | Allotment 1 Deposited Plan 20595<br>area named Stirling North Hundred Davenport<br>Certificate of Title 5450/178         | 03/03/2010 to<br>5/03/2015                              | \$6,410.10                | LAND  | \$163,000              |
| <b>TOTAL</b>                                    |  |   | <b>\$368,232.78</b>       |   |                        |

|                       |  |                            |             |             |           |
|-----------------------|--|----------------------------|-------------|-------------|-----------|
| 415<br>66/14178/00/3  | Allotment 31 Deposited Plan 2355 Port Augusta<br>Certificate of Title 5784/267   | 1/07/2003 to<br>5/03/2015  | \$15,294.95 | Vacant Land | \$44,000  |
| 794<br>66/12830/00/2  | Section 603 Hundred of Davenport<br>Certificate of Title 5458/321  | 30/06/1999 to<br>5/03/2015 | \$32,555.67 | Vacant Land | \$6,000   |
| 1080<br>66/25129/00/4 | Allotments 1 & 2 Deposited Plan 2358 Hundred of Davenport<br>Certificate of Title 5817/60  | 01/07/1990 to<br>5/03/2015 | \$33,185.45 | Vacant Land | \$1,000   |
| 1936<br>66/25050/00/5 | Section 223 Hundred of Davenport<br>Certificate of Title 5836/308  | 06/09/2002 to<br>5/03/2015 | \$16,774.59 | Water       | \$4,500   |
| 1955<br>66/25032/50/1 | Section 188 Hundred of Davenport<br>Certificate of Title 5837/505  | 30/06/1988 to<br>5/03/2015 | \$27,316.05 | Vacant Land | \$6,300   |
| 2038<br>66/17071/00/9 | Allotment 764 Filed Plan 186466 Stirling North<br>Certificate of Title 5829/594  | 30/06/1990 to<br>5/03/2015 | \$77,585.81 | Vacant Land | \$105,000 |
| 2151<br>66/16956/00/8 | Allotments 93 Deposit Plan 12<br>Allotment 116 Deposit Plan 12<br>Allotment 117 Deposit Plan 12<br>Certificate of Title 5847/682 | 06/06/1992 to<br>5/03/2015 | \$88,486.18 | Vacant Land | \$220,000 |
| <b>- SHEET 5 -</b>    |  |                            |             |             |           |
| 2776<br>66/25359/00/2 | Allotment 29 Deposited Plan 2371<br>in the area named Wami Kata Hundred Davenport<br>Certificate of Title 5497/242               | 03/12/2010 to<br>5/03/2015 | \$5,758.93  | Vacant Land | \$3,600   |
| 2889<br>66/25723/00/3 | Section 126 Hundred Winninowie<br>Certificate of Title 5773/525  | 28/09/2007 to<br>5/03/2015 | \$7,337.94  | Land        | \$1,100   |
| 3345<br>66/10310/00/3 | Allotment 16 Deposited Plan 1095 Port Augusta<br>Certificate of Title 5939/639   | 30/06/1996 to<br>5/03/2015 | \$25,210.64 | Land        | \$1,000   |
| 6684<br>66/10370/00/6 | Allotments 1 & 2 Deposited Plan 1011 Port Augusta West<br>Certificate of Title 5695/443  | 30/09/2006 to<br>5/03/2015 | \$11,714.45 | LAND        | \$1,000   |

|               |   |            |                     |              |             |
|---------------|---|------------|---------------------|--------------|-------------|
| 6688          | Allotments 1,2,3,4 Town of Port Augusta West<br>Certificate of Title 5845/438     | 30/06/1995 | \$6,638.19          | LAND - WATER | \$1,800     |
| 66/25006/51/4 |   | 5/03/2015  |                     |              |             |
| 9936          | Allotment 50 Filed Plan 218998 Port Augusta<br>Certificate of Title 5934/439      | 21/09/2009 | \$8,942.65          |              | SV \$10,000 |
| 66/10337/50/5 |   | 05/03/2015 |                     |              |             |
| 10002         | Allotment 98 Filed Plan 214523 Port Augusta West<br>Certificate of Title 5620/115 | 21/09/2009 | \$7,520.06          | LAND         | \$5,000     |
| 66/10366/50/9 |   | 5/03/2015  |                     |              |             |
| <b>TOTAL</b>  |   |            | <b>\$286,735.75</b> |              |             |









Attach 3

# adelaidenow

South Australia

## South Australian councils consider selling up homes of those who won't pay rates

by: Emily Griffiths and  
From: Sunday Mail (S...  
November 03, 2012 10:00 AM

119 comments

Recommend 119 Send 92

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COUNCILS are threatening to take action against properties in outstanding rates.

The measure can be used against properties for more than three years after the rates were last paid.

Playford, Campbelltown, City of Burnside and City of Onkaparinga in *The Advertiser* against rates for 30 days to pay the debts or face legal action.

And other councils have indicated they may follow suit.

A survey of Adelaide council shows that Onkaparinga has 155 properties worth \$240,246, while Port Adelaide has 30 ratepayers who owe \$146,145.

Eighteen ratepayers owe City of Burnside three or more years of rates.

Chief executive Paul D'Almeida is considering the sale of two properties.

"Two (properties) have been identified for sale."

"One of these is expected to be sold to begin the sale process."

The Local Government Association is opposing the measure.

The LGA AGM held last week in Adelaide has not changed its position.

A spokesperson for the Onkaparinga Council said:

"In relation to the four municipalities, we are currently reviewing the situation."

"As the rate payments for the properties have not been collected or legal process."

Norwood Payneham and St Peters Council has a total \$91,360 outstanding on 13 properties.

A council spokesperson said any sale would be a last resort.

"This option to sell the properties by auction, would only be taken by the council ... in extreme circumstances," the spokesperson said.

emily.griffiths@news.com.au (mailto:emily.griffiths@news.com.au) and emma.allschwager@news.com.au (mailto:emma.allschwager@news.com.au)

What's owed

> Council | Rate notices | Amount

Onkaparinga | 155 | \$240,246

Port Adelaide Enfield | 30 | \$146,145

Norwood Payneham and St Peters | 13 | \$91,360

Campbelltown | 18 | \$95,268

Playford | 11 | \$49,134

Burnside | 4 | \$9280

Unley | 5 | \$8958

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South Australian councils are threatening to sell owners' properties to recoup outstanding rates. Source: AdelaideNow

## South Australian councils consider selling up homes of those who won't pay rates

**COUNCILS are threatening to sell owners' properties to recoup thousands of dollars in outstanding rates.**

The measure can be used as a last resort by councils when payment is in arrears for more than three years and owners reject other means of settlement.

Playford, Campbelltown, Cleve and the Coorong Council have lodged public notices in *The Advertiser* against ratepayers who had not paid their bills - and giving them 30 days to pay the debts or face having their property auctioned.

And other councils have indicated they may follow suit.

A survey of Adelaide councils by *Messenger Community News* shows that Onkaparinga has 155 property owners who are over the three-year limit, owing \$240,246, while Port Adelaide Enfield Council has 30 ratepayers who collectively owe \$146,145

Eighteen ratepayers owe Campbelltown \$95,268 in unpaid rates accumulated over three or more years.

Chief executive Paul Di Iulio said the council had begun legal action and was considering the sale of two properties.

"Two (properties) have been referred to lawyers," he said.

"One of these is expected to pay in full and one has not responded to contact made by lawyers. If contact is not made, staff will prepare a report to (the) council seeking a resolution to begin the sale process."

The Local Government Association is lobbying the State Government for an increase in rate concession for poor people to ease pressure on late payers.

The LGA AGM held last week supported a Playford Council motion to "increase pressure" on the State Government to up the concession which was set at \$190 in 2002 and has not changed.

A spokesperson for the Onkaparinga Council would not say if or how many properties the council was considering for forced sale.

Burnside chief executive Paul Deb said the council would consider selling four properties if owners did not respond to legal action to recoup \$9280.

"In relation to the four mentioned previously, the council has commenced debt collection and legal action," he said.

**Comments (120)**

- *Michael of Exeter Posted at 10:31 PM November 03, 2012*

Well stop charging so much for absolutely nothing port adelaide Enfield council are common criminals simple.

Comment 1 of 120

- *Mel Posted at 10:37 PM November 03, 2012*

Or cut off council provided services like water and garbage. People might suddenly decide to pay. Might seem harsh but often it's a case of people just being belligerent and thinking they are above paying rates and not a case of actual hardship. If so they'd most likely lose their homes to the bank if they have a mortgage and are insolvent. Some people have a twisted sense of entitlement.

Comment 2 of 120

- *Given up of the gutter Posted at 10:44 PM November 03, 2012*

Sell my house. I don't care anymore. Can't afford to heat it in winter, can't afford to cool it in summer, can't afford to eat at the kitchen table. Take it. My wife, 2 kids and I will simply live in the car, unregistered as we can't afford that either.

Comment 3 of 120

- *larry Posted at 11:05 PM November 03, 2012*

What next ? Why don't we just execute them along with people who break the road rules, fine evaders and tax dodgers.

Comment 4 of 120

- *FREE Paul Kuhn of the FREE Australia Party Posted at 11:12 PM November 03, 2012*

So. Rates are determined by the CV as determined by the LTO. This goes up every year with the CG. Unfortunately it is extremely unfair in particular to the elderly who are still in their own home they may have bought 50 years ago and have managed to pay it off. The RATES should be set on what you PAY for the property in the first place with an index of the CGI applicable ONLY. This nonsense of out valuing properties based on sales and market area values simply isn't fair! Those people who might have bought there 35 years ago bought it because it was CHEAP at the time. Now its an inner Adelaide property and they are being made to pay for something they had no control over - nor intent. Different if they sell and then move to capitalise, but some of the elderly have spent most of their lives there and are being quite literally

- **Pablo down Woodville.** *Posted at 6:07 AM November 04, 2012*

Selling the property would have to be the last stance. To live in this society, we ALL have to pay something towards the lifestyle, the ones who give no effort or refuse are only bludging on the rest of the community, who are paying, and who must pick up the tab for those who don't pay. Sell I say!

Comment 11 of 120

- **J Arlo of Adelaide** *Posted at 6:09 AM November 04, 2012*

Selling up homes of those in arrears for relatively small amounts (with regard to the total property value), is not right as the cost could well be many multiples of the outstanding amount. If compulsory arbitration fails then put a lien on the property and place them on the bad debtors register. Little measures such as making the property frontage a no parking zone and stopping their waste collection might help too.

Comment 12 of 120

- **Andrew of Reynella** *Posted at 6:14 AM November 04, 2012*

For years now Council's have been fighting to be included in the Australian Constitution. The reason for all this legal action is because technically they do not have the right to collect rates. Imagine the can of worms they will open if they started selling off people's houses. There is too much dead wood in local council and it was their intention to make services more affordable by amalgamating. Instead it has just made things a lot worse and there are people out there who just can not afford the huge increases that have occurred in rates over the last 5 years.

Comment 13 of 120

- **Rob** *Posted at 6:22 AM November 04, 2012*

SA councils need to lower their rates they make too much as it is, more than half of your rates go in councilers pockets and not on the community

Comment 14 of 120

- **Philip Bond of Salisbury** *Posted at 6:26 AM November 04, 2012*

I think our legislative bodies are becoming too big for their own boots. They are becoming monsters. They are there to run the simple tasks that we all require, refuse collection, landscaping for example but now act like a Govt. body, taking money from one source and giving it to another. How much of council tax/rates actually benefits those that pay it, or does it all go into those that don't/won't pay and don't contribute.

Comment 15 of 120

In extreme cases where there is an ability to pay and these people are using council services why not? It's like any other debt. If people cannot afford to pay (e.g. elderly and ill person on pension) then perhaps there should be a debt incurred against the estate but someone who simply refuses to pay should feel the full force of the law. At the same time councils also need to be much more accountable and open about how the money is spent.

Comment 21 of 120

- *Peter of Adelaide Posted at 7:09 AM November 04, 2012*

SA Councils are ripping people off. Time to end the reign of the local council. Too much power, too greedy.

Comment 22 of 120

- *Kim of Adelaide Posted at 7:17 AM November 04, 2012*

Maybe if the rates weren't so high, less people would have trouble paying them

Comment 23 of 120

- *Jason Posted at 7:20 AM November 04, 2012*

Here's a better idea, let's sell the councils. Council fees are like electricity and water invoices. They are a handbrake on society. Amalgamate the councils, reduce the number of people working their, reduce the red tape and this reduces the bills. Our governments at all levels are a joke and they are killing our country.

Comment 24 of 120

- *Goodness To Me! of Melrose Park Posted at 7:43 AM November 04, 2012*

Such a small amount outstanding given the \$'s Councils collect with rates. Maybe rates have become unaffordable or the 'not so urgent' bill to pay for home owners who are struggling out there.

Comment 25 of 120

- *crazy of everywhere Posted at 7:49 AM November 04, 2012*

Why should ratepayers have to cover the shortfall in revenue for those who don't pay. Surely there must be some way these people can pay by installments.

Comment 26 of 120

- *steve of news Posted at 7:50 AM November 04, 2012*

Comment 32 of 120

- *captain-carl Posted at 8:46 AM November 04, 2012*

Council should be helping those who are struggling... not threatening them, shame on you

Comment 33 of 120

- *Big Al from the north Posted at 9:06 AM November 04, 2012*

Well this is proof that morality and community support from Local Government has been overtaken by greed and facination with the holy dollar. Bloody disgusting.

Comment 34 of 120

- *Dave Posted at 9:14 AM November 04, 2012*

Considering that the Australian Constitution does not allow for a third tier of government and the Federal Government has tried a few times to get a legal third level of government through referendums, all times rejected by the voters of Australia, how are councils, who are an illegal level of government, allowed to get away with this and other things?

Comment 35 of 120

- *drecked of nada sorprende Posted at 9:42 AM November 04, 2012*

Those council should be told we can no longer afford them start looking for a job keeping in mind you might have to work for a living !

Comment 36 of 120

- *marco of Mid North Posted at 9:44 AM November 04, 2012*

Council rates are out of control. Mine has increased 60% in real terms (with the over valuing of the property) over just 6 years!!!!!!

Comment 37 of 120

- *Paul Harrington of Morphett Vale Posted at 9:47 AM November 04, 2012*

Councils should leave families alone and let them get on with trying to live in this overtaxed, over governed state. It's a disgrace the councils may have this much power. Their power should be scaled back drastically.

Comment 38 of 120

- *Boris from the South Posted at 10:00 AM November 04, 2012*

rises in 2 years (along with countless above inflation rises) and they wonder why? My rates are just under \$1500 a year for what is a standard suburban home (and we have to pay yearly for the green waste pickup).

Comment 44 of 120

- *Grant of Fairview Park Posted at 10:46 AM November 04, 2012*

Council rates based on house value are intrinsically unfair. We all pay for the same services, why should some people have to pay more for the same services? Sounds like someone needs to do a high court challenge to the whole method

Comment 45 of 120

- *Sickov Councilsum of Adelaide Posted at 10:46 AM November 04, 2012*

The rates debt will always be lower than the value of the house. What happens to the rest of the money? What about the bank? Does the council pay out the remainder of the mortgage for them. I don't understand this at all. The council does bugger all anyway. Just stop emptying the bin. We don't have a footpath, our street is never swept, we all have to mow our own council owned verge. I don't think we get any value from TTG council anyway. Take the councils offices for taking our money, for almost nothing in return.

Comment 46 of 120

- *Carbie Posted at 10:59 AM November 04, 2012*

Any council that has allowed rates to go overdue by more than 3 years suggests to me that they have done little or nothing to try and find out why it hasn't been paid. Selling peoples houses and land is a cop out. They council does not own the land that rates are payable on. By the way the idea of using house valuations to determine council rate liabilities is seriously flawed and desperately needs to be overhauled. I'd suggest that councils over the past few decades have done very well; thanks to the surge in property prices. Money paid essentially for no value by the rate payer - a complete and utter windfall. I wouldn't be surprised if an independant audit into the management of council affairs would uncover massive inefficiencies and questionable monies spent and record keeping.

Comment 47 of 120

- *Matt of Flagstaff Hill Posted at 11:00 AM November 04, 2012*

We should be looking at abolishing a tier of government. At the moment we get slugged 3 times. Perhaps councils should be the tier to go?

Comment 48 of 120



- *nother Mark from the north of Sadelaiide Posted at 11:14 AM November 04, 2012*

Councils can't sell your house, it's unconstitutional.

Comment 55 of 120

- *Alan of SoR Posted at 11:16 AM November 04, 2012*

Maybe if your rates actually got you some services people would be more willing to pay!

Comment 56 of 120

- *wayne of adelaide Posted at 11:30 AM November 04, 2012*

you know why councils are threatening to sell of peoples homes,because they build these big elabrete council chambers,with all the mod cons,buy new fleets of cars every year.instead of spending the money on roads footpaths and infrastructure,they build they big fancy chambers.we are so over governed,federal government and opposition,state government and opposition,and the parasitic councils,we only have a tad over 20 million people in the whole of australia,why do we need so many government bodies,get rid of all councils is what i say

Comment 57 of 120

- *Squatter Inc Posted at 11:30 AM November 04, 2012*

If councils can sell someone's house, that means anybody off the street can do it. What a load of bullocks!! Here come the scammers.

Comment 58 of 120

- *Grant of Fairview Park Posted at 11:34 AM November 04, 2012*

Someone should start a petition to abolish Councils.

Comment 59 of 120

- *Empathy please Posted at 11:38 AM November 04, 2012*

People need to understand the issue here counci's are struggling to pay executive salaries/conditions and fund overseas 'conferences' trips if you dont your rates. Some empathy please.

Comment 60 of 120

- *Ryanthusar Posted at 11:40 AM November 04, 2012*

I can understand why people think that this is a case of overbearing authority; on the surface of it, that is a reasonable presumption. However, in our case we are not oppressing people who are on hard times - we work with people who are in those unfortunate circumstances and find a way through. The properties we are talking about are people who (for reasons known only to them) simply decide that they are different from everyone else and will not pay. After 5+ years of that when everyone else in the community is doing their bit, what else can we do? The power to do this is constitutional and is definitely a power Council has under the Act. I don't know of any Council that has actually done it, but I do know it is a very effective incentive for recalcitrants to have a change of heart.

Comment 66 of 120

- *fred of riverton Posted at 12:00 PM November 04, 2012*

Get rid of State governments they are a costly anachronism not needed any more, all they have done in the last couple of decades is Labour near bankrupt the state, and then the liberal instead of instituting a levy to pay off the state bank they took the stupid option of selling all our utilities which put us into the rapacious hands of multi-nationals which is why we will be paying through the nose for ever more. That would make more sense than selling someone who is battling's house

Comment 67 of 120

- *bryan of the south of hallett cove Posted at 12:03 PM November 04, 2012*

Take heed Liberal and Labor state governments. The fact that you have been asked to remove the blood sucking, family destroying councils will come down heavy on you. COUNCILS, WHO EVER ELECTED ANY OF THEM, WHAT HAVE THEY DONE FOR YOU? Abolish them, get rid of all the departments and tender out the work. This will truly create jobs and small business. Do this state governments for this is the will of the people or YOU will pay the price.

Comment 68 of 120

- *Shirley Posted at 12:04 PM November 04, 2012*

If you need to pay rates and can't, this should make you bankrupt, not homeless! Making people homeless is just going to add pressure to society, and I read a news article recently that contained a study done in NSW that said each homeless person costs the state an average of \$2 million in aid and services over a period of a few years!

Comment 69 of 120

- *fred of adelaide hills Posted at 12:20 PM November 04, 2012*

Seems a bit heavy handed ... sell a \$400,00 house to recoup a \$1,000 council rate ..... Get rid of councils .... they are a threat to our civil liberties !!!

Comment 76 of 120

- *Pierre the wise of Adelaide Posted at 12:54 PM November 04, 2012*

Sell someones \$300,000 House to recover a debt of a few hundred or a few thousand dollars - what sort of mean spirit is this?

Comment 77 of 120

- *Bitter as of Paradise Posted at 12:57 PM November 04, 2012*

I pay my rates,I hate the council,Campbelltown Council,the greediest council in Adelaide building two houses on one block of land,getting two lots of rates for one block.They do nothing except pick up your bins once a week,and even tender that out to contractors.Sure,pay your rates,but councils should NEVER be allowed so much power that they can sell your property out from under you.!!

Comment 78 of 120

- *Paul of Adelaide Posted at 12:57 PM November 04, 2012*

How about the Councils saving some money. For example, do we really need 'Check your speed' stickers everywhere on people's bins? I also agree with other comments- I'd take a good look at this policy under the Constitution.

Comment 79 of 120

- *Tim of Ripoffsville Posted at 1:05 PM November 04, 2012*

Here we go again another unnecessary tier of government that has lost touch of reality. The three levels of government seem to think that the average person has an unlimited supply of money, now that times are getting tight and people can,t afford the exorbitant follies that our money is being spent on. Two of the teirs of government in the last week have suggested taking houses as a punishment for not being able to afford the ever increasing taxes being placed on us. Before the if you can,t afford it argument gets trotted out remember that the average house and corresponding rates has doubled to tripled in the last ten years how many wages have. I believe we need to reappraise our whole system of government and come up with something that delivers what the country needs without the endless bureaucracy drowning us all

Comment 80 of 120

- *Bob Harris of Broadview SA Posted at 1:24 PM November 04, 2012*

Comment 86 of 120

- *Sean of the North Posted at 2:07 PM November 04, 2012*

Here's an idea ALL councils STOP hiring more managers at \$175000+pa and hire more people who ACTUALLY do the work at 20% of the cost. It's like all the basic bills, electricity, water, gas etc, they include a "Service Charge" WHAT BLOODY SERVICE?

Comment 87 of 120

- *Sue of Redwood park Posted at 2:14 PM November 04, 2012*

Why don't we just pay rates on the land, forget what the house looks like!

Comment 88 of 120

- *inspirator Posted at 2:19 PM November 04, 2012*

The question is whether councils have a constitutional right to impose what is a tax on the homeowner. In short, a tax in any unrequited payment or shift in economic value to a government, which the payer has no right to demand any return value therefrom. This would be a good High Court case, not the loon legislation currently at issue. I am tired as a resident of Mawson Lakes being stung \$2000 of rates per year and seeing the continuous decay occurring. As a litmus test, Mawson Lakes fails in incentive for further higher wealth holders to purchase in any proposed premium development projects in the Salisbury Council area, which further feeds into concerns of unacceptable risk for higher wealth holders to participate in regenerating Salisbury Centre as a cosmopolitan hub. I fear Mawson Lakes will suffer longer term decline. This is part of the reason why many community developments will fall well short of promise. These failures will not be the fault of the developers, but by greedy councils who take what is so given for granted, whose members think too much like regular politicians in terms of protecting their own interests at the expense of the community financing the council.

Comment 89 of 120

- *Don't bury your head in the sand of Adelaide Posted at 2:23 PM November 04, 2012*

Councils can sell your house, if you become bankrupt you will lose your house, if you owe more than \$5000 any creditor can force you into bankruptcy . Simple solution pay your debt or make an arrangement with the council, if you bury your head then you will lose . There are however to many councils in this state, our house dropped over 30 thousand in value and our rates went up , but we are paying the CEO over \$200000 per year, what a joke ! Lived in Queensland and they have super councils and rates are only on land value, plus ambulance cover is automatically on your electricity account . Pretty

and shove them were the sun does not shine middle finger goes up to them.  
We are starting a Adelaide city footpath fixing face book were people can  
send in there pics get ready. You better hire more people you are going to need  
them haha who do they think they are.

Comment 94 of 120

- *Jassy of Modbury Posted at 3:22 PM November 04, 2012*

Living in the tea tree gully council area,I am sick to death of my money going  
towards beautifying the golden grove area! Every day I drive throu golden  
grove and what do I see....council workers replanting huge areas, watering,  
mowing, pruning, street sweepers and it goes on. What do I see happening  
around my street .... Ummm.....ummmmm.....ummmmm.....oh sorry, they pick up  
my rubbish....thanks tlg council....really appreciate that. For \$1400 per year  
that's it! Disgraceful....get rid of councils I say! As for selling people's  
houses....just another example of power and money hungry councils!

Comment 95 of 120

- *Maarten V of Queensland Posted at 3:29 PM November 04, 2012*

KM you must be kidding you only have to live in Brisbane and see how a  
Council works well. And to think that they should be abolished is foolish to  
say the least. Can you imagine the previous Qld Labor Govt running  
everything, heaven help us all. The present Federal Labor Govt is bad enough.

Comment 96 of 120

- *Mere Male of Lara Posted at 3:29 PM November 04, 2012*

I'm with comment 7 on this. If you can't afford the piddling amount for rates,  
spread over the year, then you sure as hell can't afford a house in the first  
place. I'm sick to the back teeth of free-loaders constantly whining about how  
life is so unfair. Take responsibility for the situation YOUR OWN poor  
choices and decisions have left you in, and do not adopt the view it is anyone  
else's problem to fix, or to pay for. Parasites.

Comment 97 of 120

- *Monica of Australia Posted at 3:43 PM November 04, 2012*

That is ridiculous! The council doesn't own the home. In many cases the home  
is really owned by the financial institution that has lent the money for the  
purchase. Are the councils going to take on the big four and tell them they  
have the power to sell off their assets? Councils overvalue houses and under  
achieve on performance. They give themselves pay rises and throw money at  
worthless projects while ignoring vital work that is needed. Without even  
straining to think I can think of a few million that has been blown by councils  
on unnecessary work. Why do we even need local councils?

Councils are a type of subcontractor of the State!! This is how they get past not being recognised in the Australian Constitution..Ultra Vires...States can delegate their responsibilities...courtesy of Bob Hawke, after two referendums about LG failed!!

Comment 102 of 120

- *cb of Melbourne Posted at 4:36 PM November 04, 2012*

Its time to get rid of councils. Far too much power in the hands of those who are not qualified to, and have no idea of, how to use it.

Comment 103 of 120

- *KA Posted at 4:58 PM November 04, 2012*

Yes I agree, lets abolish councils!!!! NOT, Without them yo would have no parks, paved roads, no footpath or kerb. SO you will be flooded every large rain. No rubbish pick up, so you'll be living in a stinking mess. No library, no programs fro mothers or kiddies. Nothing for the elderly with no relatives to help them clean their houses at reduced cost and feed then with welfare programs. No youth programs, so your house will get broken into due to all the yobos around. No building & planning approval so your neighbors house will collapse in to yours and kill you. Its the beginning of anarchy

Comment 104 of 120

- *Dave P Posted at 5:15 PM November 04, 2012*

There are too many small an inefficient councils which should be merged to someting the size of Brisbane's single council. State governments should be abolished altogether and then we'd see some real savings. People wonder why they pay so much in rates and taxes in this relatively wealthy country it's because of sheer inefficiency and greed.

Comment 105 of 120

- *hopevalleyrem of the senate Posted at 6:13 PM November 04, 2012*

something needsto be put into legislation to protect peoples homes from the powers that be

Comment 106 of 120

- *James Murphy of The ruins of a once great state Posted at 6:23 PM November 04, 2012*

If you are in arrears for 3 years, and can't mediate a solution, then bad luck, you lose your house. 3 years is a lot of leeway to give. I don't see a problem here at all.

Every year councils put up their rates above the CPI. They are getting too involved in too many areas that they should not but do just because they want to politically. Stick to just the basics not all the PC crap that you think is nice to have but not affordable by forcing your rate payers to pay-up regardless. We have almost no ability to determine what services we require or what should be removed as the councillors make the decisions based on their opinions or just a couple of ratepayer contacts. Many CEOs in council get paid as much or more than the State Premier with a fraction of that responsibility and they already have way too many staff that are duplicated in every other council and add no value, mostly just re-approving already engineer approved structures just to scam money from us. Councils would be so easily removed and really they are not needed as economies of scale for our small population would see better value at the State level. We really just need to get rid of all councils and free up the rates we pay for actually improving our areas, not mostly spent on administration of the councils themselves.

Comment 112 of 120

- *Just paying the Wheelie Bin, and not yur junkets* Posted at 11:09 PM November 04, 2012

Coram Nobis, the demand for payment is unconstitutional, and is an error of disclosure of all pertinent facts. Jurisdiction could also be contested.

Comment 113 of 120

- *Mark M Aldridge Independent of Penfield Gardens* Posted at 11:58 PM November 04, 2012

You have no idea Paul Kuhn of FREE, the constitution is clear as to two tiers of government, and the prior referendums, clearly show the peoples position, the the need for the referenda, shows the local governments need to be recognised, state legislation can not override the commonwealth, it is in the constitution, and any act or legislation that steps outside the powers to introduce is, is again invalid, unless of course referenda and the constitution no longer have any value. It may appear that way, but i doubt such appearances are valid....it may be worth you studying the legal precedent, the last council that took a persons property for unpaid rates and sold it, had to buy it back and give it back. As much as the government at all levels may not like it, we still have a valid constitution, the only level of government that is allowed to issue a tax, is the federal government, once again check the high court records.

Comment 114 of 120

- *pt* Posted at 8:37 AM November 05, 2012

Council rates are far exceeding their quality of services. END OF STORY.

Comment 115 of 120

What other industry is going to give you 3 year's credit and not expect a return on the debt?

Comment 119 of 120

- *costicaldad* Posted at 6:22 PM November 06, 2012

it dosnt matter what the council charges ,by commonwealth law no one in australia has to pay rates.

Comment 120 of 120