

Debt Recovery Policy

Version: 1.2

Date updated: 4 June 2018

Responsible Department: Finance

1. Purpose

The purpose of Council's Debt Recovery Policy is to ensure and support both ethical and best practice debt recovery undertaken by both Council's officers and its contracted agents.

2. Definitions

ACCC	Australian Competition and Consumer Commission
ASIC	Australian Securities and Investments Commission
Council	means Casey City Council, being a body corporate constituted as a municipal Council under the Local Government Act 1989
Councillors	means the individuals holding the office of a member of Casey City Council
Council officer	means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.
Communicate	A communication via telephone, mobile telephone, fax, email, letter, in writing via text message or online technology such as social media and in person
Complaint	A general term concerning issues of Council Officer or agent conduct and/or Council's general debt recovery processes
Debt	An amount of money owed, including an alleged debt

Council policy documents change from time to time and it is recommended that you consult the electronic reference copy at www.casey.vic.gov.au/policiesstrategies to ensure that you have the current version. Alternatively you may contact Customer Service on 9705 5200.

Debtor	A natural person (which includes a company or corporation) obligated or allegedly obligated to pay a debt
Model Creditor	A creditor which is and is able to demonstrate full compliance with all legislative requirements surrounding its debt recovery practices
Third Party	Any person or entity other than Council and the debtor, but does not include a debtor's legal representative, trustee, or other authorised representative. Nor does it include a related entity of Council

3. Scope

This Policy applies to all Council staff, departments and third parties recovering or managing funds owed to Council. It is also applicable to Council departments responsible for managing the provision of paid services and products, including permits and penalties or infringements.

4. Context

This Policy shall be read in conjunction with the following documents:

4 .1 Policies

Code of Conduct for Employees
 Code of Conduct for Volunteers
 Debtor Write Off Policy
 Financial Hardship Policy
 Privacy Policy
 Rating Strategy

4 .2 Guidelines

City of Casey Debt Recovery Model Operating Guidelines
 Australian Competition and Consumer Commission: Debt Collection Guidelines 2014

4.3 Legislation & Other

Australian Consumer Law and Fair Trading Act 2012 (Vic)
Australian Securities and Investments Commission Act 2001 (Cth)
Bankruptcy Act 1966 (Cth)
Competition and Consumer Act 2010 (Cth)
Local Government Act 1989 (Vic)
 City of Casey Annual Budget (Inc Schedule of Fees & Charges)
 Strategic Resource Plan
 Responding to Your Concerns Operating Procedure

Council Customer Service Commitments

5. Policy

Council's Debt Recovery Policy ensures Council operates as a model creditor and in compliance with all relevant legislative requirements and the Australian Competition and Consumer Commission Debt Collection Guidelines.

Council is committed to the aims and objectives of the Australian Competition and Consumer Commission Debt Collection Guidelines and the *Competition and Consumer Act 2010 (Cth)* (CCA).

Council recognises and values transparency, consistency and fairness in its administrative and operational practices and supports the delivery of processes that ensure best practice debt collection and its role as a model creditor.

The Debt Recovery Policy provides the framework for the implementation of operational guidelines which ensures effective operational processes are in place to support effective debt collection practices, including for those customers experiencing financial hardship.

The objectives of the Debt Recovery Policy are:

1. To ensure Council's debt recovery practices comply with all relevant legislation and the ACCC Debt Collection Guidelines;
2. To provide a supportive client focus to those managing debt owed to Council;
3. To provide consistency and transparency to Council's approach to debt recovery;
4. To ensure Council is reasonable, fair and utilises best practice in its approach to debt recovery;
5. To illustrate Council's commitment to showing respect and operating with upmost integrity in all aspects of debt recovery; and
6. To ensure Council is timely, responsive and delivers on its Customer Service Commitments in responding to all feedback received on its debt recovery practices.

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Council will implement all reasonable measures to ensure the objectives of this Policy are delivered and that it affords natural justice and procedural fairness to those subject to debt collection processes.

5.1 Policy Principles and Application

Council will apply the following fundamental principles in facilitating the appropriate establishment and management of its debt collection practices, including the conduct of officers and contracted agents in giving effect to this Policy.

a) Provision of Information and Payment Terms

Council will promptly provide targeted and consistent information, payment terms and advice for the type of service being charged

b) Payment Options

Where practicable, Council will provide consistent payment options across its full range of services

c) Accessible Information

All information made available by Council will be readily accessible, including from its website and customer service centres

d) Financial Hardship

Council will actively recognise and assist those experiencing financial hardship, and provide appropriate assistance

e) Payment Assistance

Eligible customers will be offered appropriate payment assistance in managing their debt owed to Council, such as payment plans, extensions to due dates and referrals to financial counsellors

f) Clear and Transparent Follow Up of Non-Payment

Council will be clear, fair, transparent and consistent in its approach to formal processes for the follow up of non-payment

g) Debt Dispute Resolution

A clear and transparent dispute resolution process will be made available to those disputing any debt or charge owed to Council

h) Formal Debt Collection and Legal Action

Council will be firm but fair in applying best practice legal methods for the recovery of debt, including exhausting all reasonable avenues to prevent matters from proceeding to Court or other formal action

i) Consistent Application and Interpretation

Council will consistently apply and interpret the Debt Recovery Policy across all services that manage debt

j) Debt Recovery Experience Feedback

Opportunities to improve services as a result of feedback received from customers will be maximised and Council will respond appropriately and promptly in support of its Customer Service Commitments to any feedback received

6. Administrative Updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.

7. Roles and Responsibilities

It is the responsibility of the Chief Financial Officer in consultation with the relevant Managers to maintain the Debt Recovery Policy and to establish internal guidelines for the management of debt collection practices covered by this Policy. It is the responsibility of Departmental Managers to investigate and respond to disputes concerning the existence, amount or nature of the debt owed to Council within respective service areas.

8. Review

The next biennial review of this document is scheduled for completion by 31 December 2022.

9. Breaches

Complaints or allegations concerning a breach of the ACCC Debt Collection requirements or the *Competition and Consumer Act 2010* (Cth) will be investigated by Council's Manager Legal Services. The Manager Legal Services will then be responsible for internally reviewing the matter and make a determination as to whether further action is warranted and inform the response to the complainant.

