



AGENDA

Special Meeting of Council

Friday 4 March 2022

Special Meeting: 8.30am

Council Chambers

Civic Centre, Stuart Highway, Katherine

The CEO of Katherine Town Council hereby provides notice of the
Special Meeting of Council, in accordance with
Section 91 of the *Local Government Act 2019*



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- ELECTED MEMBERS** : - Mayor Elisabeth Clark
- Deputy Mayor Kym Henderson
- Councillor Amanda Kingdon
- Councillor Benjamin Herdon
- Councillor Denis Coburn
- Councillor Jeremy Trembath
- Councillor Madeleine Bower
- OFFICERS** : - Mrs Ingrid Stonhill – Chief Executive Officer
- Mr Kerry Whiting – Director Corporate Services / Community Services
- Mr Brendan Pearce – Director Infrastructure and Environment

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ORDER OF BUSINESS

1. ACKNOWLEDGEMENT OF COUNTRY

We are honoured to be on the ancestral lands of Katherine's Aboriginal peoples. We acknowledge the First Australians as the traditional custodians of the continent, whose cultures are among the oldest living cultures in human history. We pay respect to the Elders of the community and extend our recognition to their descendants' past, present and emerging.

2. OPENING PRAYER

Grant O God to this Council wisdom, understanding and sincerity of purpose in the Governance of this Municipality. Amen

3. MEETING DECLARED OPEN

4. APOLOGIES AND LEAVE OF ABSENCE

Deputy Mayor Henderson; and
Councillor Benjamin Herdon

5. CONFLICT OF INTEREST

Members Disclosure Conflict of Interest

Council declares any conflicts of interest in line with Conflict-of-Interest Policy. A copy of this policy can be downloaded from www.katherine.nt.gov.au or obtained by emailing records@ktc.nt.gov.au

6. REPORT FROM OFFICERS

6.1 Rates Recovery – Discharge of Overriding Statutory Charge

7. CLOSURE OF MEETING

KATHERINE TOWN COUNCIL



REPORT

NO : **6.1**

FOLDER : **GOVERNANCE DEPARTMENT\1. MEETINGS OF COUNCIL ADMINISTRATION\3. REPORTS TO COUNCIL\3. REPORTS TO COUNCIL 2022\CORPORATE AND COMMUNITY SERVICES\CORPORATE SERVICES**

MEETING : **SPECIAL COUNCIL MEETING – 4 MARCH 2022**

REPORT TITLE : **RATES RECOVERY – DISCHARGE OF OVERRIDING STATUTORY CHARGE**

AUTHOR : **KERRY WHITING, DIRECTOR CORPORATE AND COMMUNITY SERVICES & SHERALEA CLEMOW, RATES AND RECORDS OFFICER**

ATTACHMENT/S :

PURPOSE OF REPORT

1. To seek Council's approval on the discharge of an Overriding Statutory Charge held over Assessment 280 for arrears totalling \$13,915.87 as the property is being sold; and
2. To approve all future Overriding Statutory Charge processes to be delegated to the Chief Executive Officer for action under Division 4 of the Local Government Act.

BACKGROUND

Under Division 4 of the Local Government Act, and specifically Section 256, *"After rates have been in arrears for at least 6 months, the Council may apply to the appropriate registration authority for registration of the charge over the land to which the charge relates"*.

The Act also provides under Division 5, specifically Section 258 *"the Council may sell the land if rates have been in arrears for at least 3 years and an overriding statutory charge securing liability for the rates has been registered for at least six months"*.

Council officers have been communicating with Council's legal advisers (HWLE) on raising more statutory charges on properties with unpaid rates for many months now. This process was last undertaken by Council in 2017. Council currently has over \$1,236,146.71 in outstanding rates and charges undergoing recovery action, with over 60 Assessments permitted to have an Overriding Statutory Charge registered. The process of registering an Overriding Statutory Charge ensures it has priority over all other registered and unregistered mortgages.

An Overriding Statutory Charge was registered over Assessment 280 originally for arrears in rates and charges back to May of 2015. Attempts to recover the arrears begun again in December 2021 with Council's legal advisers (HWLE) drafting and sending over 162 demand letters to ratepayers. As a result, our legal advisers were notified that the property was for sale and had entered settlement process.

Under Division 4 of the Local Government Act, specifically section 256, *“The Council, if the liability to which the charge relates is fully satisfied – must apply for the cancellation of the registration of the charge”*.

As the property has entered settlement process, confirmed for the 9 March 2022, Council must apply for the discharge of Overriding Statutory Charge to enable this sale’s fulfilment and recovery of outstanding rates and charges.

It must also be noted that all legal and registration fees associated to this discharge will be applied to the Assessment’s Rate book accordingly.

Council’s previous procedures have involved a report being prepared so Council can approve the process of registering and discharging a statutory charge using the common seal which under the common seal policy is required to be signed by the Mayor and CEO. This process is antiquated, unnecessary, inefficient and a waste of Council resources. In many Councils this is a delegated matter to the CEO and other officers. The cost to Council of utilising such an antiquated process is extremely high for such an operational process.

In discussions with Council’s CEO, it has been suggested this would be delegated to officers who are involved in the process if Council delegates this to the CEO.

OFFICER RECOMMENDATION

That it be recommended to Council to:

1. approve the removal of the statutory charge on Assessment 280 through the completion of the relevant land titles form signed under seal by the Mayor and Chief Executive Officer; and
2. delegate to the Chief Executive Officer all future Overriding Statutory Charge processes required under Division 4 of the Local Government Act.



Ingrid Stonhill
CHIEF EXECUTIVE OFFICER