

POLICY



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Policy title: CREDIT HISTORY OF COUNCIL DEBTORS
Directorate: ORGANISATIONAL SERVICES
Branch: FINANCE
Policy objective: To ensure consistent and equitable treatment of Council debtors while maintaining the integrity of Council's debt recovery process.

Policy scope:
This policy sets out actions to be taken for a Council debtor's credit history to be updated.

Definitions:
Not applicable.

Policy statement:
As part of the recovery process for unpaid debts to Council, legal proceedings may be initiated which in some cases results in judgment being given by the court and impacting on a person's credit history. Where a debtor makes enquiries to either have their history amended, the following should be taken into consideration.

1. Once a judgment has been obtained by Council against a debtor this judgment may be listed on the debtor's credit history by Equifax Pty Ltd (formally Veda) who maintain this database. This notation will remain on their credit history for a period of five (5) years before being removed. When this judgment debt has been paid, the debtor/s can request Council officers to supply them with advices signed by appropriately delegated officers noting that the judgment debt has been paid. The debtor/s can then forward this to Veda to have their credit records updated to show that the debt has been paid and is no longer outstanding.
2. Should the debtor request that the judgment be set aside, where Council has been awarded judgment over the debt, then they must make an application directly to the Magistrates Court to have this matter considered and it will be heard before the court with all parties in attendance.
3. However, Council may consent to have judgment set aside in the following instances:
 - (a) In instances where a factual error in the process of obtaining judgment has occurred, such as the debt amount was not correct, invalid service or the judgment was listed on someone other than the correct debtor.
 - (b) Where the judgment debt and all other rates and charges for the relevant property have been paid in full.

- (c) Where the purpose of the request is to allow the ratepayer to complete a refinance on the subject property, and Council has been provided satisfactory evidence that the rates debt will be paid in full as part of this process.

The circumstances outlined above are the only situations in which Council will consent to update or expunge information from a debtor's credit history.

Related policies/legislation/other documents:

DOC ID	DOCUMENT TYPE	DOCUMENT NAME
7532686	Policy	Management of Outstanding Rates, Water, Wastewater, Other Charges and Sundry Debt Accounts
8744659	Delegation	Signing Council Correspondence
8373010	Delegation	Legal Proceedings - Document Signing