

CITY OF WEST TORRENS



## Confidential Report Items 21.1

of the

**COUNCIL MEETING**

of the

**CITY OF WEST TORRENS**

will be held in the Council Chambers, Civic Centre  
165 Sir Donald Bradman Drive, Hilton

on

**TUESDAY, 21 JANUARY 2020**  
**at 7.00pm**

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Pursuant to Section 83 (5) of the *Local Government Act 1999* the Confidential Item for the Council meeting is delivered to the Council Members upon the basis of my recommendation that the matters to which the Agenda relates be received, considered and discussed by the Council in confidence under Part 3 of the Act.

**Terry Buss PSM**  
**Chief Executive Officer**

**City of West Torrens Disclaimer**

Please note that the contents of these Council and Committee Agendas have yet to be considered by Council and officer recommendations may be altered or changed by the Council in the process of making the formal Council decision.

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Released

## 21 CONFIDENTIAL

### 21.1 Sale of Property for the Non Payment of Rates

#### Reason for Confidentiality

The Council is satisfied that, pursuant to Section 90(3)(a) and (i) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

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

because this report recommends that Council issues an order, in accordance with Section 184 of the *Local Government Act 1999* which provides the ability for Council to sell property when the rates due on the property have been in arrears for three years or more, to sell property which meets this criteria and, to assist Council to determine whether to issue an order in this instance, the report contains information which would, if dealt with in public, result in the unreasonable disclosure of the personal affairs of the ratepayers named within that report.

- (i) information relating to actual litigation, or litigation that the Council or Council committee believes on reasonable grounds will take place, involving the council or an employee of the Council.

because there is a possibility that the issuing of the order will result in litigation involving the Council and as such the release of this information could prejudice Council's position.

#### RECOMMENDATION

It is recommended to Council that:

1. Pursuant to Section 90(2) of the *Local Government Act 1999*, Council orders, that the public, with the exception of the Chief Executive Officer, members of the Executive and Management Teams in attendance at the meeting, and meeting secretariat staff, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential report Item 21.1 Sale of Property for the Non Payment of Rates , attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Section 90(3)(a) and (i) because the report involves personal affairs of the ratepayers named in the report and Council litigation.
2. At the completion of the confidential session the meeting be re-opened to the public.

#### Brief

This report proposes the sale of a number of properties for the non-payment of rates pursuant to Section 184 of the *Local Government Act 1999*.

#### RECOMMENDATION

It is recommended to Council that the Chief Executive Officer be authorised to sell the following properties pursuant to the provisions of Section 184 of the *Local Government Act 1999*:

- 4 Orana Avenue, Glenelg North. SA 5045
- 5 Devon Street, Mile End. SA 5031
- 61 George Street, Thebarton. SA 5031
- 24 Broadmore Avenue, Fulham. SA 5024
- 3 Debra Court, Netley. SA 5037

## FURTHER

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the Item 21.1 Sale of Property for the Non Payment of Rates the Minutes arising, attachments and any associated documentation, having been considered by the Council in confidence under Section 90(3)(a) and (i), be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting, on the basis that the report involves personal affairs of the ratepayers named in the report and Council litigation.
2. Council delegates the power of review, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

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## Discussion

Sale for non-payment under Section 184 has been raised by Council's auditors in the past and was discussed at Council's then Audit and Risk Committee. Action was then encouraged under Section 184 and commitments have been given for this to occur.

Sale under Section 184 is possible when rates have been in arrears for three years or more.

Council has endorsed action being taken in the past against ratepayers under Section 184 as follows:

- One ratepayer on 20 June 2006;
- Two ratepayers (5 properties) on 5 March 2013;
- Five ratepayers (5 properties) on 18 June 2013;
- Seven ratepayers (7 properties) on 10 December 2013;
- Eight ratepayers (8 properties) on 16 February 2016;
- Seven ratepayers (9 properties) on 17 October 2017;
- Seven ratepayers (7 properties) on 4 June 2019.

All these actions were eventually settled without Council needing to progress to the property sale stage.

Action under Section 184 is now proposed on the following 5 properties:

- 4 Orana Avenue, Glenelg North. SA 5045 - currently 3 ½ years in arrears \$9,817.35 - unable to contact owner, believed to be overseas
- 5 Devon Street, Mile End. SA 5031 - currently 4 ½ years in arrears \$8,083.50 - deceased estate, executor of estate unknown
- 61 George Street, Thebarton. SA 5031 - currently 3 ½ years in arrears \$4,533.40 - unable to contact owner
- 24 Broadmore Avenue, Fulham. SA 5024 - currently 3 ½ years in arrears \$7,237.25 - unable to contact owner, believed to be overseas
- 3 Debra Court, Netley. SA 5037 - currently 3 years in arrears \$5,549.30 - Previously served with S184 notice back in 2013/2014 which was then paid in full.

Normal debt recovery action has been unsuccessful on all properties, leaving no option but the taking of action under Section 184.

**Conclusion**

This report proposes the sale of a number of properties for the non-payment of rates pursuant to Section 184 of the *Local Government Act 1999*.

**Attachments**

Nil

Released