

COUNCIL POLICY – Rate Rebate Policy

Reference Number	681839
Responsible Business Unit	Finance
Responsible Officer	General Manager Corporate Services
Legislation	<p>Local Government Act 1999 – Chapter 10</p> <p>Local Government (General) Regulations 2013</p> <p>Recreation Grounds Rates and Taxes Exemption Act 1981</p> <p>Local Government (Financial Management) Regulations 2011</p> <p>Local Government Finance Authority Act 1983</p> <p>Rates and Land Tax Remissions Act 1986</p> <p>Recreation Grounds Rates and Taxes Exemption Act 1981</p> <p>Recreation Grounds (Regulations) Act 1931</p> <p>Recreation Grounds Regulations 2011</p> <p>Heritage Act 1993</p> <p>Natural Resources Management Act 2004</p> <p>Natural Resources Management (Financial Provisions) Regulations 2005</p> <p>Freedom of Information Act 1991</p> <p>Aboriginal Heritage Act 1988</p> <p>Aboriginal Lands Trust Act 2013</p> <p>Aboriginal Lands Trust Regulations 2014</p>
Relevant Delegations	Chief Executive Officer
Related Policies Management Guidelines Frameworks	<p>Rating Policy</p> <p>Rate Rebate Guidelines</p> <p>Rating Guidelines</p>
Link to Strategic Plan	<p>Objective 5.2 - Sustainable</p> <p>Objective 5.4 - Transparent</p>
Council resolution	107.2
Date Adopted	15 June 2021
Review Date	June 2022
Previous Revisions	<p>Item 44.5 – 17 March 2014</p> <p>Item 144.8 – 9 June 2015</p> <p>Item 120.2 – 14 June 2016</p> <p>Item 111.1 – 13 June 2017</p> <p>Item 118.2 – 12 June 2018</p> <p>Item 109.4 – 11 June 2019</p> <p>Item 100.2 – 9 June 2020</p>

POLICY STATEMENT

To provide a consistent and transparent approach as to how Council will process applications for rating rebates from its ratepayers in accordance with Legislation

OBJECTIVES

This policy will apply to all applications for rebate of rates received by Council. Council will only provide a rebate of rates in respect of any rateable land in the Council area when the applicant satisfies the requirements of the Local Government Act 1999 ("the Act") and this policy.

IMPLEMENTATION

In accordance with the rate rebate provisions contained in the Act, this policy sets out the type of use in respect of land which Council must grant a rebate of rates, the amount of that rebate, and those types of land use where Council has the discretion to grant a rate rebate.

1. MANDATORY REBATES

Council will provide a rebate to the amount specified in respect of those land uses, for which Sections 160 -165 of the Act provides.

Rates on the following land will be rebated at **100%**:

1. Health Services

Land being predominantly used for service delivery or administration by a hospital or health centre incorporated under the South Australian Health Commission Act 1976;

2. Religious Purposes

Land containing a church or other building used for public worship (and any grounds) or land solely used for religious purposes; any residential property will be assessed separately and is not eligible for a mandatory rebate;

3. Public Cemeteries

Land being used for the purposes of a public cemetery;

4. Royal Zoological Society of SA

Land (other than land used as domestic premises), owned by, or under the care, control and management of the Royal Zoological Society of South Australia Incorporated.

Rates on the following land will be rebated at **75%**:

2. COMMUNITY SERVICES

Land being predominately used for service delivery and administration by a community service organisation. A "community services organisation" is defined in the Act as a body that;

- i. Is incorporated on a not for profit basis for the benefit of the public and;
- ii. Provides community services without charge or for a charge that is below the

cost to the body of providing the services and;

Does not restrict its services to persons who are members of the body.

it is necessary for a community services organisation to satisfy all of the above criteria to be entitled to the mandatory 75% rebate and they must meet at least one of the following criteria:

- i. Receives funds from State or Commonwealth Government in order to subsidise costs;
- ii. Emergency accommodation;
- iii. Food or clothing for disadvantaged persons (i.e., persons who are disadvantaged by reason of poverty, illness, frailty, or, mental, intellectual or physical disability);
- iv. Supported accommodation (i.e., residential care facilities in receipt of Commonwealth funding or accommodation for persons with mental health, intellectual, physical or other difficulties who require support in order to live an independent life);
- v. Essential services or employment support for persons with mental health disabilities or with intellectual or physical disabilities;
- vi. Legal services for disadvantaged persons;
- vii. Drug or alcohol rehabilitation services; or
- viii. The conduct of research into, or the provision of community education about, diseases or illnesses, or the provision of palliative care to persons who suffer from diseases or illnesses.

Where a person or body is entitled to a rebate of 75%, Council may, pursuant to Section 159(4) of the Act, increase the rebate for a further 25%. Council may grant the further 25% rebate upon application or on its own initiative. In either case, Council will take into account those matters set out within Section 3 of this Policy.

3. EDUCATIONAL PURPOSES

- i. Land occupied by a government school under a lease or licence and being used for educational purposes; or
- ii. Land occupied by a non-government school registered under Part 5 of the Education Act 1972 and being used for educational purposes; or
- iii. Land being used by a University or University College to provide accommodation and other forms of support for students on a not for profit basis.

Where Council is satisfied from its own records or from other sources that a person or body meets the necessary criteria for a mandatory 100% or 75% rebate, Council will grant the rebate. Where Council is not satisfied the applicant meets the requirements, the person or body concerned will need to apply for the rebate in accordance with this Policy.

Where an application is made to Council for a rebate of up to a further 25% the application will be made in accordance with section 4.iv of this Policy and Council will provide written notice to the applicant of its determination of that application

4. DISCRETIONARY REBATES

Council may in its *absolute discretion* grant a rebate of rates or service charges in any of the following cases pursuant to Section 166 of the Act –

- i. where it is desirable for the purpose of securing the proper development of the area (or a part of the area);
- ii. where it is desirable for the purpose of assisting or supporting a business in its area;
- iii. where it will be conducive to the preservation of buildings or places of historic significance;
- iv. where the land is being used for educational purposes;
- v. where the land is being used for agricultural, horticultural or floricultural exhibitions;
- vi. where the land is being used for a hospital or health centre;
- vii. where the land is being used to provide facilities or services for children or young persons;
- viii. where the land is being used to provide accommodation for the aged or disabled;
- ix. where the land is being used for a residential aged care facility that is approved for Commonwealth funding under the *Aged Care Act 1987 (Commonwealth)* or a day therapy centre;
- x. where the land is being used by an organisation which, in the opinion of Council, provides a benefit or a service to the local community;
- xi. where the rebate relates to common property or land vested in a community corporation under the *Community Titles Act 1996* over which the public has a free and unrestricted right of access and enjoyment;
- xii. where the rebate is considered by Council to be appropriate to provide relief against what would otherwise amount to a substantial change in rates payable by a ratepayer due to a change in the basis of valuation used for the purposes of rating, rapid changes in valuations or anomalies in valuations, or a redistribution of the rates burden within the community arising from a change to the basis or structure of Council's rating system
- xiii. where the rebate is considered by Council to be appropriate to provide relief in order to avoid what would otherwise constitute a liability to pay a rate or a

charge that is inconsistent with the liabilities anticipated by council in its annual business plan or a liability that is unfair or unreasonable

- xiv. where the rebate is to give effect to a review of a council decision (Chapter 13)

where the rebate is contemplated under another provision of the Local Government Act

Council may grant a rebate of rates, in respect of items *xii* and *xiv* above, for a period exceeding one year but not exceeding three years, unless in exceptional circumstances.

Council has absolute discretion –

- i. to grant a rebate of rates or service charges in the above cases; and
- ii. to determine the amount of any such rebate.
- iii. To grant a rebate of up to 100% of the relevant rates and/or service charge

5. ASSESSMENT

Council will inform the community of the provisions for rate rebate under the Act by the inclusion of suitable details in the Rating Policy Summary distributed with the annual rate notice.

Persons or bodies who seek a discretionary rebate of rates (and/or service charges) must make written application to Council pursuant to Section 159(1) of the Act in the manner and form determined by Council and supplying such information as Council may reasonably require.

Council will take into account, in accordance with Section 159 of the Act, the following matters –

- i. the nature and extent of Council services provided in respect of the land for which the rebate is sought in comparison to similar services provided elsewhere in Council's area;
- ii. the community need that is being met by activities carried out on the land for which the rebate is sought; and
- iii. the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons.

Council may take into account other matters considered relevant by Council including, but not limited to, the following:-

- i. why there is a need for financial assistance through a rebate;
- ii. the level of rebate (percentage and dollar amount) being sought and why it is appropriate;

- iii. the extent of financial assistance (if any) provided to the applicant and/or in respect of the land by Commonwealth or State agencies;
- iv. whether the applicant has made/intends to make applications with another Council;

whether, and if so to what extent, the applicant is or will be providing a service to the community within the Council area;

- vi. whether the applicant is a public sector body, a private not for profit body or a private or profit body;
- vii. whether there are any relevant historical considerations that may be relevant;
- viii. the desirability of granting a rebate for more than one year in specific circumstances;
- ix. consideration of the full financial consequences of the rebate for Council;
- x. the time in which the application is received;
- xi. the availability of any community grant to the person or body making the application;
- xii. whether the applicant is in receipt of a community grant; and
- xiii. any other matters and policies of Council, which Council may consider relevant to the application.

Specifically, Council will provide discretionary rebates as follows:

- Not for profit sporting organisations and community halls providing community services will be granted a rebate of 100%
- Not for profit sporting and special interest organisations who have a lease with Council will have their rebate applied (if applicable) on renewal of the lease
- Sporting clubs, community halls and other community organisations allocated a rate rebate shall pay their own electricity charges, water and sewer rates and any charges not subsidised by Council.
- Organisations that are solely constituted to provide charity or cultural services to the community shall not pay rates and will be granted a rebate of 100%.
- Private schools will receive a 100% rebate – 75% mandatory rebate as per Section 165 of the Act and a 25% rebate as per Section 166 of the Act.
- Organisations whose sole purpose is to provide a service to the handicapped or disabled will be granted a rebate of 100%.

- Conservation areas and heritage and National Trust buildings that grant unrestricted access to the public will be granted a rebate of 100%.
- Retirement villages will receive a 10% rebate where the State Government cost of living allowance is not claimed
- The Murray Bridge Agricultural & Horticultural Society will be granted a rebate of 100%.

All persons who or bodies which wish to apply to Council for a rebate of rates for the new financial year must do so on or before the **end of April of the prior year**.

Council reserves the right to refuse to consider applications received after that date. However, applicants who satisfy the criteria for a mandatory 100% rebate will be granted the rebate at any time (no rebates will be considered for prior years). If circumstances change during a financial year, a person or body may apply for a discretionary rebate and Council will consider a pro-rate application of the rebate.

Council will, in writing, advise an applicant for a rebate of its determination of that application within sixty (60) business days of receiving the application or of receiving all the information requested by Council. The advice will state if the application has been granted, the amount of the rebate and, in the case of the application not being granted, the reasons why the application was not granted.

The Act provides that Council may grant a rebate of rates or charges on such conditions as Council thinks fit.

Council may, for proper cause, determine that entitlement to a rebate of rates under the Act no longer applies.

Where an entitlement to a rebate of rates ceases or no longer applies during the course of a financial year, Council is entitled to recover rates, or rates at the increased level (as the case may be), proportionate to the remaining part of the financial year.

Rates may be capped for a maximum increase and further guidance on how Council applies rate capping can be found in Council's current Rating Policy

It is an offence for a person or body to make a false or misleading statement or representation in an application or to provide false or misleading evidence in support of an application or (purporting to be) under the Act. The maximum penalty for this offence is \$5,000.

If a body or person has the benefit of a rate rebate and the grounds on which the rebate was granted cease to exist, the body or person must immediately inform Council of that fact and the entitlement ceases to exist. If the body or person fails to do so, the body or person is guilty of an offence, with the maximum penalty \$5,000.

A person or body who is aggrieved by the determination of Council in respect of their application for a rebate of rates may seek a review of that decision within 21 days of date of the notice of determination.

Application forms may be obtained from Council's office located at 2 Seventh St, Murray Bridge SA or may be downloaded from Council's website:

www.murraybridge.sa.gov.au

DEFINITIONS

Not for Profit organisation – an incorporated organisation which exists for educational or charitable reasons, and from which its members do not benefit financially. Any money earned by the organisation must be retained by the organisation and used for its own expenses, operations and programs. If the organisation engages in trade or commerce it will not be deemed to be a not for profit organisation as defined in section 161(4)(a) of the Local Government Act.