Rate Rebate Policy – Community Services

Keywords: Rates, Rebate

Strategic Plan:	*Accountable Leadership –* *1.3 Focus on delivering financial sustainability and responsible asset renewal.* *2.3 Foster a culture of excellence and continuous improvement across all aspects of Council.* *3.4 Position council as a trusted and reliable service provider for the community, with decision making based on the best outcomes for the Community*
Classification:	*Corporate and Community Services - Rates*
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Responsible Officer(s):	*Rates Officer, Finance Manager, General Manager Corporate & Community Services*
Council File Reference:	*7.1.1*
Applicable Legislation:	*This policy has been developed in accordance with the Local Government Act 1999, Chapter 10, Division 5, Sections 159-166, and sets out the principals of the Berri Barmera Council to ensure consistency in the process of administering rate rebates.*
Relevant Policies:	*Rate Capping Rebate Policy*
Related Procedures:	*Rate Rebate Application Form – Community Services*
Delegations:	*Berri Barmera Council Delegations Register*

1. Purpose

It is the policy of the Berri Barmera Council that a rebate of rates in respect of any rateable land in the Council area will be available only when the applicant satisfies the requirements under the *Local Government Act 1999* and, where appropriate, the requirements of this Policy.

2. Definitions

Act	the *Local Government Act 1999* (SA)
Council	Berri Barmera Council
Discretionary Rebate	rebates where Council may apply a rebate in accordance with criteria specified in the *Local Government Act 1999*. (Sec 166)

Mandatory Rebate	Rebates that Council must grant in accordance with the *Local Government Act 1999*. (Sec 160-165)
Rating	The overall process of raising revenue by way of levying rates and charges
Rebates	An amount that a rate or charge may be reduced in accordance with Sections 159-166 of the Act

3. Principles

This policy has been developed in accordance with the *Local Government Act 1999*, Chapter 10, Division 5 (Sections 159 to 166) in providing the community with the grounds upon which a person or body may be entitled to receive a rebate of rates.

4. Policy Statement

4.1 Preface

4.1.1 The *Local Government Act 1999* ("the Act") sets at Chapter 10, Division 5 (Sections 159 to 166) those provisions applicable to the Council granting a rebate of rates to persons or bodies.

4.1.2 The Council has decided to adopt a Policy to assist it in its decision making functions relative to the operation of the rate rebate provisions contained in the Act.

4.1.3 This Policy is intended to be of general application and provide guidance to the community as to the grounds upon which a person or body is, or may be entitled to receive a rebate of rates and the matters that the Council will take into account in deciding an application for a rebate.

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

4.1.5 This Policy is to be read in conjunction with the Council's Rate Capping Rebate Policy, which applies in relation to the 2026/2027 financial year. The Rate Capping Rebate Policy is specific to and outlines the discretionary rebate that the Council has resolved to apply to general rates imposed on rateable land within its area.

4.2 Local Government Act, 1999

4.2.1 Section 159(3) of the Act provides that the Council may grant a rebate of rates under the Act if it is satisfied that it is appropriate to do so.

4.2.2 The Act provides for a mandatory rebate of rates in specified cases and the amount of that mandatory rebate (see Clause 4.3 below).

4.2.3 The Act also provides that where the Council must grant a rebate of rates under the Act, and the amount of that rebate is fixed by the Act at less than 100%, the Council **may** increase the amount of the rebate.

4.2.4 The Act provides, at Section 166 for the Council to provide a discretionary rebate of rates in the cases set out in that Section.

4.3 Mandatory Rebates

4.3.1 The Council must grant a rebate in the amount specified in respect of those land uses which the Act provides will be granted a rebate.

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

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

4.3.2.2 ***Religious Purposes***
Land containing a church or other building used for public worship (and any grounds), or land solely used for religious purposes***;***

4.3.2.3 ***Public Cemeteries***
Land being used for the purposes of a public cemetery.

4.3.2.4 ***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.

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

4.3.3.1 ***Community Services***
Land being predominantly used for service delivery and administration by a community services organisation. A *"community services organisation"* is defined in the Act as a body that –

4.3.3.1.1 is incorporated on a not for profit basis for the benefit of the public; and

4.3.3.1.2 provides community services without charge or for a charge that is below the cost to the body of providing the services; and

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

The Act further provides that eligibility for a rebate by a community services organisation is subject to it providing one or more of the following community services:-

4.3.3.1.4 emergency accommodation;

4.3.3.1.5 food or clothing for disadvantaged persons (i.e., persons who are disadvantaged by reason of poverty, illness, frailty, or mental, intellectual or physical disability);

4.3.3.1.6 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);

4.3.3.1.7 essential services, or employment support, for persons health disabilities, or with intellectual or physical disabilities;

4.3.3.1.8 legal services for disadvantaged persons;

4.3.3.1.9 drug or alcohol rehabilitation services; or

4.3.3.1.10 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.

It is necessary for a community services organisation to satisfy one or more of the above criteria to be entitled to the mandatory 75% rebate. To avoid doubt, this includes that the community services organisation must provide one or more of the community services listed above.

4.3.3.2 ***Educational Purposes***

4.3.3.2.1 Land occupied by a government school under a lease or licence and being used for educational purposes; or

4.3.3.2.2 Land occupied by a non-government school registered under Part 5 of the Education Act 1972 and being used for educational purposes; or

4.3.3.2.3 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.

4.3.4 Where the 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, the Council will grant the rebate of its own initiative. Where the Council is not so satisfied it will require the person or body to apply for the rebate in accordance with Clause 5 of this Policy.

4.3.5 Where a person or body is entitled to a rebate of 75% the Council may, pursuant to Section 159(4) of the Act, increase the rebate up to a further 25%. The Council may grant the further 25% rebate upon application or on its own initiative. In either case the Council **will** take into account those matters set out in Clause 5.3 of this Policy and **may** take into account any or all of those matters set out in Clause 5.4 of this Policy.

4.3.6 Where an application is made to the Council for a rebate of up to a further 25% the application will be made in accordance with Clause 5 of this Policy and the Council will provide written notice to the applicant of its determination of that application.

4.4 Discretionary Rebates

4.4.1 The 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 –

4.4.1.1 where it is desirable for the purpose of securing the proper development of the area (or a part of the area);

4.4.1.2 where it is desirable for the purpose of assisting or supporting a business in its area;

4.4.1.3 where it will be conducive to the preservation of buildings or places of historic significance;

4.4.1.4 where the land is being used for educational purposes;

4.4.1.5 where the land is being used for agricultural, floricultural or floricultural exhibitions;

4.4.1.6 where the land is being used for a hospital or health centre;

4.4.1.7 where the land is being used to provide facilities or services for children or young persons;

4.4.1.8 where the land is being used to provide accommodation for the aged or disabled;

4.4.1.9 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;

4.4.1.10 where the land is being used by an organisation which, in the opinion of the Council, provides a benefit or services to the local community.

4.4.1.11 where the rebate related 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; and

4.4.1.12 where the rebate is considered by the Council to be appropriate to provide relief against what would otherwise amount to a substantial change in rates payable due to a change in the basis of valuation used for the purposes of rating, rapid changes in valuations, or anomalies in valuations; and

4.4.1.13 where the rebate is considered by the council to be appropriate to provide relief in order to avoid what would otherwise constitute a liability to pay a rate or charge that is inconsistent with the liabilities

that were anticipated by the council in its annual business plan; or a liability that is unfair or unreasonable;

4.4.2 The Council may grant a rebate of rates up to and including 100% of the relevant rates or service charges. The Council may grant a rebate for a period exceeding one year, but not exceeding 10 years in respect of those cases identified at 4.1.1, 4.1.2 or 4.1.11 above.

4.4.3 The Council has an absolute discretion:-

4.4.3.1 to grant a rebate of rates or service charges in the above cases; and

4.4.3.2 to determine the amount of any such rebate.

4.4.4 Persons who, or bodies which seek a discretionary rebate will be required to submit an application form to the Council and provide to the Council such information as stipulated on the application form and any other information that the Council may reasonably require.

4.4.5 Under the Act the Council may grant a rebate of rates up to and including 100% of the relevant rates or service charges. However, to ensure all ratepayers contribute an amount towards basic service provision the maximum discretionary rebate will be 75%.

4.4.6 As per paragraph 4.4.4 above, for the 2026/2027 financial year the Council has resolved to apply a discretionary rebate (namely, the 'rate capping rebate') on the grounds set out in paragraph 4.1.5 to rateable land within its area. This rebate will be applied on a differential basis pursuant to the Council's Rate Capping Rebate Policy.

5.1 Applications

5.1.1 The Council will inform the community of the provisions for rate rebate under the *Local Government Act 1999* by the inclusion of suitable details in the Rating Policy Summary distributed with the annual rate notice.

5.1.2 Persons or bodies who seek a rebate of rates (and/or service charges) either:-

5.1.2.1 pursuant to Section 159(4) of the Act and Clause 4.3.5 of this Policy; or

5.1.2.2 pursuant to Section 166 of the Act and Clause 4.4 of this Policy, must make written application to the Council pursuant to Section 159(1) of the Act in the manner and form determined by the Council and supplying such information as the Council may reasonably require.

5.1.3 Application forms may be obtained from the Council office located at either the Berri Office (5 Riverview Drive, Berri) or the Barmera Office (Barwell Avenue, Barmera).

5.1.4 The Council will take into account, in accordance with Section 159(5) of the Act, the following matters:-

5.1.4.1 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 the Council's area;

5.1.4.2 the community need that is being met by activities carried out on the land for which the rebate is sought, and

5.1.4.3 the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons.

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

5.1.5.1 why there is a need for financial assistance through a rebate;

5.1.5.2 the level of rebate (percentage and dollar amount) being sought and why it is appropriate;

5.1.5.3 the extent of financial assistance, if any, being provided to the applicant and/or in respect of the land by Commonwealth or State agencies;

5.1.5.4 whether the applicant has made/intends to make applications to another Council;

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

5.1.5.6 whether the applicant is a public sector body, a private not for profit body or a private or profit body;

5.1.5.7 whether there are any relevant historical considerations that may be relevant for all or any part of the current Council term;

5.1.5.8 the desirability of granting a rebate for more than one year in those circumstances identified at Clause 4.2 of this policy;

5.1.5.9 consideration of the full financial consequences of the rebate for the Council;

5.1.5.10 the time the application is received;

5.1.5.11 the availability of any community grant to the person or body making the application;

5.1.5.12 whether the applicant is in receipt of a community grant; and

5.1.5.13 any other matters, and policies of the Council, which the Council considers relevant.

5.1.6 All persons who or bodies which wish to apply to the Council for a rebate of rates must do so on or before 30th April. The Council reserves the right to refuse to consider applications received after that date. However, applicants which satisfy the criteria for a mandatory 100% rebate will be granted the rebate at any time.

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

5.1.8 The Council may, for proper cause, determine that an 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, the 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.

5.1.9 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 information or evidence in support of an application made (or purporting to be made) under the Act.

The maximum penalty for this offence is $5,000.

5.1.10 If a person or body has the benefit of a rebate of rates and the grounds on which the rebate has been granted cease to exist, the person or body must immediately inform the Council of that fact and (whether or not the Council is so informed) the entitlement to a rebate ceases. If a person or body fails to do so that person or body is guilty of an offence.

The maximum penalty for this offence is $5,000.

5.1.11 The 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 information requested by the Council. The advise will state:-

5.1.11.1 if the application has been granted, the amount of the rebate;

or

5.1.11.2 if the application has not been granted, the reasons why.

6 Delegation

The Council has delegated its powers, pursuant to Section 44 of the Act, to grant applications for mandatory rebates which meet the requirements of the Act.

7 Review

A person who or a body which is aggrieved by a determination of the Council in respect of an application for a rebate may seek a review of that decision in accordance with the Council's Internal Review of Council Decisions Procedure Policy within sixty (60) days of the date of the notice of determination which is given pursuant to Clause 5.1.11 of this Policy.

For further information about the procedure and options available in relation to the above policy, please contact the Rates Officer, Berri Barmera Council, PO Box 229, Berri 5343, Telephone 8582 1922, or email bbc@bbc.sa.gov.au.

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