POLICY 5.21

Finance and Internal Controls

Rates Rebates

Version: 4 **| Next Review:** March 2028

1. INTRODUCTION

It is the policy of the District Council of Tumby Bay (the 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* (the Act) and, where appropriate, the requirements of this Policy.

2. POLICY OBJECTIVE

2.1 The purpose of this Policy is to provide guidance to the community on the basis upon which a person or body is, or may be, entitled to receive a rebate of rates and the matters that the Council will consider when determining an application for a rebate.

2.2 The Council has adopted this Policy to assist in its decision making functions relative to the operation of the rate rebate provisions contained in the Act.

3. POLICY STATEMENT

3.1 The Act sets out at Chapter 10, Division 5,sections 159 to 166 those provisions applicable to the Council granting a rebate of rates to persons or bodies.

3.2 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. POLICY DETAIL

4.1 Local Government Act 1999

4.1.1 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.

4.1.2 Sections 160 to 165 of the Act provide for mandatory rebates of rates in specified cases and the amount of that mandatory rebate (see clause 4.2).

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

4.1.4 Section 166 of the Act allows for the Council to provide a discretionary rebate of rates in the cases set out in that section.

4.2 Mandatory Rebates

4.2.1 The Council must grant a rebate of the amount specified in respect of those land uses which mandatory rebates under the Act will be granted.

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

(a) Health Services (section 160)

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

(b) Religious Purposes (section 162)

Land containing a church or other building used for public worship (and any grounds), or land solely used for religious purposes.

(c) Public Cemeteries (section 163)

Land being used for the purposes of a public cemetery.

(d) Royal Zoological Society of SA (section 164)

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.

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

(a) Community Services (section 161)

- Land being predominantly used for service delivery or administration (or both) by a community services organisation. A community services organisation is defined in the Act as a body that:
- is incorporated on a not-for-profit basis for the benefit of the public; and
- 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.

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:

- emergency accommodation;
- food or clothing for disadvantaged persons;
- supported accommodation;
- essential services, or employment support, for persons with mental health disabilities, or with intellectual or physical disabilities;
- legal services for disadvantaged persons;
- drug or alcohol rehabilitation services; or
- 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.

Disadvantaged persons is defined in the Act as persons who are disadvantaged by reason of poverty, illness, frailty, or mental, intellectual or physical disability.

(b) Educational Purposes (section 165)

- Land occupied by a government school under a lease or licence and being used for educational purposes; or
- Land occupied by a non-government school registered under the *Education and Early Childhood Services (Registration and Standards) Act 2011* and being used for educational purposes; or
- 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.

4.2.4 Where the Council is satisfied from its own records, or from other sources, that a person or body meets the criteria for a mandatory 100% or 75% rebate, the Council will grant the rebate. Where the Council is not satisfied, it will require the person or body to apply for the rebate in accordance with clause 4.4 of this Policy.

4.2.5 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 at clause 4.4.3 of this Policy and may take into account any or all of those matters set out at clause 4.4.4 of this Policy.

4.2.6 Where an application is made for a rebate of up to a further 25%, the application will be made in accordance with clause 4.4.2 of this Policy and the Council will provide written notice to the applicant of its determination of that application.

4.3 Discretionary Rebates

4.3.1 Pursuant to section 166 of the Act, the Council may in its absolute discretion grant a rebate of rates or service charges in any of the following cases:

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

(b) where it is desirable for the purpose of assisting or supporting a business in its area,

(c) where it will conduce to the preservation of buildings or places of historic significance,

(d) where the land is being used for educational purposes,

(e) where the land is being used for agricultural, horticultural or floricultural exhibitions,

(f) where the land is being used for a hospital or health centre,

(g) where the land is being used to provide facilities or services for children or young persons,

(h) where the land is being used to provide accommodation for the aged or disabled,

(i) where the land is being used for a residential aged care facility that is approved for Commonwealth funding under the *Aged Care Act 1997* (Commonwealth) or a day therapy centre,

(j) where the land is being used by an organisation which, in the opinion of the Council, provides a benefit or service to the local community,

(k) 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, and

(l) 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 redistribution of the rates burden within the community arising from a change to the basis or structure of the rates or a change to the basis on which land is valued for the purpose of rating, rapid changes in valuations, or anomalies in valuations.

4.3.2 The Council may grant a rebate of rates up to and including 100% of the relevant rates or service charges.

4.3.3 The Council may grant a rebate for a period exceeding one year, but not exceeding 10 years in respect of those cases identified at 4.3.1(a), 4.3.1(b) or 4.3.1(k).

4.3.4 The Council has absolute discretion to:

(a) grant a rebate of rates or service charges in the above cases; and

(b) determine the amount of any such rebate.

4.3.5 Section 166(2) of the Act provides that such a rebate may be granted by the Council on such conditions as the Council thinks fit.

4.4 Applications

4.4.1 The Council will inform the community of the provisions for rates rebates under the Act by the inclusion of suitable details in the rating summary distributed with the annual Rates Notice.

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

(a) pursuant to section 159(4) of the Act and clause 4.2.4 of this Policy, or

(b) pursuant to section 166 of the Act and clause 4.3.1 of this Policy,

must submit a request in writing to the Council, and provide such information that the Council may reasonably require.

4.4.3 The Council will consider, in accordance with section 166(1a) of the Act, the following matters:

(a) 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;

(b) the community need that is being met by activities carried out on the land for which the rebate is sought; and

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

4.4.4 The Council may consider other relevant matters including, but not limited to, the following:

(a) why there is a need for financial assistance through a rebate;

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

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

(d) whether the applicant has made/intends to make application to another Council;

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

(f) whether the applicant is a public sector body, a private not-for-profit body or a private or for-profit body;

(g) whether there are any relevant historical matters that may be relevant for all or part of the current Council term;

(h) the desirability of granting a rebate for more than one year in those circumstances identified at clause 4.3.3 of this Policy;

(i) consideration of the full financial consequences of the rebate for the Council;

(j) the time the application is received;

(k) the availability of any community grant to the person or body making the application;

(l) whether the applicant is in receipt of a community grant; and

(m) any other matters and policies of the Council which the Council considers relevant.

4.4.5 All persons who or bodies which intend to apply for a rebate of rates must do so on or before 30 April prior to the rate year. 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.

4.4.6 The Council may grant a rebate of rates or service charges on such conditions as the Council thinks fit.

4.4.7 The Council may determine that an entitlement to a rebate of rates under the Act no longer applies.

(a) 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 remainder of the financial year.

(b) 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.

(c) 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.

4.4.8 The Council will, in writing, advise an applicant of its determination of the application within 30 business days of receiving the application, or of receiving all information requested. The advice will state:

(a) if the application has been granted and the amount of the rebate; or

(b) if the application has not been granted and the reasons why.

5. COMPLAINTS HANDLING

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 Policy 2.27 Internal Review of a Council within 21 days of the date of the notice of determination which is given pursuant to clause 4.4.8 of this Policy.

6. POLICY REVIEW

This Policy will be reviewed every two (2) years. The Council has the right to review this policy at any time, if considered desirable.

7. AVAILABILITY OF POLICY

This Policy will be available for inspection at the Council's Office during ordinary business hours and via the Council's website, www.tumbybay.sa.gov.au. Copies will also be provided to the public upon request and upon payment of a fee in accordance with the Council's Schedule of Fees and Charges.

8. FURTHER INFORMATION

File reference	R26/9630
Responsibility	Deputy Chief Executive Officer
Version	4
Effective date	30/06/2026
Last revised date	16/05/2024
Minutes reference	6c/62026
Next review date	March 2028
Applicable Legislation	*Local Government Act 1999* *Local Government (Financial Management) Regulations 2011*
Related Policies	Policy 5.22 – Rating Policy 5.28 – Rates Financial Hardship
Related Procedures	Procedure 7.5.21 – Rate Rebates

AUTHORITY:

Adopted by Council:	10/10/2011	{Motion 19c/102011}
Reviewed by Council:	10/11/2015	{Motion 7c/112015}
Amended by Council:	12/05/2020	{Motion 3c/52020}
Adopted by Council:	16/05/2024	{Motion 6c/52024}
Adopted by Council:	30/06/2026	{Motion 6c/62026}

SIGNED: 

.....
Responsible Officer

DATED: 30/06/2026