

	COUNCIL POLICY	POLICY REVIEW
	C 006 - REMISSION OF RATES	Policy to be reviewed as required but no later than June 2020
DATE APPROVED	RESOLUTION NUMBER	RESPONSIBLE OFFICER
27 June 2018	08/06.2018/C	General Manager

1.0 POLICY STATEMENT

- 1.1 The Council will provide remission of rates in accordance with s129 of the *Local Government Act 1993* (“the Act”) in accordance with this Policy only.

2.0 OBJECTIVE

- 2.1 The purpose of this policy is to provide Council with guidance when assessing applications for remission of rates made under s129 of the Act.
- 2.2 The General Manager has delegated authority for the Council’s functions or powers with respect to the remission or rebate of rates and charges in accordance with sections 22(1) and 22(2)(b) of the Act. This policy fulfils the obligation in s22 (2) of the Act.
- 2.3 Council has the authority to remit rates under Section 129 of the Act.

3.0 SCOPE

- 3.1 This policy applies to ratepayers within the Municipality. In exercising the Council’s discretion when considering applications pursuant to s129 of the Act, the Council intends to apply a consistent and equitable procedure when making a determination.

4.0 APPLICATION

This policy applies to:

- 4.1 Applications made by a ratepayer for remission of rates and the consideration of and decision in respect to the application pursuant to section 129 (1), (2) & (3) of the Act.
- 4.2 Remissions granted to a class of ratepayers to be provided in Council’s annual Rates Resolution pursuant to section 129(4) of the Act.

5.0 PROCEDURE

Applications for Remission (S. 129 (1), (2) & (3))

Applications by Individual Ratepayers

- 5.1 Applications made pursuant to s129 (3) will only be granted in exceptional circumstances.
- 5.2 When considering an application made pursuant to s129 (3) the Council shall consider the following matters: -
- the remission or rebate type applied for;
 - the benefit or detriment to the Council if the remission is approved;
 - the applicant’s reasons for applying for the remission;
 - the expense and likelihood of the Council being able to collect any outstanding amounts; and
 - any other relevant matter.

- 5.3 The maximum amount of remission granted to an individual ratepayer (pursuant to s129 (3)) of penalty or interest payable by the ratepayer is to be \$500 annually, unless approved by Council at a formal meeting.

Applications by Community Organisations

- 5.4 The following classes of organisations will be eligible for the consideration of a remission of the general rate:-

- sporting clubs
- halls
- service clubs
- community organisations; or
- organisations with a sole purpose of advancing community interests.

- 5.5 Provided that the organisation does not derive an income from activities outside its community purpose (such as from the sale of alcohol) and is a:-

- charitable organisation as evidenced by an Australian Taxation Office exemption; or
- not for profit community based, community organisation.

Application Procedure

- 5.6 The following is the procedure for the applying for a remission of rates:

- a ratepayer must apply in writing to the General Manager;
- the General Manager will assess the application in accordance with this policy;
- the General Manager will provide written advice of the outcome of the assessment to the applicant;
- the General Manager is to maintain a record of all remissions granted under this section.

Approval of Remission of Rates

- 5.7 The General Manager has delegated authority to approve all matters with the exception of - Charitable or Community Organisations. Any remission to only relate to the General Rate and not any service charges which are to be referred to Council where Equity/Value for services provided shall be based on factual information and relativity to other similar properties.

Attachment 1

Local Government Act 1993

128. Late Payments

(1) If any rates or instalments are not paid on or before the date they fall due, a council may –

- (a) impose a penalty not exceeding 10% of the unpaid rate or instalment; or
- (b) charge a daily interest not exceeding the prescribed percentage in respect of the unpaid rate or instalment for the period during which it is unpaid; or
- (c) impose a penalty and charge interest as specified in paragraphs (a) and (b)

(2) For the purpose of subsection (1), “prescribed percentage” is to be calculated in accordance with the following formula:

$$p = \frac{LTB + 6\%}{365}$$

Where –

“P” is the prescribed percentage;

“LTB” is the official ten-year long term bond rate as determined by the Reserve Bank as at the close of business on the last day of business preceding 1 March.

Local Government Act 1993

129. Remission of Rates

(1) A ratepayer may apply to the council for remission of all or part of any rates paid or payable by the ratepayer or any penalty imposed or interest charged under section 128.

(2) An application is to be –

- (a) made in writing; and
- (b) lodged with the general manager.

(3) A council, by absolute majority, may grant a remission of all or part of any rates, penalty or interest paid or payable by the ratepayer.

(4) A council, by absolute majority, may grant a remission of any rates, penalty or interest paid or payable by a class of ratepayers.

(5) The general manager is to keep a record of the details of any remission granted under this section.

Attachment 2

Local Government Act 1993

22. Delegation by council

- (1) Subject to subsection (2), a council, in writing, may delegate with or without conditions to the general manager, controlling authority, a council committee or a special committee, any of its functions or powers under this or any other Act, other than-
- (a) this power of delegation, unless authorised by the council; and
 - (b) the powers referred to in subsection (3).
- (2) A council, in writing, may delegate any of the following powers only to the general manager or a council committee and only on condition that the council has determined appropriate policies and procedures to be followed in relation to those powers:
- (a) the collection of rates and charges under Part 9;
 - (ab) the postponement of rates and charges;
 - (b) the remission or rebate of rates and charges;
 - (ba) the writing off of any debt owed to the council;
 - (c) the making of grants or the provision of benefits.
- (3) A council must not delegate any of its powers relating to the following:
- (a) the borrowing of money or other financial accommodation;
 - (b) the determination of the categories of expenses payable to councillors and any member of any committee;
 - (c) the establishment of council committees, special committees, controlling authorities, single authorities or joint authorities;
 - (d) the revision of the budget or financial estimates of the council;
 - (e) the revision of the strategic plan and the annual plan of the council;
 - (f) the appointment of the general manager;
 - (fa) the sale, donation, exchange or other disposal of land or public land;
 - (fb) the decision to exercise any power under section 21(1);
 - (g) the making of by-laws;
 - (h) the making of rates and charges under Part 9;
 - (i) any other prescribed power.
- (4) The general manager is to –
- (a) keep a register of any delegation; and
 - (b) make the register available for inspection at a public office.