

RATE REBATE POLICY

June 2025

Legislative

PURPOSE

This Policy provides guidance to the community for the grounds on which a person, body, or person representing a body, may be entitled to receive a rebate of rates and the matters that the Council will consider when assessing an application.

STATEMENT

This policy has an overriding principle that except in circumstances of financial hardship impacting on service delivery, all ratepayers should contribute an amount to basic service provision unless mandated by legislation.

Scope

Sections 160 to 166 of the *Local Government Act 1999* (SA) (the Act) outline both mandatory rebates available from Council upon a ratepayer meeting the specified eligibility criteria in the Act, and discretionary rebates Council may apply at its absolute discretion.

Mandatory Rebates

Rebates provided for under Sections 160 to 165 of the Act are considered mandatory. Where the criteria for a mandatory rebate is met, Council is obligated to grant the rebate of rates.

Rates on the following land will be rebated at 100%

- Health Services - Section 160
Land being predominately used for the service delivery or administration by a hospital or health centre incorporated under the South Australian Health Commission Act 1976.
- 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.
- Public Cemeteries - Section 163
Land being used for the purposes of a public cemetery.
- Royal Zoological Society - 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.

Rates on the following land will be rebated at 75%

- Community Services - Section 161

Land being predominantly used for service delivery or administration (or both) by a community service organisation.

A community services organisation is defined in *the Act* as a body that satisfies all of the below criteria:

- 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.

It is necessary for a community services organisation to satisfy all of the above criteria to be eligible for the mandatory 75% rebate. In addition, to satisfying the above criteria, a community services organisation must provide one or more of the following services as a predominate use of the land:

- 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
- 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

- Educational Purposes – Section 165

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

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.

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.

Discretionary Rate Rebates

Council may in its absolute discretion grant a rebate of rates or service charges in any of the following cases that fall within Section 166 of the Act.

- a) Where the rebate is desirable for the purpose of securing the property development of the area (or part of the area)
- b) Where the rebate is desirable for the purpose of assisting or supporting a business in its area

- c) Where the rebate 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 for 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* (Cwlth) or a day therapy centre
- j) where 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
- 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 by the ratepayer due to.
 - i. A redistribution of the rates burden within the community arising from a change to the basis of or structure of the council's rates; or
 - ii. A change to the basis on which land is valued for the purpose of rating, rapid changes in valuations, or anomalies in valuations
- m) Where the rebate is considered by the council to be appropriate to provide relief in order to avoid what would otherwise constitute.
 - i. 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
 - ii. a liability that is unfair or unreasonable
- n) Where the rebate is to give effect to a review of a decision of the council under Chapter 13 Part 2
- o) Where the rebate is contemplated under another provision of this Act.

Special Discretionary Rebate (Section 166(1)(l))

Council has determined that a rebate will be applied to all properties to cap any annual increase in the general rates payable at 10%, subject to specific criteria.

Application of this rebate recognises that in some instances, property owners have no control over increases in property valuations. Where a valuation increase is as a result

of market forces, the rates levied as a result of that valuation increase should be capped at a level that minimises the impact to a reasonable level.

The rebate will not apply where the increase in rates payable is the result of an increase in valuation that recognises a capital improvement on the property (regardless of when the development was undertaken) or where there has been a change in land use, ownership or licence to occupy during the previous financial year, or the result of an increase in general rates payable through the introduction of a minimum rate.

A capital improvement includes any addition, alteration, or new development on the property.

As per the Act, a rebate may be granted for a period exceeding one year, but not exceeding three years. After three years the rebate will be removed and the rates payable will reset to levels that would ordinarily apply in the absence of the rebate.

Council applies the rebate automatically to all properties that are eligible.

Application for Rebates

A person, body, or person representing a body, seeking a rebate of rates, must do so in writing by completing the designated rebate application form, and providing any supporting information as reasonably requested by Council.

Application forms can be obtained on the City of Adelaide website at <http://www.cityofadelaide.com.au/forms> or at our Customer Service Centre at 25 Pirie Street, Adelaide.

- Applications for Mandatory rebates can be submitted to council at any time and will be considered for the current and future financial years.
- Applications for Discretionary rebates must be submitted to council by 31 March of each year and will be considered for approval for next financial year.
- Applications for Discretionary rebates will not be considered for the current financial year in which they have been received.

Granting of a Rebate

The Council may grant a rebate of rates up to an including 100% of rates or service charges, however based on the policy's overriding principle that all ratepayers should contribute an amount to basic service provision, the maximum discretionary rebate will be \$75%, except in circumstances of financial hardship impacting on service delivery, where mandated by legislation, or approved by resolution of Council.

Council will, in deciding whether to grant a rebate of rates or charges under Discretionary Rate Rebate section (d), (e), (f), (g), (h), (i) or (j) above, take into account—

- 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 its area; and
- 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,

and may take into account other matters considered relevant by the council

A discretionary rebate may be granted on such conditions as the council thinks fit.

- a) A rebate of rates or charges under Section (a), (b) or (k) may be granted for a period exceeding one year, but not exceeding 10 years.
- b) A rebate of rates or charges under subsection (1)(l) may be granted for a period exceeding one year, but not exceeding three years.

Approvals

Applications for Mandatory rebates will be approved by the Chief Operating Officer.

Applications for Discretionary rate rebates will be approved for the coming financial year by council resolution.

When assessing applications for discretionary rate rebates, Council may take into account, but is not limited to, the following general considerations:

- Whether the applicant is a public sector or a private not-for-profit body or an income tax exempt fund.
- The specific section of the Act under which the application is made.
- The need for financial assistance in the form of a rebate.
- The extent to which activities provided support or relief to disadvantaged persons.
- The nature of activities carried out on the premises.
- The community need that is being met by the activities carried out and whether the activities are those that council would otherwise need to support.
- To what extent the applicant is providing a service within the Council area compared to those outside the area.
- Whether the applicant is in receipt of or is eligible for a community grant. Including, a review of past or present grants received.
- Any historical considerations, including why has the need for a rebate arisen at this particular time.
- To what extent the applicant is providing a service within the Council area compared to those outside the area.

Strategic Considerations

In addition to the above, Council may also take into account, but is not limited to, the below strategic considerations where they align to the City of Adelaide strategic direction.

- Potential to drive economic development in the city
- Number of sustainable long-term jobs created or retained
- Contribute to an increase in residential population in the city
- Will assist in achieving Council's strategic objectives?
- Is seen as a strategic inclusion to the city
- To assist and secure new development

Review of Existing Rate Rebates

Council will review approved rate rebates on a regular basis to reconfirm on going eligibility.

- Discretionary Rebates will be reviewed biennially, and
- Mandatory rebates will be reviewed at least once during a full council term.

Rebates will be removed from any rebate recipient identified as no longer being eligible or where council is unable to confirm ongoing eligibility.

OTHER USEFUL DOCUMENTS

Related documents

- Rating Policy
- Rate Rebate Operating Guideline

Relevant legislation

- *Local Government Act 1999 (SA)*

GLOSSARY

Throughout this document, the below terms have been used and are defined as:

Assessment: The review of a situation in line with Council guidelines or eligibility criteria.

Body: A business or organisation that is an owner or occupier of a property.

Discretionary Rebates - A rebate which has been applied under the *Local Government Act 1999 (SA)*, Section 166. Rebates can be categorised as not-for-profit purposes or for strategic development outcomes.

Financial hardship: When a person or body is unable to meet their existing financial obligations for a period of time.

Mandatory Rebates - A rebate which has been applied under the *Local Government Act 1999*, Section 159-165.

Ratepayer: A person appearing in the assessment record as the owner or occupier of a rateable property.

Rating Policy: City of Adelaide Rating Policy

Rebate - The refund of a portion of rates paid or payable.

The Act: *Local Government Act 1999 (SA)*

This Policy: City of Adelaide Rate Rebate Operating Guideline

ADMINISTRATIVE

As part of Council's commitment to deliver the City of Adelaide Strategic Plan, services to the community and the provision of transparent information, all policy documents are reviewed as per legislative requirements or when there is no such provision a risk assessment approach is taken to guide the review timeframe.

This Policy document will be reviewed every **4** years unless legislative or operational change occurs beforehand. The next review is required in **2029**.

Review history:

Trim Reference	Authorising Body	Date/ Decision ID	Description of Edits
	Council		Addition of information listing mandatory rate rebates and, the application and approval requirements for both mandatory and discretionary rate rebates.
ACC2022/11331	Council	9 August 2022	Transfer to new template and removal of operational elements to be included in Rate Rebate Guideline.
ACC2015/116845	Council	1 July 2015	Revised
ACC2007/134663	Council	28 April 2008	Revised

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