



# Mandatory or Discretionary Rate Rebate Application Form

You can only be eligible for **either** a mandatory **or** discretionary rebate; **not both**. Please read through eligibility criteria carefully before ticking the appropriate boxes.

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Woodside SA 5244  
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## Details of applicant

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

## If the applicant is not a natural person, please provide details of a contact person for the applicant:

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

## Details of land

Council assessment number: \_\_\_\_\_

Valuer-General number: \_\_\_\_\_

Certificate of Title reference: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Owner of land (if not applicant): \_\_\_\_\_

Note: if the application for a rate rebate is for multiple properties, each assessment must be identified separately (a separate listing can be attached to this application if necessary).

**Please note:** A person or body who makes a false or misleading statement or representation in an application or provides false or misleading information or evidence in support of an application for rebate is guilty of an offence under Section 159(2) of the *Local Government Act 1999*. **Maximum penalty: \$5,000.**

### Categories of rebate

Please tick the category under which you are seeking a rebate.

(Section numbers quoted refer to the *Local Government Act 1999*.)

#### 1.1 Mandatory 100%

- 1.1.1 **Health Service** – land being predominantly used for service delivery or administration by a hospital or health centre incorporated under the Health Care Act 2008 (**Section 160**).
- 1.1.2 **Religious purposes** – land containing a church or other building used for public worship (and any grounds), or land solely\* used for religious purposes (**Section 162**).
- 1.1.3 **Public cemeteries** – land being used for the purposes of a public cemetery (**Section 163**).
- 1.1.4 **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 (**Section 164**).

#### 1.2 Mandatory 75% (Section 161)

- 1.2.1 **Community services** (as defined below) – land being predominantly used for service delivery or administration by a community services organisation

To qualify as a Community Service Organisation under the rebate provisions of the *Local Government Act 1999* an organisation must meet **all four** of the following criteria (see *Additional information required* at end of this form).

- (a) Is incorporated on a not-for-profit basis for the benefit of the public, AND
- (b) Provides community services without charge or for a charge that is below the cost to the body of providing the services, AND
- (c) Does not restrict its services to persons who are members of the body, AND
- (d) Provides services for one or more of the following:  
*Tick all that apply.*
- Emergency accommodation
- Food or clothing for disadvantaged persons (i.e. persons who are disadvantaged by reason of poverty, illness, frailty, or mental, intellectual or physical disability).
- Supported accommodation (i.e. residential care facilities in receipt of Commonwealth funding under the *Aged Care Act 1987* or accommodation for persons with mental health, intellectual, physical or other difficulties who require support in order to live an independent life).



**Mandatory rebate – Additional information required:**

The Council requires you to attach, as a minimum, the following additional information to support your application for a mandatory rebate:

- A copy of the organisation's Constitution and/or other documentation establishing that it is incorporated on a not-for-profit basis;
- A copy of the organisation's latest Annual Report;
- Evidence that the land is being predominantly used specifically for the purpose for which the rebate is being sought;
- Evidence of the status of your organisation as a not-for-profit or charitable, tax exempt organisation;
- Confirmation of whether you are in receipt of a community grant;
- Any other information that you believe is relevant in support of this application.

If you are requesting a mandatory rebate under Community Services – Section 161 you must also provide:

- Evidence that the land is being used for service delivery and/or administration;
- Evidence that the organisation provides services free of charge or below cost;
- Evidence that the organisation provides services to persons other than members;
- Information as to whether and, if so, to what extent you (or your organisation) will be providing a service within the Council area;
- The extent of financial assistance (if any) being provided by Commonwealth or State agencies.

**Please Note:** failure to provide supporting documentation could result in no rebate being granted, or a lesser percentage rebate being applied if criteria are not met under the *Local Government Act 1999*.

**If you do not qualify for a mandatory rebate, you may qualify for a discretionary rebate.**

**2.1 Discretionary rebates (Section 166.1)**

The Council may, in its discretion, grant a rebate of rates or service charges in any of the following cases (**Section 166**). Please tick the applicable circumstance/s under which you are seeking a rebate (see *Additional information required* at end of this form).

- (a) The rebate is desirable for the purpose of securing the proper development of the area (or a part of the area).
- (b) The rebate is desirable for the purpose of assisting or supporting a business in its area.
- (c) The rebate will be conducive to the preservation of buildings or places of historic significance.
- (d) The land is being used for educational purposes.
- (e) The land is being used for agricultural, horticultural, or floricultural exhibitions.
- (f) The land is being used for a hospital or health centre.

- (g) The land is being used to provide facilities or services for children or young persons.
- (h) The land is being used to provide accommodation for the aged or disabled.
- (i) The land is being used for a residential aged care facility that is approved for Commonwealth funding under the *Aged Care Act 1987* or a day therapy centre.
- (j) The land is being used by an organisation which provides a benefit or service to the local community.
- (k) 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) The rebate is 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 council's 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.
- (m) 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.
- (n) Where the rebate is to give effect to a review of a decision of the council under Chapter 13, Part 2 of the Act (Internal Review of Council actions).
- (o) Where the rebate is contemplated under another provision of this Act.

**Amount of rebate**

If you are applying for a discretionary rebate under clause 2.1 of this application:

Please specify the rebate amount you are applying for: \_\_\_\_\_

Please specify why you (or your organisation) need financial assistance through a rebate and why the amount of rebate you have applied for is appropriate. Please also address the issues listed in *Additional information required* at the end of this form: \_\_\_\_\_

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**Discretionary rebate – Additional information required:**

The Council requires you to attach, as a minimum, the following additional information to support your application for a discretionary rebate:

- Evidence that the land is being used for the purpose for which the rebate is being sought;
- Information as to whether and, if so, to what extent you (or your organisation) will be providing a service within the Council area;
- At least two years audited financial statements (Profit and Loss Statement and Balance Sheet)
- A copy of the organisation's latest Annual Report;
- Confirmation of whether you are in receipt of a community grant;
- Confirmation of whether you have made, or intend to make, an application to another Council;
- The extent of financial assistance (if any) being provided by Commonwealth or State agencies;
- Confirmation of whether you have made other applications to Council for financial assistance;
- Evidence of the status of your organisation as a not-for-profit or charitable tax exempt organisation;
- A copy of the organisation's Constitution and/or other documentation establishing that it is incorporated on a not-for-profit basis;
- Any other information that you believe is relevant in support of this application.

**Please Note:** failure to provide supporting documentation could result in no rebate being granted, or a lesser percentage rebate being applied if criteria are not met under the *Local Government Act 1999*.

You can only be eligible for either a mandatory or discretionary rebate; not both. Please read through eligibility criteria carefully before ticking the appropriate boxes.

**\*solely** (see 1.1.2) means that the religious purpose must be the only and exclusive use. If it is the **predominant** use, as opposed to the **exclusive** use, your organisation may only apply for a discretionary rebate under Section 166 of the *Local Government Act 1999*.

Under Council policy, eligibility for mandatory rebates is confirmed annually.

Under Council policy, discretionary rebates are granted for the term of the Council.

### Application forms

Application forms and all additional information must be submitted to the Council **within 60 days of receipt of the Annual Rates Notice.**

A failure to submit application forms or to provide the additional information required by the Council to assess the application within the specified period may result in the Council refusing to consider the application for the current financial year.

**Please Note:** It is the responsibility of the applicant to establish their claim for entitlement to a rebate and supply all the information required to substantiate this claim. Where insufficient information or evidence is supplied, applications may be denied for the current financial year. Under the *Local Government Act 1999*, generally rebates can only be granted on an annual basis and therefore must be applied for annually. Discretionary rebates granted in any one year may not be granted in subsequent years.

### Important information

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 (Section 159 (2) of the *Local Government Act 1999*).

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

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 notify the Council, that person or body is guilty of an offence and liable to a maximum penalty of \$5,000 (Section 159 (7) and (8) of the *Local Government Act 1999*).

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.

**I declare that the information I have provided on and attached to this application form is true.**

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

Signed: \_\_\_\_\_

Title of Office held: \_\_\_\_\_