

RATES CONCESSION – NOT FOR PROFIT

APPROVALS

POLICY NUMBER	CORP-POL-025	DOC.ID	4696777
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CATEGORY	Community
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POLICY OWNER	Financial Services
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APPROVAL DATE	25 August 2021	RESOLUTION NUMBER	7460
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OBJECTIVE

To provide financial assistance to Community Organisations, that provide a benefit to the community, using the rate exemption provision under Section 93(3)(i) of the Local Government Act 2009 and to consistently apply this provision of the Local Government Act 2009 when determining eligibility for rate concession for community organisations.

SCOPE

This policy applies to Community Organisations that operate within the IRC local government area, seeking rebates and concessions for rates and/or charges that satisfy the Criteria in the Policy Statement in this Policy.

DEFINITIONS

TERM / ACRONYM	MEANING
Authorised IRC Officer	Manager Financial Services.
Charitable Purposes	Land that is used on a non-profit basis for purposes relating to:- <ol style="list-style-type: none">Education; orAssistance to the ill or infirmed; orAssistance to the poor; orOther purposes of benefit to the community generally.
Community Organisation	A non-profit organisation, for this Policy, refers to not-for-profit community, recreation or sporting bodies/associations and organisations that operate under NFP principles. These include, but not limited to Returned Servicemen, community service organisations, not-for Profit/Charitable Organisations, scouts/guides, Arts/Culture Community Organisations etc.
IRC/Council	Isaac Regional Council.
Not-for-profit (NFP)	A not-for-profit (NFP) organisation does not operate for the profit or gain of its owners or individual members, whether these gains would have been direct or indirect, with any profits made used to carry out its purposes. This applies both while the organisation is operating and when it winds up. <i>(This definition is consistent with the definition used by the Australian Taxation Office.)</i>

POLICY STATEMENT

CRITERIA

IRC will consider applications from not-for-profit organisations subject to the following criteria:

- The organisation must be a not-for-profit community based organisation.
- The organisation must be an Incorporated Association or a registered not-for-profit organisation, registered with the Australian Tax Office.
- The organisation must be the owner or lessee of the land and be able to demonstrate that it is responsible for payment of the rates levied.
- The organisation must have no overdue rates and charges, without having made some commitment/arrangement to pay.
- The land, or any part of the land, must not be rented or leased to a third party.
- The property must not be used for a residential purpose unless utilised for short-term accommodation for homeless and at risk persons or for an aged care facility or residence as part of the leased area (e.g. approved caretaker).
- The property must not be subject to a general rate exclusion, waiver or concession by virtue of a condition contained in a lease of a reserve from IRC.
- The property must not be exempted from general rates subject to a specific exemption by virtue of section 93(3) of the *Local Government Act 2009* and/or section 73 of the *Local Government Regulation 2012*. Where the discretion to exempt a property from general rates vests in IRC, either under *the Local Government Act 2009* or within the conditions attached to an IRC lease, the ratepayer may opt to forego this exemption and take advantage of the conditions of this policy.
- Is not in conflict or providing further mechanisms for concessions that are already clearly identified in legislation or receive ample subsidies by state and federal governments; for example childcare centres, aged care facilities.

LEVEL OF RELIEF

All applications must be in writing and must be supported by a copy of the organisation's most recent financial statement (no more than 12 months old), along with the organisation's Australian Charities and Not-for-profit registration and/or registration as an association of charity with the Queensland Office of Fair Trading

Levels of relief will be as per the categorisation of each individual Community Organisations.

IRC may, by resolution, approve remissions at a different remission level.

If a not-for-profit organisation does not meet one of the categories, it is considered commercial in nature and is exempt from a concession under this Policy. Other mechanisms for claiming hardship or exemptions may be available.

AMOUNT OF REBATE BY CATEGORY OF NOT-FOR-PROFIT ORGANISATION

The following identifies where Community Organisations have been categorised and the percentage of rates concessions they are to receive, whilst concession is active:

DESCRIPTION	CATEGORY CODE	GENERAL RATE CONCESSION %	WATER ACCESS CONCESSION %	WASTEWATER ACCESS CONCESSION %	WATER CONSUMPTION CONCESSION [^]		
					TIER 1	TIER 2	TIER 3
Community organisation who do not operate gaming machines or trades regularly with a liquor licence (i.e. in a commercial manner) or other activities (kitchen/dining options)	Category A	100%	100%	100%	80%	50%	20%
	Category A1*	Same as A			100%	80%	50%
Community organisation who: – hold gaming machine licence or permit issued from the OLGR and operate 10 or less gaming machines; and - does not trade regularly with a liquor licence (i.e. in a commercial manner) or other activities (kitchen / dining options)	Category B	50%	50%	50%	80%	50%	25%
	Category B1*	Same as B			90%	70%	40%
Community organisation who: – hold gaming machine licence or permit issued from the OLGR and operate 11 to 20 gaming machines; and / or – trades regularly with a liquor licence (i.e. in a commercial manner) or other activities (kitchen / dining options)	Category C	50%	0%	0%	50%	20%	0%

Conditions

- *Community Groups who rely on water usage for the following reasons, and can provide appropriate evidence, can apply for further water consumption concessions:

- Dust control;
- Acceptable aesthetic functional reasons; and/or
- Critical to maintain sporting grounds/greens (for use).
- Community Organisations must demonstrate they are ensuring a sustainable approach to their operations to receive concessions
- IRC will not pay concessions on water charges to water users whilst they are supplied with non-potable water (i.e. recycled water/treated effluent, waste or untreated water) at reduced rates under a separate water supply agreement.
- No concessions will apply to the Emergency Management Levy or Rural Fire Services Levy
- IRC will review the rates of concessions and list of eligible organisations at least annually or as required.
- Council may require eligible organisations to develop and implement a Water Conservation Management Plan (template supplied by Council)
 - Council will supply a Recycled Water User Agreement to all authorised users to ensure the efficient and/or safe use of Recycled water.
- Concessions do not apply to new applications/connections, these will be subject to a special application by the not-for-profit organisation for ongoing concession
- Community Groups that hold Community Liquor Permits or Restricted Liquor Permits or are exempt from requiring either Permits as per the OLGR self-assessment, are not considered to trade regularly with a liquor licence (i.e. game days, seasonal licences, one-off events) and therefore still eligible for a rates concession.

PROCEDURE CRITERIA - APPLYING FOR RATES CONCESSIONS

Applications will only be accepted on the form 'Application for Rates Concession – Not for Profit Organisation'. The form must be completed by the applicant in its entirety and must be supported by information sufficient to allow the application to be fully assessed (including a copy of the community organisation's constitution).

Council, or its delegate, will have regard to the following elements when considering applications for rate exemption:

- Meeting of one or more of the Criteria.
- The extent of financial activity and position evidenced by audited (or similar) financial statements as required at the discretion of the authorised IRC Officer;
- Any other relevant material which will assist in the application/assessment process as required by the authorised IRC Officer.

Upon approval of the Rates Concession, the not-for-profit organisation will be placed on the Rates Concessions for Not-For-Profit Organisations Register,

The rate exemption will take effect from the beginning of the financial year rating period in which the ratepayer applied for rate exemption under this Policy.

Authority in respect of this Policy is delegated to the Chief Executive Officer. The IRC, or their delegate, will have regard to the following elements when considering applications for rate exemption:

- Extent of financial activity and position evidenced by audit (or similar) financial statements as required at the discretion of the Authorised IRC Officer and Delegate.
- Any other relevant material which will assist in the application/assessment process as required by the delegated officer.

LEGISLATIONS AND RELATED GUIDELINES

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Water Supply (Safety and Reliability) Act 2008*

REFERENCES

ID	NAME
CORP-POL-028	Revenue Policy
IRC/ADMIN-034	Tenures Policy for Council Owned and or Controlled Facilities Isaac Regional IRC Revenue Statement
CORP-POL-118	Exceptional Circumstances Policy Rates Concession Procedure – Finance Branch
CORP-FRM-084	Application for Rates Concession – Not for Profit Organisation form
WW-FRM-227	Recycled Water Customer Agreement Form