

POLICY

TITLE:	RATE CONCESSION POLICY		
DIVISION:	COUNCIL		
ADOPTED BY:	COUNCIL		
DATE OF ADOPTION:	MAY 2023	DATE OF REVIEW:	MAY 2028
MOTION NUMBER:			
POLICY NUMBER:	CP38		
LEGISLATIVE REF:	Section 173(1), 167(b)(c) and(j), Chapter 11 of the <i>Local Government Act 2019</i>		

THIS POLICY APPLIES TO: Council Members and CEO

1. SUMMARY

1.1 Purpose

This Policy provides a framework and guidance for applying rates concessions in line with the requirements of the *NT Local Government Act 2019* to eligible ratepayers.

1.2 Principle

A rate concessions policy is to reflect the best interests of the whole community and be compassionate, transparent, accessible, impartial and consistent in its application.

2.0 POLICY STATEMENT

2.1 Setting of rate levels

- 2.1.1 Rates and services charges will be reviewed annually and determined for each financial year before 31st July of that year. In setting rates, Barkly Regional Council (BRC) will consider the Consumer Price Index (CPI) of Local Government Cost Indexing (LGCI) which is provided annually by the Local Government Association of the Northern Territory and major increases in Council cost including but not limited to utility charges.
- 2.1.2 Unless otherwise resolved by Council, annual rating shall be based on fixed rates charges, taking into account the classification of the property e.g. residential or commercial. Where more than one dwelling exists on a property that will attract a separate rate per dwelling in accordance with *part 11.2 of the Local Government Act 2019*.
- 2.1.3 Council will make allowances for payment of rates by quarterly instalments. Unless otherwise determined, no discount will be offered for payment of rates and services in full.

2.1.4 In accordance with *section 222 of the Local Government Act 2019*, rates will not be imposed on exempted land or if the special cases meet the criteria of *Section 223 of the Local Government Act 2019*.

3. RATE CONCESSIONS

3.1 A rate concession may be granted for the following three reasons;

- 1) to alleviate financial hardship (section 248)
- 2) to correct anomalies in the rating system (section 249)
- 3) if satisfied that the concession would advance public benefit purposes (section 250) recognised public benefits purposes are listed below;

- Securing the proper development of the council's area
- Preserving buildings or places of historical interest
- Protecting the environment
- Encouraging cultural activities
- Promoting community health or welfare
- Encouraging agriculture
- Providing recreation or amusement for the public

3.2 Applications for rate concession should state their case in writing to BRC for consideration. The applicant should appropriately cover how their case satisfies one of the three legislative reasons for a rate concession. Such application should be assessed by relevant senior staff with appropriate recommendation made for Council's consideration at its next ordinary meeting. Council is under no obligation to grant rate concessions or enter into a payment agreement.

3.3 Applicants seeking a rate concessions for financial hardship (section 248) should consider appropriate payments plans as part of the application process. The applicant may need to show confidential statements and proof of financial hardship. Council need to take into consideration that they are satisfied that the person will suffer financial hardship if the rate concession is not granted. Council may include specific conditions in granting rates concessions.

3.4 Rate concessions are not to exceed term of council, a Council must not agree to grant a rate concession for a financial year that does not fall wholly or partly within the current term of council.

3.5 Where it has been decided that a concession would be appropriate under the public benefit purpose (section 250) this would be achieved in the following manner:

- Category 1 – organisations that undertake activities that rely on participant fees, community fundraising can apply for up to 75% rates concession.
- Category 2 – organisations that undertake activities that rely on participant fees, community fundraising and other government revenue can apply for up to 50% rate concession.

- Category 3 – organisations that undertake activities that rely on participation fees, community fundraising, other government revenue and any other forms of revenue can apply up to 25% rate concession.

The organisation must provide with their application a copy of the most recent audited financial statement, a copy of the constitution of the organisation and a copy of the most recent corporate plan.

Any information provided to Council will be treated as strictly confidential and will be presented to Council for consideration in a confidential report. Applications are to be submitted in writing.

Where a payment arrangement is entered into with a ratepayer and the agreed conditions are not fulfilled by the ratepayer within seven (7) days of falling due without an acceptable reason, BRC may regard the arrangement as void. The original conditions of rates, due dates and accrued interest will apply.

- 3.6 In the case Council becomes aware of any ratepayer providing false or misleading information to gain assistance for which he/she would otherwise not be eligible, the agreement with Council will become null and void. The original conditions of rates, due dates and accrued interest will apply.

4. Recovery of rates

- 4.1 BRC will issue a statement of outstanding rates and interest accrued at the completion of each instalment round. The statement is to be accompanied by a notice indicating that default interest is now being applied and that if rates remain outstanding at the date the second instalment is due, BRC may take action to recover the debt.
- 4.2 If a rate debt to Council remains outstanding by the end of each rateable period, BRC may take action to lodge an overriding statutory charge over the land in accordance to section 255 of the act. If the rates are not paid by the due date the rates become a charge on the land to which the rates relate.
- 4.3 Any legal, lodgement or cancellation fees for the recovery of the rates will be transferred to the rate payer.
- 4.4 If the rates on a property remain in arrears for three (3) years or more, BRC may take action to sell the property for recovery of any outstanding rates, services charges, legal and selling expenses, in accordance with part 11.9 of the Act.

5. Interest on unpaid rates

- 5.1 If rates are not paid by the due date, interest accrues on the amount of unpaid rates at the relevant interest rate. Interest is calculated on a daily basis on the amount in default, from the due date to the date of payment.
- 5.1 Council may fix a rate of interest as the relevant interest rate for a financial year.
- 5.2 Council must not vary a rate of interest previously fixed as a relevant interest rate.
- 5.3 Council may remit interest wholly or in part.