District Council of
Loxton Waikerie

Rating Policy

Responsible Officer/s	Chief Finance Officer Chief Executive Officer
Relevant Legislation / Documents	Local Government Act
Adopted	08 May 2026
Reviewed	New Policy
Next Review	June 2027

A. Purpose

The purpose of this policy is to set out Council's approach towards rating in its community as required by the Local Government Act 1999 (SA) (the Act). This document provides the framework under Chapter 10 of the Act for Council to follow when raising rates. This document also outlines policy choices that have been made by Council relating to how Council will impose and administer the collection of Rates

B. Objective

Section 123 of the Act requires Council as part of the Annual Business Plan, to have a rating policy which must be prepared and adopted each financial year in conjunction with the declaration of rates.

Council's powers to raise rates are found in Chapter 10 of the Act. Chapter 10 sets guidelines for how Council must operate however also gives Council the ability to make policy choices. This document references both compulsory and policy choices that Council has made on how rates will be imposed and administered in Council.

Under Section 147 of the Act all land within a Council area, except for land specifically exempt (e.g Crown Land, Council occupied land or otherwise exempt categories) is rateable.

As per Section 150(a) of the Act rates constitute a system of taxation for Local Government.

In addition to General Rates Council also has the ability under Section 155 of the Act to impose a compulsory service charge for Waste Collection and CWMS. If these charges are applicable to a property they will be collected along with the General Rate and itemised separately on the properties rates notice.

Council's rating policy is underpinned by accountability and professional ethics, community consultation, transparency and simplicity, efficiency, equitable distribution of the rate burden, consistency with the strategic directions of Council and compliance with relevant legislation.

C. Policy

1 Valuation of Land

Council has adopted the **Capital Value** (the value of the land and all improvements on the land) method as the basis for valuing land. Council considers this method provides the fairest

distribution of the rates burden across all ratepayers.

Council will adopt, on an annual basis, the most recent valuations made available by the Valuer-General.

2 Objections to Valuation of Land

The rates notice includes information for any ratepayer dissatisfied with the valuation made by the State Valuation Office about how to make objection to the valuation. The lodgement of an objection does not change the due date for the payment of rates.

If an objection is upheld and a new capital value issued by the State Valuation Office, rates will be adjusted accordingly for the current financial year and an amended rate notice will be issued. Retrospective adjustments will not be made for prior financial years.

3 Objections to Land Use Category

Differential General Rates imposed by the Council are based on various Land Use Categories. Properties are assigned a land use code based on its predominant use. The rates notice includes information for any ratepayer dissatisfied with the Land Use Categories (Section 156 (11) and (12) of the Act). The lodgement of a Land Use objection does not change the due date for the payment of rates

4 Components of Rates

1.1 General Rates

The Act allows Councils to differentiate rates based on the use of the land, the locality of the land, the use and locality of the land or on some other basis determined by the Council.

The Council endorses the differential general rates by location (In Town and Out of Town) and land use based on the capital valuation of rateable properties for the following land uses:

- Residential
- Commercial
- Industrial
- Primary Production
- Vacant Land
- Other

1.2 Fixed Charge

Council will impose a fixed charge on each property assessment. A fixed charge ensures that all rateable properties make a base level contribution as Council delivers services and activities to support the whole community.

Council has discretion to collect up to 50% of its general rate revenue from a fixed charge.

Accordingly, to appropriately balance both the benefit principle and the capacity to pay principle, the Council's policy is to raise approximately 25% of general rate revenue from the fixed charge. The fixed charge amount is clearly indicated on rates notices.

Where two or more adjoining properties have the same owner and occupier (or if it is a single farm enterprise, not necessarily adjoining properties) only one fixed charge is payable by the ratepayer. Application forms for single farm enterprise are available from the Council office and Council website.

1.3 Service Charges

Council has elected under Section 155 of the Act to levy two service charges for Waste Collection and CWMS.

1.3.1 Waste Collection

Council provides a kerbside waste service to properties throughout the District. An annual service charge is raised to cover the cost of providing this service. The services available are as follows:

- 3 Bin collection within Townships
- 2 Bin collection Within the Rural Areas
- Retirement village collection

Where these services are applicable, they will be shown as a separate charge on the rates notice.

1.3.2 Community Wastewater Management Systems

Council maintains and manages wastewater schemes and charges for all properties serviced by these schemes. The costs of operating and renewing these services include net operating expenditure, depreciation, return on capital and cost of risk. Council recovers the cost of the service through the imposition of a CWMS service charge per property unit and is shown as a separate charge on the rates notice.

For some properties (including business and commercial premises) the number of units is based on information received from the property/business owner according to the Code for Establishing and Applying Property Units as a Factor for the Imposition of Annual Service Charges for Community Wastewater Management Systems.

1.4 Regional Landscape Levy

The Council is required under the Landscape South Australia Act 2019 to make a specified contribution to the Murraylands and Riverland Landscape Board. It does so by imposing a separate rate against all rateable properties.

This separate rate is a State tax that Councils are required to collect, and return to a State Government agency for funding the operations of the local landscape board who have a responsibility for the management of natural resources. Even though it appears on the Council rates notice, enquiries about this component should be directed to the Murraylands and Riverland Landscape Board. Contact details are on the reverse of the rates notice.

5 Rate Capping

Council makes available a capping rebate on general rates to provide relief against what would otherwise amount to a substantial change in rates payable by a ratepayer, due to rapid changes in valuations. A rebate of general rates will be granted to the principal ratepayer upon application in accordance with the Local Government Act 1999 Sec 166 (1)(l)(ii), where the rebate is considered by Council to be appropriate to provide relief against what would otherwise amount to a substantial change in rates payable due to rapid changes in valuations. A rebate of rates or charges under subsection (1) may be granted on such conditions as Council thinks fit.

Where the amount of general rates payable has increased by more than the stipulated % from the prior financial year, an application may be submitted and a rebate provided of the difference (in rates payable) between the rates that would have been payable plus the stipulated % and the general rates levied.

The rate cap will not apply where any of the following changes have occurred on the property:

- ownership has changed since 1 January of the prior year.
- improvements have been made on property since 1 January of the prior year with a value in excess of $10,000.
- there has been a change of land use, or there have been zoning changes which have contributed to the increase in valuation.
- the valuation has increased due to the maturity of plantings which have been planted within the previous 6 years.

All applications must be submitted to Council by 30 September of the rating year. The Council reserves the right to refuse to consider applications received after this date.

Rates raised are payable on the due date and may not include any applied rebate.

Council has delegated its power, pursuant to Section 44 of the Act to determine applications and to grant a discretionary rate cap rebate to the Chief Executive Officer or their delegate.

Council's historical rate cap percentage is as follows;

Financial Year	Rate Cap
2024/2025	12.5%
2023/2024	12.5%
2022/2023	12.5%
2021/2022	12.5%

6 Assistance with Rates

6.1.1 Financial Hardship

Where a ratepayer is suffering financial hardship and anticipates difficulty in paying council rates, they are encouraged to contact the Finance Officer Rates for informal advice in the first instance.

Ratepayers will be encouraged to contact the regions Rural Financial Counsellor who will provide council with an independent assessment of the ratepayer's financial position. If the ratepayer would prefer they can speak direct to Council regarding their financial position.

If the hardship is as a result of an emergency, then the hardship could be classified as short term. Such short term hardship is most suitable for rates to be paid by special arrangement with the Council.If the hardship is as a result of a recent decrease in household income or increases in household expenses, then the hardship could be classified as medium term. Such medium term hardship is most suitable for a remission of or part of the Council rates.

If the hardship is anticipated to persist for more than twelve months then the hardship could be classified as long term. Such long term hardship is most suitable for a postponement of part of the council rates.

As a guide financial hardship could be defined as the inability to provide food, accommodation, clothing, health and/or education for yourself or for your family on an ongoing basis.

It is emphasised that all enquiries relating to financial hardship are treated confidentially by the Council. In many cases short term special arrangements can be made with the Finance Officer Rates.

6.1.2 Postponement (relief from hardship)

Section 182 of the Local Government Act 1999 permits a Council, on the application of the ratepayer, to partially or wholly remit rates or to postpone rates on the basis of hardship. A ratepayer must not apply for and receive both a postponement of rates and a remission due to financial hardship in the same financial year.

Where a ratepayer is suffering financial hardship in paying rates, they are invited to contact the Finance Officer Rates in the first instance

A ratepayer may be required to submit evidence of hardship. All such enquiries and submissions will be treated confidentially by the Council.

The Chief Executive Officer, in conjunction with the Chief Finance Officer and the Finance Officer Rates, is authorised to approve the postponement of rates as a result of proven hardship.

All applications for postponement of rates will be assessed on a case by case basis and are not contingent on the level of increase in rates payable.

Applications for postponement of rates must be made by the principal ratepayer in writing and will be assessed on the following criteria:

1. The property is the principal place of residence by the ratepayer, and

2. The property has been owned by the ratepayer and has been their principal place of residence for a minimum of 10 years, or if for a lesser period, that significant financial hardship can be demonstrated to have arisen during this period, and

3. the ratepayer is able to demonstrate financial hardship by way of:-

    a. presentation of a copy of their most recent tax return or

    b. presentation of a pension concession card or health care card, or

    c. confirmation from Department of Human Services that the ratepayer is experiencing financial hardship, or

    d. independent financial advice confirming that the ratepayer is experiencing financial hardship, including details of their gross taxable income

    e. demonstration that the ratepayer is a self funded retiree and all members of the household are working in paid employment not more than 20 hours per week combined.

Monthly interest will accrue on outstanding Council rates (including postponed rates) in accordance with provisions of the Local Government Act 1999, except where it is considered

by the Chief Executive Officer that the financial situation of the applicant is extreme and there is no capacity to make payment of interest and fines.

Once approved, the postponement of rates will come into effect from the date of application for postponement.

The amount postponed, except where it is considered by the Chief Executive Officer that the financial situation of the applicant is extreme and there is no capacity to make payment of rates, shall not exceed:

a. the difference between the fixed charge amount and the total general rate levied from the property each year, or

b. 30% of the total general rate levied for the property each year, whichever is the lesser.

Where the Chief Executive Officer considers that the financial situation of the applicant is extreme and there is no capacity to make payment of rates, fines or interest, the amount postponed may include the full amount of rates, fines and interest outstanding at the date of application.

Postponements granted pursuant to this policy shall not be granted for a period greater than 12 months at any one time from the date of application for rate relief due to financial hardship.

A ratepayer with postponed rates is obliged to advise Council in writing within 14 days of any change to their circumstances. In particular:

a. change of ownership
b. change of occupation
c. alterations or improvements to the property
d. land division, or
e. change in financial circumstances

Periodic audits of eligibility will be conducted by Council staff to substantiate ongoing entitlement for postponement.

A statutory declaration confirming that the property is the principal place of residence of the ratepayer and has been in the same ownership for at least 10 years (if applicable) will be required at the time of application.

A ratepayer who has become an owner or occupier within the last 10 years will only be assessed for a postponement if they are able to demonstrate that their financial situation has changed significantly since they purchased or occupied their principal place of residence.

A ratepayer applying for a postponement must provide confirmation that they have advised relevant interested parties of their intention and list of the contact details of those parties in the written application.

6.1.3 Remissions (relief from hardship)

Section 182 of the Local Government Act 1999 permits a Council, on the application of the ratepayer, to partially or wholly remit rates or to accept rates on the basis of hardship.

A ratepayer must not apply for and receive both a remission of rates and a postponement due to financial hardship in the same financial year.

Where a ratepayer is suffering financial hardship in paying rates, they are invited to contact the Finance Officer Rates in the first instance.

A ratepayer may be required to submit evidence of hardship. All such enquiries and submissions will be treated confidentially by the Council.

The Chief Executive Officer, in conjunction with the Chief Finance Officer and the Finance Officer Rates, is authorised to approve the remission of rates as a result of proven hardship.

All such cases must demonstrate hardship which is anticipated to continue for the greater part of the financial year. Ratepayers suffering hardship which is of a short term nature will be offered relief through flexible payment arrangements. These ratepayers are not precluded from making a subsequent application for remission later in the financial year.

All applications for remission of rates will be assessed on a case by case basis and are not contingent on the level of increase in rates payable.

Applications for remission of rates must be made by the principal ratepayer in writing and be received by Council prior to 31st December in the current financial year. Retrospective or continuing annual remissions will not be considered

Applications will be assessed on the following criteria:

1. The property is the principal place of residence by the ratepayer, and

2. The property has been owned by the ratepayer and has been their principal place of residence for a minimum of 10 years, or if for a lesser period, that significant financial hardship can be demonstrated to have arisen during this period, and

3. the ratepayer is able to demonstrate financial hardship by way of:-

    a. presentation of a copy of their most recent tax return
    b. presentation of a pension concession card or health care card, or
    c. confirmation from Department of Human Services that the ratepayer is experiencing financial hardship, or
    d. independent financial advice confirming that the ratepayer is experiencing financial hardship, including details of their gross taxable income, or
    e. demonstration that the ratepayer is a self funded retiree and all members of the household are working in paid employment not more than 20 hours per week combined.

Once approved, the remission of rates will apply to the annual rates levied with the remitted amount reducing in approximately equal portions for each of the remaining instalments.

A statutory declaration confirming that the property is the principal place of residence of the ratepayer and has been in the same ownership for at least 10 years (if applicable) will be required at the time of application.

A ratepayer who has become an owner or occupier within the last 10 years will only be assessed for a postponement if they are able to demonstrate that their financial situation has changed significantly since they purchased or occupied their principal place of residence.

6.1.4 Special Circumstances Properties Adverse Conditions

Council can declare certain types of properties that have been affected by rare or unusual circumstances to be exempt from the usual detailed application. Examples of these types are drought and the red wine grape glut causing an economic downturn.

- In these circumstances ratepayers can apply to defer rate payments for the properties affected and can do so without interest penalty.
- The following year/s the ratepayers can enter into a payment agreement without interest penalty for up to 24 months.

6.1.5 Council will consider:

i) all applications on a case by case basis
ii) the health of the ratepayer and the ratepayer's family.
iii) the financial status of the ratepayer.
iv) whether financial assistance could be sought from any other agencies.
v) the implication to the Council if applying a deferral or waiving of rates.

6.2 Postponement of Rates – Seniors

Council is aware that some ratepayers experience financial difficulty in relation to clearing their annual rates and service charges In accordance with the Local Government Act 1999, s182A, Council offers holders of the State Seniors Card, the opportunity to postpone a percentage of this debt.

On receipt of the application and accompanying information Council will assess the eligibility of the applicant for rates postponement. In the event of a successful application, the debt against the property, will continue to accrue interest, at the prescribed rate allowed for under section the Local Government Act 1999, s182A(12).

6.2.1 Conditions

a. The applicant is a prescribed ratepayer, or is the spouse of a prescribed ratepayer.
b. The applicant or the applicant's spouse is the holder of a State Seniors Card.
c. The rates and service charges are payable on land that is the principal place of residence of the prescribed ratepayer
d. The land is owned by:
  (i) the prescribed ratepayer
  (ii) the prescribed ratepayer and his/her spouse
e. No other person has an interest (as owner) in the land**.**
f. Any postponed rates under this agreement will become due and payable:
  (i) When the title to the relevant land is transferred to another person; or

(ii) When the State Seniors Card holder's eligibility changes

g. If a current mortgage exists over the property the applicant is required to hold at least 50% equity in their property.

h. If there is a mortgage or other encumbrance on the property registered prior to the above date, the applicant will need to supply a statement from their financial institution indicating the maximum credit limit secured by the mortgage.

i. The ratepayer can choose to pay any part of, or the total postponed rates debt at any time, other than those conditions in (f) above.

6.2.2 Assessment of Application

All applications will be assessed on a case-by-case basis and applicants will be informed in writing of their outcome.

It is recommended that all potential applicants discuss with Finance Officer Rates the procedure and the consequences of their application, as it may require the presentation of personal financial information.

Any information disclosed by a ratepayer is confidential and will not be used for any purpose other than the assessment of an application.

6.3 Remission and Postponement of Fines and Interest

The following circumstances are as listed below:

6.3.1 Fines and interest raised due to delay of postal service in forwarding the rate payment.

Where a request is received by Council to waive fines and/or interest for the reason of delay between postage of payment of rates and receipt by Council of the payment, fines and/or interest will only be waived where it can be demonstrated that the payment was posted, by way of Australia Post-date stamp or other conclusive evidence, to Council no less than three (3) working days prior to the last day to pay the instalment.

6.3.2 Fines and interest raised for the reason of non-receipt of the rate notice by the ratepayer.

Fines and interest will be waived for the reason of non-receipt of rates notices only where it can be demonstrated that either the rates notice has been returned to Council as undeliverable or where a clerical error on Council's behalf has resulted in non-delivery of the rates notice.

6.3.3 Fines and interest raised for the reasons of prior notification of change of address of ratepayer.

Council's policy in relation to notification of change of billing address for ratepayers is that all such changes are to be addressed to the Council in writing, or on the prescribed form available from the Council office.

6.4.4 Fines and interest raised due to clerical error on Council's part.

Council will waive fines and interest because of any clerical error on the part of Council.

6.3.5 Fines and interest raised due to illness, death or other extenuating circumstances.

That all requests made for waiving of fines and/or interest due to illness, death or extenuating circumstances be assessed with reference to Council's Rating Policy Clause 6.1 and the appropriate action be taken.

7 Rebate of Rates

Section 159(3) of the Act provides that the Council may grant a rebate of rates under the Act if it is satisfied that it is appropriate to do so.

The Act provides for a mandatory rebate of rates in specified cases and the amount of that mandatory rebate (see Clause 7.1 below).

The Act also provides that where the Council must grant a rebate of rates under the Act, and the amount of that rebate if fixed by the Act at less than 100%, the Council **may** increase the amount of the rebate.

The Act provides, at Section 166 for the Council to provide a discretionary rebate of rates in the cases set out in that Section.

7.1 Mandatory Rebates

7.1.1 The Council must grant a rebate in the amount specified in respect of those land uses which the Act provides will be granted a rebate.

7.1.2 Rates on the following land will be rebated at **100%**:

7.1.2.1 Health Services
Land being predominantly used for service delivery or administration by a hospital or health centre incorporated under the South Australia Health Commission Act 1976.

7.1.2.2 Religious Purposes
Land containing a church or other building used for public worship (and any grounds), or land solely used for religious purposes.

7.1.2.3 Public Cemeteries
Land being used for the purposes of a public cemetery.

7.1.2.4 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.

7.1.3 Rates on the following land will be rebated at **75% if** a community service organisation is entitled to a rebate of rates.

7.1.3.1 Community Services
Land being predominantly used for service delivery **and** administration by a community services organisation. A "*community services organisation*" is defined in the Act as a body that:

7.1.3.1.1 is incorporated on a not for profit basis for the benefit of the public; and

7.1.3.1.2 provides community services without charge or for a charge that is below the cost to the body of providing the services; and

7.1.3.1.3 does not restrict its services to persons who are members of the body.

It is necessary for a community services organisation to satisfy <u>all</u> of the above criteria to be entitled to the mandatory 75% rebate.

The Act further provides that eligibility for a rebate by a community services organisation is subject to it providing one or more of the following community services:

7.1.3.1.4 emergency accommodation.

7.1.3.1.5 food or clothing for disadvantaged persons (i.e., persons who are disadvantaged by reason of poverty, illness, frailty, or mental, intellectual or physical disability).

7.1.3.1.6 supported accommodation (i.e. residential care facilities in receipt of Commonwealth funding or accommodation for persons with mental health, intellectual, physical or other difficulties who require support in order to live an independent life).

7.1.3.1.7 essential services, or employment support, for persons with mental health disabilities, or with intellectual or physical disabilities.

7.1.3.1.8 legal services for disadvantaged persons.

7.1.3.1.9 drug or alcohol rehabilitation services.

7.1.3.1.10 the 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.

7.1.3.2 Educational Purposes

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

7.1.3.2.2 Land occupied by a non-government school registered under Part 5 of the Education Act 1972 and being used for educational purposes.

7.1.3.2.3 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.

7.1.4 Where the Council is satisfied from its own records or from other sources that a person or body meets the necessary criteria for a mandatory 100% or 75% rebate, the Council will grant the rebate of its own initiative. Where the Council is not so satisfied it will require the person or body to apply for the rebate in accordance with Clause 5 of this Policy.

7.1.5 Where a person or body is entitled to a rebate of 75% the Council may, pursuant to Section 159(4) of the Act, increase the rebate up to a further 25%. The Council may grant the further 25% rebate upon application or on its own initiative. In either case the Council **<u>will</u>** consider those matters set out at Clauses 7.2.3 of this Policy and **<u>may</u>** take into account any or all of those matters set out at Clause 7.2.4 of this Policy.

7.1.6 Where an application is made to the Council for a rebate of up to a further 25% the application will be made in accordance with Clause 7.2 of this Policy and the Council will provide written notice to the applicant of its determination of that application.

7.2 Discretionary Rebates

7.2.1 The Council may in its absolute discretion grant a rebate of rates or service charges in any of the following cases pursuant to Section 166 of the Act:

7.2.1.1 where it is desirable for the purpose of securing the proper development of the area (or a part of the area).

7.2.1.2 where it is desirable for the purpose of assisting or supporting a business in its area.

7.2.1.3 where it will be conducive to the preservation of buildings or places of historic significance.

7.2.1.4 where the land is being used for educational purposes.

7.2.1.5 where the land is being used for agricultural, horticultural or floricultural exhibitions.

7.2.1.6 where the land is being used for a hospital or health centre.

7.2.1.7 where the land is being used to provide facilities or services for children or young persons.

7.2.1.8 where the land is being used to provide accommodation for the aged or disabled.

7.2.1.9 where the land is being used for a residential aged care facility that is approved for Commonwealth funding under the Aged Care Act 1987 (Commonwealth) or a day therapy centre.

7.2.1.10 where the land is being used by an organisation which, in the opinion of the Council, provides a benefit or service to the local community.

7.2.1.11 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.

7.2.1.12 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 due to a change in the basis of valuation used for the purposes of rating, rapid changes in valuations, or anomalies in valuations.

7.2.2 The Council may grant a rebate of rates up to and including 100% of the relevant rates or service charges. The Council may grant a rebate for a period exceeding one year, but not exceeding 10 years in respect of those cases identified at 7.1.1, 7.1.2 or 7.1.11 above and not exceeding 3 years in respect of those cases identified at 7.1.12.

7.2.3 The Council has an absolute discretion:

7.2.3.1 to grant a rebate of rates or service charges in the above cases; and

7.2.3.2 to determine the amount of any such rebate.

7.2.4 Persons who or bodies which seek a discretionary rebate will be required to apply to the Council and provide to the Council such information as stipulated on the application form and any other information that the Council may reasonably require.

7.3 Applications

7.3.1 The Council will inform the community of the provisions for rate rebate under the Local Government Act by the inclusion of suitable details on the reverse side of the annual rate notice.

7.3.2 Persons or bodies who seek a rebate of rates (and/or service charges) either:

7.3.2.1 pursuant to Section 159(4) of the Act and Clauses 7.1.2 and 7.1.3 of this Policy; or

7.3.2.2 pursuant to Section 166 of the Act and Clause 7.2 of this Policy,

must make written application to the Council pursuant to Section 159(1) of the Act in the manner and form determined by the Council and supplying such information as the Council may reasonably require.

7.3.3 Application forms may be obtained from the Council office, or by phoning the Finance Officer Rates on 8584 8000.

7.3.4 In respect of an application for a rate rebate in the circumstances identified at 7.2.1.4 to 7.2.1.10 the Council will take into account, in accordance with Section 166(1a) of the Act, the following matters:

7.3.4.1 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 the Council's area.

7.3.4.2 the community need that is being met by activities carried out on the land for which the rebate is sought.

7.3.4.3 the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons.

7.3.5 The Council may take into account other matters considered relevant by the Council including, but not limited to, the following:

7.3.5.1 why there is a need for financial assistance through a rebate

7.3.5.2 the level of rebate (percentage and dollar amount) being sought and why it is appropriate.

7.3.5.3 the extent of financial assistance, if any, being provided to the applicant and/or in respect of the land by Commonwealth or State agencies.

7.3.5.4 whether the applicant has made/intends to make applications to another Council.

7.3.5.5 whether, and if so to what extent, the applicant is or will be providing a service within the Council area.

7.3.5.6 whether the applicant is a public sector body, a private not for profit body or a private or profit body.

7.3.5.7 whether there are any relevant historical considerations that may be relevant for all or any part of the current Council term.

7.3.5.8 the desirability of granting a rebate for more than one year in those circumstances identified at Clause 7.1.2 of this policy.

7.3.5.9 consideration of the full financial consequences of the rebate for the Council.

7.3.5.10 the time the application is received.

7.3.5.11 the availability of any community grant to the person or body making the application.

7.3.5.12 whether the applicant is in receipt of a community grant.

7.3.5.13 any other matters, and policies of the Council, which the Council considers relevant.

7.3.6 All persons who or bodies which wish to apply to the Council for a rebate of rates must do so on or before the 30 September of each year.

Discretionary Rebate applications submitted to Council after 30 September each year will only be implemented in the following financial year they have been approved.

However, applicants who satisfy the criteria for a mandatory 100% rebate will be granted the rebate at any time.

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

7.3.8 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 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.

7.3.9 Persons or bodies who have been granted a rebate in accordance with this policy may be requested by Council to re-apply every three (3) years to re-establish if their entitlement to a rebate still exists.

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.

7.3.10 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 cease. If a person or body fails to do so that person or body is guilty of an offence.

The maximum penalty for this offence is $5,000.

7.3.11 The Council will, in writing, advise an applicant for a rebate of its determination of that application within 30 business days of receiving the application or of receiving all information requested by the Council. The advice will state:

1. if the application has been granted, the amount of the rebate; or

2. if the application has not been granted, the reasons why.

7.4 Delegation

7.4.1 The Council has delegated its power, pursuant to Section 44 of the Act, to grant applications for mandatory rebates which meet the requirements of the Act to the Chief Executive Officer.

7.4.2 The Council has delegated its power, pursuant to Section 44 of the Act to determine applications and to grant a discretionary rebate of rates to the Chief Executive Officer.

7.5 Review

A person who or a body which is aggrieved by a determination of the Council in respect of an application for a rebate may seek a review of that decision in accordance with the Council's Internal Review of Council Decisions Policy within 10 business days of the date on the notice of determination which is given pursuant to Clause 7.3.11 of this Policy.

7.6 Community Grants

If an application for a rebate is unsuccessful, the Council has an absolute discretion to then treat the application as one for a community grant and to determine it by resolution of Council. It is the policy of the District Council of Loxton Waikerie that a rebate of rates in respect of any rateable land in the Council area will be available only when the applicant satisfies the requirements under the Local Government Act 1999 and, where appropriate, the requirements of this Policy.

8 Payment of Rates

Rates are declared annually, and may be paid at the ratepayers discretion either in one lump sum or in four quarterly payments that fall due in early September, December, March and June. The exact date that rates fall due, and various options for paying rates, are clearly indicated on the rates notice.

If a ratepayer chooses to pay in one single payment for the year's rates, this payment must be received by the first quarter due date as penalties apply to outstanding rates. Council will send out instalment notices to ratepayers advising them of their next instalment due date at least thirty days prior.

Ratepayers who have (or are likely to have) difficulty meeting these payments, should contact the Council's Finance Officer - Rates to discuss alternative payment arrangements. Such inquiries are treated confidentially.

8.1 Late Payment

The Act provides that Councils must impose a penalty of 2% on any late payment for rates. This fine may be remitted in whole or in part at the Council's discretion and only where fault for the late payment has not been attributed to by the ratepayer. A payment that continues to be late is then charged a prescribed interest rate (at the rate prescribed in the Local Government Act 1999) for each month is continues to be late.

When Council receives payment in respect of overdue rates Council must apply the money received in accordance with the Act as follows: • First – to satisfy any costs

awarded in connection with court proceedings; • Second – to satisfy any interest costs; • Third – in payment of any fines imposed; • Fourth – in payment of rates, in chronological order (starting with the oldest account first).

8.2 Non-Payment of Rates

A separate Debt Recovery Policy has been adopted by Council and is available for review on the Loxton Waikerie Council website.

It should be noted that under Section 184(1) of the Act, if an amount payable by way of rates has been in arrears for three years or more the Council may sell the property.

9 Adoption of Rates

The adoption of rates will not occur until Council has adopted its Annual Business Plan and Budget for the financial year to which the rates relate – pursuant to Section 153(5) of the Act. Although Council can defer the adoption of rates until 31 August if circumstances dictate, Council will make every effort to adopt rates at its June Ordinary Council meeting prior to the commencement of the financial year for which the rates relate.

10 Contacting Council's Finance Officer Rates

If you believe that Council has failed to properly apply this policy you should contact the Council's Finance Officer Rates to discuss the matter.

Telephone: (08) 8584 8000

Email: rates@lwdc.sa.gov.au

If after this, you are still dissatisfied then you should write to the Council's Chief Executive Officer at council@lwdc.sa.gov.au.

For further information, queries, or to lodge an application for rate rebate, rate postponement or remission please contact the Council's Finance Officer Rates.

D. Availability

This Policy will be available for inspection at the Council Offices at Loxton or Waikerie during ordinary business hours at no charge.

Copies of this Policy will also be available from Councils website: www.lwdc.sa.gov.au or postal copies may be obtained from the Council Office free of charge.

E. Document History and Version Control

Date	Version	Authorisation	Amendment Details
08/05/26	1.0	Special Council Meeting	First version Amalgamating the following: Rate Financial Hardship Policy Rate Capping Rebate Policy Postponement of Rates – Seniors Policy Remission & Postponement of Fines & Interest Policy Rate Rebate Policy