

3.16 Rating Exemptions and Waivers

Objective

To establish a governing framework for consistent application of rating exemptions

Policy

The application of rating exemptions applies to particular types of land use in accordance with the *Local Government Act 1995*, as well as land use which meets the definition of charitable purposes.

Rating waivers may be applied to land used by local Community and Sporting Groups.

Any portion of the land and/or buildings leased to a commercial third party business will be subject to the appropriate rating category and not covered by this policy.

Other Shire charges or levies (i.e. waste collection etc.) and State imposed charges (i.e. emergency services levy etc.) are not the subject of this policy.

Definitions

Term	Definition
Community Group	Is an entity whose primary objective is not directed at making a profit and has the principal aim of encouraging and organising community participation of a nonsporting nature. Includes: Hobby groups, theatre groups, bridge clubs, music groups, scouts, girl guides, resident & ratepayer associations, community childcare, kindergarten and playgroups.
Sporting Clubs	Is an entity that has the principal aim of encouraging and organising community participation in sport. Includes: Football, golf, bowling clubs, target sports, equine sports, water sports, tennis, soccer, baseball, basketball etc.
Commercial purpose	Means for the purpose of this policy to conduct an activity in or on the property that is subject to a rates waiver that makes a profit that is distributed to a third party.
Ancillary service	Means a service provided for the benefit of members and visitors (for example: canteen, bar service, club rooms, hiring of rooms).
Other Charges and levies	Includes, but not limited to, electricity, water and gas charges, ESL (Emergency Services Levy), and waste collection charges, as applicable to each property.
Approving officer	Means any Officer the CEO has authorised to implement this policy. The officer authorised must apply the policy in its entirety and no discretion is provided to vary the criteria for applying this policy.

ELIGIBILITY

Charitable Organisations

For rating exemptions, the entity applying must be registered with the Australian Charities and Not-for-profits Commission. Also, the land must be used for charity and charitable purpose, as defined by the *Charities Act 2013* as follows:

- advancing health
- advancing education
- advancing social or public welfare
- advancing religion
- advancing culture
- promoting reconciliation, mutual respect and tolerance between groups of individuals that are in Australia
- promoting or protecting human rights
- advancing the security or safety of Australia or the Australian public
- preventing or relieving the suffering of animals
- advancing the natural environment
- other similar purposes 'beneficial to the general public' (a general category), and
- promoting or opposing a change to any matter established by law, policy or practice in the Commonwealth, a state, a territory or another country (where that change furthers or opposes one or more of the purposes above)

Community Organisations

For rating waivers, the entity applying must be local within the Shire and meet the definitions for community and sporting groups as per this policy. Groups that represent industry segments, commercial businesses, promote a profit making activity or business group, will not be eligible for a waiver of rates under this policy.

Applications for rating exemptions and waivers received for land which was previously rateable, which meet either the requirements of the Local Government Act 1995 or this policy, shall be effective from the date of the application's receipt.

Eligibility of community and sporting groups for waivers of rates, will be subject to review every three (3) years.

The Shire must be informed of any changes to the nature and or purpose of the charitable or community organization, as well as all lease agreements entered into with any third party, and other changes in ancillary use.

Provision of Ancillary or Commercial Services

The provision of ancillary services where any revenue and surplus received is for the benefit of the group or organisation, such as a bar, dining facilities or canteen, to the extent it does not create an annual financial surplus, does not disqualify eligibility.

Properties (or part of a property) used for a commercial purpose with the revenue and surplus being retained by a third party, and/or residential purpose is not eligible for a rating waiver.

Reporting Requirements

A schedule of rating exemptions and waivers, listing the recipients and the amount foregone, is to be included in the budget adoption reports.

Authorisation Details

References:	Sections 6.26 (Exemptions) and 6.47 (Waivers) of the <i>Local Government Act 1995</i>		
Authorised by:	Council		
Date:	19 November 2021	Item No.	11.2.1
Review/Amendment Date		Item No.	
Next Review			
Responsible Directorate	Corporate Services		
Responsible Officer	Manager Corporate Services		
File No.			