

 <p><b>Mackay</b> REGIONAL COUNCIL</p>	<b>COUNCIL POLICY</b>	
	<b>Rating Remissions for Non-Profit Community Organisations</b>	
	POLICY NO.:	014
	DEPARTMENT:	ORGANISATIONAL SERVICES
	PROGRAM:	FINANCIAL SERVICES
	ENDORSED BY COUNCIL:	24 JUNE 2020 (ORD-2020-142)

## 1.0 Scope

This policy applies to non-profit community organisations.

## 2.0 Purpose

The purpose of this policy is to establish arrangements for non-profit community organisations to receive financial assistance from Council in the form of rating remissions.

## 3.0 Reference

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Retirement Villages Act 1999*

## 4.0 Definitions

To assist in interpretation the following definitions shall apply:

***Aged Care Facility*** shall mean a facility providing high care services and not independent living / lifestyle accommodation.

***Annual Turnover*** shall mean operating revenue from all sources including grants and subsidies for the most recent reporting year.

***CEO*** shall mean the person appointed to the position of Chief Executive Officer under the Act and anyone acting in that position.

***Council*** shall mean the Mayor and Councillors of Mackay Regional Council.

***MRC*** shall mean Mackay Regional Council.

***Non-Profit Community Organisation*** shall mean that:

- The organisation is incorporated under Queensland's Associations Incorporations Act 1981 and listed as a non-profit community organisation, as determined by the Australian Taxation Office (ATO).
- There is no profit or gain by individual members of the group.

- Its constitution or governing documents prevent it from distributing profits or assets for the benefit of particular persons, both while it is operating and on winding up.
- Whilst a surplus or revenue can be made, all profits must be used to carry out the purpose and functions of the organisation.

**Short Term** shall mean crisis accommodation to aid persons dealing with issues such as domestic violence and homelessness and is a period of not greater than one month.

**Short Term Accommodation** shall mean not administered by a lease which can be renewed for greater than the crisis accommodation period.

**The Act** shall mean the *Local Government Act 2009*.

**The Regulation** shall mean the *Local Government Regulation 2012*.

## 5.0 Background

Council is of the view that it is important to support the activities of non-profit community organisations who contribute to the social and economic wellbeing of the community, as a whole.

## 6.0 Policy Statement

### 6.1 Criteria

Council will consider applications from non-profit organisations subject to the following criteria:

#### **Category A Remissions:**

- The organisation must be a non-profit community-based organisation.
- The organisation must not have an annual turnover (revenue) more than \$977,976 (relating to activities carried out by the organisation on the relevant property).
- 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 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.
- Aged care facilities, or properties subject to the *Retirement Villages Act 1999* are excluded from the application of a remission under this policy.
- A liquor licence must not be held by the organisation or any affiliate relating to the property subject to the application. (This provision will not apply if the organisation can provide evidence that trading under the licence is restricted to an average 30 hours per week or less).
- The property must not be subject to a general rate exclusion, waiver or concession relating to a condition contained in a lease of a reserve, or other land from Council; and
- The property must not be exempted from general rates subject to a specific exemption relating to section 93(3) of the Act and/or section 73 of the Regulation.

Where the discretion to exempt a property from general rates vests in Council, either under the Act or within the conditions attached to a Council lease, the ratepayer may opt to forego this exemption and take advantage of the conditions of this policy.

#### **Category B Remissions:**

- The organisation must be a non-profit community-based organisation.
- 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 property must not be subject to a general rate exclusion, waiver or concession relating to a condition contained in the lease of a reserve, or other land from Council.
- The property must not be exempted from general rates subject to a specific exemption relating to section 93(3) of The Act and/or section 73 of The Regulation; and
- The remission applies to multi residential properties occupied by mix of aged and low-income persons on land that was previously owned by MRC and utilised as aged persons accommodation which were previously exempt from General Rates.

#### **Category C Remissions:**

- The organisation must be a non-profit community-based organisation.
- The organisation must not have an annual turnover (revenue) more than \$20,000 (relating to activities carried out by the organisation on the relevant property).
- 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 property must not be subject to a general rate exclusion, waiver or concession relating to a condition contained in a lease of a reserve or other land from Council; and
- The property must not be exempted from general rates subject to a specific exemption relating to section 93(3) of The Act and/or section 73 of The Regulation.

#### **6.2 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 greater than 12 months old).

With delegated authority, staff may approve remissions at the following level:

##### **Category A remissions:**

- 50% rate remission of net rates, charges and levies (excluding water consumption and trade waste charges)
- 100% rate remission of general rates and any special or separate rate or charge levied where no utility services are applicable to the property.

##### **Category B remissions:**

- 100% rate remission of general rates and any special or separate rate or charge levied.

### Category C remissions:

- 75% rate remission of net rates, charges and levies (excluding water consumption and trade waste charges).

Note - Remissions will be applied to the rates issued net of any early payment discount allowed or available, which will equate to 45%, 67.5% and 90% respectively of gross rates that attract discount.

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

### 6.3 Period of Relief

An applicant is required to lodge a new request for assistance at least once in every three-year period (or as required by the Chief Executive Officer).

Applications will apply from the start of the half-year period that the application is received not to be backdated to previous periods.

### 6.4 Delegation

The Chief Executive Officer has delegated authority to make determinations on eligibility for assistance under this policy.

## 7.0 **Review of Policy**

This policy will be reviewed when any of the following occur:

1. The related documents are amended or replaced. Any changes made to the provisions of this policy will only apply to applications made after the date that the amendment has been adopted by Council; or
2. Other circumstances as determined from time to time by a resolution of Council.

Notwithstanding the above, this policy is to be reviewed annually.

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Version Control:

Version	Reason / Trigger	Change	Endorsed	Date	Folio
08.09	Annual review		By Council	20.08.08	1339
10.11	Bi-annual review		By Council	08.09.10	12495
11.12	Annual review		By Council	29.06.11	16345
12.13	Annual review		By Council	27.06.12	22274
13.14	Annual review		By Council	11.07.13	28613
14.15	Annual review		By Council	25.06.14	33719
15.16	Annual review		By Council	24.06.15	38378
16.17	Annual review		By Council	22.06.16	38078
17.18	Annual review		By Council	28.06.17	44589
18.19	Annual review		By Council	18.07.18	57767
19.20	Annual review		By Council	26.06.19	62968
20.21	Annual review		By Council	24.06.20	ORD-2020-142