

Concessions Policy

DOCUMENT CONTROL

Policy No: G-14	Approved by: the OCA	Version: 1
Contact person: B. Honan	Date approved: 28 June 2012	Status: Current
Contact number: 8648 5972	Next review date: May 2013	Objective ID: A1448202

REVISION RECORD

Date	Version	Revision description
28 June 2012	1	Policy adopted.
21 June 12	Draft	Development of draft policy.

1. ADOPTION

This policy was adopted by the Outback Communities Authority (the “OCA”) on 28 June 2012.

2. TITLE

Outback Communities Authority Concessions Policy.

3. POLICY STATEMENT

This Policy is intended to provide guidance to the OCA as to the grounds upon which a person or body is, or may be entitled to receive a concession regarding the proposed Community Contribution Scheme (Andamooka and Iron Knob) and the matters that the OCA will take into account in deciding an application for a concession.

4. PURPOSE

The intent of this Policy is to ensure that all applicants seeking a Community Contribution Scheme (Andamooka and Iron Knob) Concession are considered in an equal and fair manner in line with the provisions set under this Policy.

5. SCOPE

This policy applies to the proposed Community Contribution Scheme (Andamooka and Iron Knob).

6. POLICY DETAILS

6.1 Pensioner Concessions

Please note that the State-funded Concessions Scheme is not legally available for Community Contributions, however if payment would cause financial hardship, you may apply to the OCA for consideration of assistance.

6.2 Hardship

If you are finding it hard to pay your bills due to difficult circumstances, please contact the OCA on 1800 640 542 to discuss alternative arrangements. Calls will be treated with discretion and confidentiality.

“Hardship” includes on-going disadvantage and temporary financial pressures caused by such life events as chronic illness, fire, flood or short-term unemployment.

6.3 Rebates

6.3.1 Mandatory Rebates

The following land is not subject to the Community Contribution as the legislation¹ provides a full rebate:

¹ *Outback Communities (Administration and Management) Act 2009, Outback Communities (Administration and Management) Regulations 2010 and adopted provisions of the Local Government Act 1999*
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- health services and hospitals incorporated under the SA Health Commission Act 1976
- churches and places of worship and their grounds, and land used solely for religious purposes
- public cemeteries
- land held by the Royal Zoological Society of SA (other than domestic premises)

6.3.2 Discretionary Rebates

A full rebate will be provided by the OCA for the following properties by granting a 25% rebate in addition to the mandatory 75% rebate under the legislation¹ reduction in the Community Contribution:

- not-for-profit community service organisations¹ providing:
 - ~ supported accommodation (including aged care and community housing);
 - ~ emergency accommodation
 - ~ food or clothing for disadvantaged
 - ~ drug or alcohol rehabilitation
 - ~ medical research
 - ~ community education relating to disease or illness
 - ~ palliative care
- Government schools and non-government schools registered under Education and Early Childhood Services (Registration and Standards) Act 2011.
- Not-for-profit student accommodation and support services provided by a university or university college

For further information, please read the eligibility criteria in Appendix 1. Where practicable, the OCA will grant these rebates to eligible properties on its own initiative.

In certain circumstances you may apply for consideration of a rebate to reduce the amount of the Community Contribution payable. Each application will be assessed individually on its merits. The rebate categories include:

- support to secure the proper development of the area (For example, a new development project)
- assisting or supporting a business
- preservation of buildings or places of historic significance
- agricultural, horticultural or floricultural exhibitions
- facilities and services for children or young persons
- services and other benefits for the local community (For example, The CWA)
- a liability that is unfair or unreasonable (For example, where an office or other business and a residence are combined and occupied by the same person or persons. Or where a single residence is constructed over the boundary of 2 or more allotments and/or the residence and adjoining allotments are developed in such a way that none of the allotments could be sold without removal of part or all of the residence.)

For further information, please read the eligibility criteria in Appendix 1.

¹ Tests apply. See Appendix 1
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6.3.3 How to Apply for a Rebate

If you wish to apply for a rebate, please read the eligibility criteria in Appendix 1. If you consider that you meet the eligibility criteria, please complete the attached Application Form in Appendix 2 and forward it to the OCA at the address shown.

Please note that severe penalties apply for false or misleading information.

6.4 Review of Decision

If an application is lodged for a rebate or other form of reduced contribution and you are dissatisfied with the outcome, you may apply for an independent review of the decision under the Policy for *Internal Review of OCA Decisions* which can be found at www.oca.sa.gov.au

6.5 Fines for Late Payment

Please note that Community Contribution instalments must be paid in full by the due date, even if you are applying for an adjustment to the amount. The legislation authorises the OCA to charge penalties for late payment and interest on outstanding amounts. Further details can be found on the OCA website at www.oca.sa.gov.au.

If you will find it difficult to pay the Community Contribution by the due date, please contact the OCA on 1800 640 542 or oca@sa.gov.au to arrange for an extension of time to pay or an installment plan.

6.6 Attachments

Appendix 1: Eligibility criteria in detail including legislative provisions

Appendix 2: Application form for rebates

7. **AVAILABILITY OF THE POLICY**

Members of the public may inspect a copy of the policy, without charge, at the offices of the OCA during office hours, and may obtain a copy for a fee fixed by the OCA. The policy is also available from the OCA's website: www.oca.sa.gov.au.

8. **REVIEW OF THE POLICY**

This policy and all OCA policies will be reviewed on an annual basis.

The next scheduled review is due to occur in May 2013.

9. **OCA CONTACT PERSON**

Mr Mark Sutton, General Manager. Telephone: (08) 8648 5970.

Legislative Provisions - Outback Communities (Administration and Management) Act 2009.

Rebates of rates**159—Preliminary**

- (1) If grounds exist for a person or body to receive a rebate of rates in pursuance of this Division, the person or body may apply to the Authority in a manner and form determined by the Authority (supplying such information as the Authority may reasonably require).
- (2) A person or body must not—
 - (a) make a false or misleading statement or representation in an application made (or purporting to be made) under this Division; or
 - (b) provide false or misleading information or evidence in support of an application made (or purporting to be made) under this Division.

Maximum penalty: \$5 000.

- (3) The Authority may grant a rebate of rates under this Division if satisfied that it is appropriate to do so (whether on application under this Division or on its own initiative).
- (4) If a rebate specifically fixed by this Division is less than 100%, the Authority may, on its own initiative, increase the rebate.
- (6) If—
 - (a) land is used by a person or body for purposes on which an entitlement to a rebate is based in pursuance of this Division (**Category A purposes**), and for business purposes or other purposes concerned with the production of income (**Category B purposes**); and
 - (b) it is possible to separate the part of the land used for Category A purposes from the part of the land used for Category B purposes,

the Authority is not required to grant a rebate of rates on the land used for the Category B purposes but if the Authority has declared differential rates and thus provided for a distinct residential rate then that residential rate must be applied to the land that does not receive a rebate on account of the operation of this subsection.

- (7) If a person or body has the benefit of a rebate of rates under this Division and the grounds on which the rebate has been granted cease to exist, the person or body must immediately inform the Authority of that fact and (whether or not the Authority is so informed) the entitlement to a rebate ceases.
- (8) If a person or body fails to comply with subsection (7), the person or body is guilty of an offence.
Maximum penalty: \$5 000.
- (9) The Authority cannot grant to a person or body a rebate of general rates under this Division without also granting to the person or body a comparable rebate of any other rates that may also apply under this Part.
- (10) The Authority may, for proper cause, determine that an entitlement to a rebate of rates in pursuance of this Division no longer applies.
- (11) If an entitlement to a rebate of rates ceases or no longer applies during the course of a financial year, the Authority 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.

160—Rebate of rates—health services

The rates on land being predominantly used for service delivery or administration by a hospital or health centre incorporated under the *South Australian Health Commission Act 1976* will be rebated at 100 per cent.

161—Rebate of rates—community services

- (1) The rates on land being predominantly used for service delivery or administration (or both) by a community service organisation will be rebated at 75 per cent (or, at the discretion of the Authority, at a higher rate).
- (2) If—
 - (a) a community service organisation is entitled to a rebate of rates under subsection (1); and
 - (b) the Authority has declared differential rates according to the use of land and thus provided for a distinct residential rate,
 then that residential rate must be applied to the land to which the rebate relates.
- (3) For the purposes of this section, a community services organisation is a body that—
 - (a) is incorporated on a not-for-profit basis for the benefit of the public; and
 - (b) provides community services without charge or for a charge that is below the cost to the body of providing the services; and
 - (c) does not restrict its services to persons who are members of the body.
- (4) For the purposes of subsection (3)—
 - (a) a body will not be regarded as incorporated on a not-for-profit basis—
 - (i) if a principal or subsidiary object of the body is—
 - (A) to secure a pecuniary profit for the members of the body or any of them; or
 - (B) to engage in trade or commerce; or
 - (ii) if the constitution or rules of the body provide that the surplus assets of the body on a winding-up are to be distributed to its members or to another body that does not have identical or similar aims or objects;
 - (b) subject to the operation of paragraph (a), a body that receives funds from the State or Commonwealth Governments in order to subsidise its costs or charges will be taken to satisfy the requirements of subsection (3)(b);
 - (c) any of the following are community services:
 - (i) the provision of emergency accommodation;
 - (ii) the provision of food or clothing for disadvantaged persons;
 - (iii) the provision of supported accommodation;
 - (iv) the provision of essential services, or employment support, for persons with mental health disabilities, or with intellectual or physical disabilities;
 - (v) the provision of legal services for disadvantaged persons;
 - (vi) the provision of drug or alcohol rehabilitation services;

- (vii) 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;
- (d) disadvantaged persons are persons who are disadvantaged by reason of poverty, illness, frailty, or mental, intellectual or physical disability.

162—Rebate of rates—religious purposes

The rates on land containing a church or other building used for public worship (and any grounds), or land solely used for religious purposes, will be rebated at 100 per cent.

163—Rebate of rates—public cemeteries

The rates on land being used for the purposes of a public cemetery will be rebated at 100 per cent.

164—Rebate of rates—Royal Zoological Society of SA

The rates on 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 will be rebated at 100 per cent.

165—Rebate of rates—educational purposes

(1) The rates on land—

- (a) occupied by a government school under a lease or licence and being used for educational purposes; or
- (b) occupied by a non-government school registered under the *Education and Early Childhood Services (Registration and Standards) Act 2011* and being used for educational purposes,

will be rebated at 75 per cent (or, at the discretion of the Authority, at a higher rate).

(2) The rates on 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 will be rebated at 75 per cent (or, at the discretion of the Authority, at a higher rate).

166—Discretionary rebates of rates

(1) The Authority may grant a rebate of rates in any of the following cases (not being cases that fall within a preceding provision of this Division):

- (a) where the rebate is desirable for the purpose of securing the proper development of the area (or a part of the area);
- (b) where the rebate is desirable for the purpose of assisting or supporting a business in its area;
- (c) where the rebate will conduce to the preservation of buildings or places of historic significance;
- (d) where the land is being used for educational purposes;
- (e) where the land is being used for agricultural, horticultural or floricultural exhibitions;
- (f) where the land is being used for a hospital or health centre;
- (g) where the land is being used to provide facilities or services for children or young persons;
- (h) where the land is being used to provide accommodation for the aged or disabled;

- (i) where the land is being used for a residential aged care facility that is approved for Commonwealth funding under the *Aged Care Act 1997* (Cwlth) or a day therapy centre;
 - (j) where the land is being used by an organisation which, in the opinion of the Authority, provides a benefit or service to the local community;
 - (k) 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;
 - (l) where the rebate is considered by the Authority to be appropriate to provide relief against what would otherwise amount to a substantial change in rates payable by a ratepayer due to—
 - (i) a redistribution of the rates burden within the community arising from a change to the basis or structure of the rates;
 - (m) where the rebate is considered by the Authority to be appropriate to provide relief in order to avoid what would otherwise constitute—
 - (i) a liability to pay a rate or charge that is inconsistent with the liabilities that were anticipated by the Authority in its annual business plan; or
 - (ii) a liability that is unfair or unreasonable;
 - (o) where the rebate is contemplated under another provision of this Act.
- (1a) The Authority must, in deciding whether to grant a rebate of rates or charges under subsection (1)(d), (e), (f), (g), (h), (i) or (j), take into account—
- (a) the nature and extent of services provided in respect of the land for which the rebate is sought in comparison to similar services provided elsewhere in its area; and
 - (b) the community need that is being met by activities carried out on the land for which the rebate is sought; and
 - (c) the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons,
- and may take into account other matters considered relevant by the Authority.
- (2) A rebate of rates under subsection (1) may be granted on such conditions as the Authority thinks fit.
- (3) A rebate of rates under subsection (1)(a), (b) or (k) may be granted for a period exceeding one year, but not exceeding 10 years.
- (3a) A rebate of rates under subsection (1)(l) may be granted for a period exceeding one year, but not exceeding three years.
- (3b) The Authority should give reasonable consideration to the granting of rebates under this section and should not adopt a policy that excludes the consideration of applications for rebates on their merits.
- (4) The Authority may grant a rebate under this section that is up to (and including) 100 per cent of the relevant rates.



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Community Contribution Scheme Rebate Application 2012-2013

Details of applicant

Name _____

Address _____

Telephone _____

Details of land (These can be found on the invoice. If the application is for multiple properties please attach a list)

Assessment number _____

Certificate of Title reference _____

Property Address _____

Instructions

There are several categories of rebates. Please indicate which rebate you are seeking by ticking the relevant box and providing the additional information specified. It is the responsibility of the applicant to establish their claim for entitlement to a rebate and supply all the information required to substantiate this claim. (Section numbers quoted refer to provisions of the Outback Communities (Administration and Management) Act 2009 – see Appendix 1 of the OCA Concessions Policy for further details).

Please contact the OCA if you require assistance in completing the application form.

Please note: A person or body who makes a false or misleading statement or representation in an application or provides false or misleading information or evidence in support of an application for rebate is guilty of an offence under Section 159(2) of the Outback Communities (Administration and Management) Act 2009. Maximum penalty: \$5,000

Mandatory Rebate 75% - OCA will provide an additional 25% rebate for eligible properties

Community services Land being predominantly used for service delivery or administration by a community services organisation may be eligible for a rebate. The organisation **MUST MEET ALL THREE** of the following criteria **AND** be providing an eligible community service from the list below (Section 161 in Appendix 1 of the OCA Concession Policy)

- the organisation is incorporated on a not for profit basis for the benefit of the public **AND**
- provides a community service from the following list without charge or for a charge that is below the cost to the body of providing the services, **AND**
- these services not restricted only to members

Please note that an organisation will not be eligible for a rebate if the object of the body is to be in business and/or return a profit for some or all of its members, or if the surplus assets on winding would be distributed to its members or to an organisation with different aims or objects

Please attach the following additional information to this application:

- a copy of the organisation's Constitution or other documentation establishing that it is incorporated on a not-for-profit basis
- a copy of the organisation's latest Annual Report
- evidence that the organisation provides services free of charge or below cost (proof of receipt of State or Commonwealth funding in order to subsidise costs/charges will satisfy this test)
- evidence that the organisation provides services to persons other than members
- evidence that organisation meets the legislative requirements – see particulars for the specific category
- evidence that the land is being used for service delivery and/or administration of one of the eligible services (see below)

Please indicate which community service is provided:

- Residential care facilities in receipt of Commonwealth funding – Section 161(4)(c)(iii). (Please provide evidence of funding under the *Aged Care Act 1997*)
- Community Housing Associations – Section 161(4)(c)(iii). (Please provide evidence that the organisation is registered under the *South Australian Co-operative and Community Housing Act 1991*)
- Accommodation for persons with mental health, intellectual, physical or other difficulties who require support in order to live an independent life – Section 161(4)(c)(iii)
- Emergency accommodation – Section 161(4)(c)(i)
- Food or clothing for persons who are disadvantaged by reason of poverty, illness, frailty, or mental, intellectual or physical disability - Section 161(4)(c)(ii)
- Essential services, or employment support, for persons with mental health disabilities, or with intellectual or physical disabilities - Section 161(4)(c)(iv)
- Legal services for persons who are disadvantaged by reason of poverty, illness, frailty, or mental, intellectual or physical disability - Section 161(4)(c)(v)
- Drug or alcohol rehabilitation services - Section 161(4)(c)(vi))

- Research into diseases or illnesses- Section 161(4)(c)(vii)
- Community education about diseases or illnesses - Section 161(4)(c)(vii)
- Palliative care to persons who suffer from diseases or illnesses - Section 161(4)(c)(vii)

Mandatory Rebate 75% - OCA will provide an additional 25% rebate for eligible properties

Educational purposes Certain properties used for education purpose are eligible for a rebate
(Please tick which category you are applying under)

- Government school - Section 165(1)(a)
- Registered non-government school - Section 165(1)(b) (Please provide evidence of registration under the *Education and Early Childhood Services (Registration and Standards) Act 2011*)
- Accommodation for university students and other forms of support on a not-for-profit basis - Section 165(2)
(Please provide evidence that the services are provided at or below cost)

Mandatory Rebates 100% Where practicable these rebates will be granted on OCA's own initiative

- Hospital or Health Centre - Section 160 (Please provide evidence of incorporation under the *South Australian Health Commission Act 1976*)
- Church or other building used for public worship or land solely used for religious purposes - Section 162
- Public cemetery - Section 163
- Royal Zoological Society of SA (other than land used as domestic premises) - Section 164

Discretionary rebates

The Authority may in its discretion grant a rebate of community contributions in any of the following cases (Section 166). Please indicate which of the following categories is applicable to your application:

Development, Business and Heritage

- securing the proper development of the area -Section 166(1)(a)
- assisting or supporting a business - Section 166(1)(b)
- preservation of buildings or places of historic significance - Section 166(1)(c)

Please specify why financial assistance is needed and why you consider the amount of rebate you have applied for is appropriate:

Percentage Rebate sought: _____%

Community Services Where the land is being used for: (please tick the category you are applying for)

- educational purposes - Section 166(1)(d)
- agricultural, horticultural or floricultural exhibitions - Section 166(1)(e)
- hospitals or health centres - Section 166(1)(f)
- facilities or services for children or young persons - Section 166(1)(g)
- accommodation for the aged or disabled - Section 166(1)(h)
- a day therapy centre - Section 166(1)(i)
- an organisation which provides a benefit or service to the local community - Section 166(1)(j)

In considering rebate applications for these community services, the OCA must take into account the following:

- a) the nature and extent of services provided in respect of the land for which the rebate is sought in comparison to similar services provided elsewhere in the OCA's area
- b) the community need that is being met by activities carried out on the land for which the rebate is sought
- c) the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons

Please provide any information that will assist in consideration of these factors and supply evidence that the land is used to provide the services. What is the amount of rebate sought?

Other Discretionary Rebates (please tick the category you are applying for)

- For 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 - Section 166(1)(k)
- For relief against what would otherwise amount to a substantial change in the amount payable due to a redistribution of the liabilities within the community arising from a change to the basis or structure of the community contribution – Section 166(1)(l)
- To avoid what would otherwise constitute a liability to pay an amount that is inconsistent with the liabilities that were anticipated by the Authority in its annual business plan - Section 166(1)(m)(i)
- To provide relief in order to avoid a liability that is unfair or unreasonable - Section 166(1)(m)(ii)
- Where the rebate is contemplated under another provision of the *Outback Communities (Administration and Management) Act 2009* - Section 166(1)(o)

What is the amount of rebate sought?

Please specify why financial assistance is needed and why you consider the amount of rebate you have applied for is appropriate.

Important information

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 \$5,000.00 (Section 159(2) of the Outback Communities (Administration and Management) Act 2009.).

The OCA may grant a rebate on such conditions as the OCA thinks fit. For example, if part of the property is used for business purposes.

If a person or body has the benefit of a rebate and the grounds on which the rebate has been granted cease to exist, the person or body must immediately inform the OCA. Failure to do so carries a maximum penalty of \$5,000.00 (Section 159 (7) and (8) of the Outback Communities (Administration and Management) Act 2009).

The OCA may, for proper cause, determine that an entitlement to a rebate under the Act no longer applies.

Where an entitlement to a rebate ceases or no longer applies during the course of a financial year, the OCA is entitled to recover a proportionate amount for the remaining part of the financial year.

Statement

I declare that the information I have provided is true and accurate.

Signed

/ /