

## TIWI ISLAND REGIONAL COUNCIL

<b>Title</b>	<b>Rates Concession Policy</b>
Policy No	30
Adopted By	Council
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Responsibility	Chief Executive Officer
MagiQ Document Number	222011

Version	Decision Number	Adoption Date	History
1	Resolution 3 on 31 October 2018	31 October 2018	Original

### 1. Purpose

The Tiwi Islands Regional Council is committed to transparent and accountable decision making.

As per Part 11.7 and Part 11.8 of the Local Government Act, Council has the ability may grant a rate concession unconditionally or on conditions as determined by the Council.

This document sets out Tiwi Islands Regional Council policy on the granting of concessions for rates and charges.

### 2. Background

The Tiwi Islands Regional Council has historically provided a concession on rates to *“persons of Tiwi decent who occupy and hold title to rateable residential properties within the Council area.”*

Council and the Northern Territory Government have encouraged local Tiwi residents to buy their own homes within the Council area. Whilst these homes are not in any separate part of the Council area but are generally dispersed throughout the area. These properties are identified in the Rates Book. The Council does not wish to penalise those who have their own homes and so wishes to significantly discount their rates liability. A public benefit concession of this type may only be granted if authorised under a policy that has been formally adopted by resolution of the Council.

This Policy has been prepared to enable Council to consider all written submissions for rate concessions as described under the Local Government Act including the public benefit concession.

### 3. Definitions

Term	Definition
Rate Concession	A rate concession can be a deferment of payment and/or waiver of rates and/or waiver of legal fees and/or remission of interest accrued on overdue rates. Rate concessions can be granted as a singular concession or as a regular concession. The ratepayer applying for a rate concession is to identify the scope of the concession in the application.
Ratepayer	This policy outlines assistance for ratepayers for rates/charges levied on their principal place of residency/principal place of living or institutions that fall under Section 167 Local Government Act. Rates and charges payable on rental residential properties are excluded from assistance.
Deferment	A deferment of payment can be provided in the whole or in part and can be provided in whole or in part and can be for a specified period and subject to any conditions determined.
Debtor	Any individual, corporation, organisation or other entity owing
Waiver	A waiver removes the liability to pay and may be offered to include the whole or part and/or legal charges.
Relevant interest rate	The relevant interest rate is a rate of interest fixed by Council as the relevant interest rate and outlined in the Fees and Charges in line with Section 162 (3) Local Government Act.
Remission	A remission of interest is waiver of interest wholly or in part as per Section 163 Local Government Act.
Financial Hardship	Financial hardship is defined as a situation where a customer is found to be unable, because of illness, unemployment or other reasonable cause, to discharge their financial obligations towards Tiwi Islands Regional Council.
Public Benefit Concession	As per Section 167, Council may grant a rate concession if satisfied that the concession will advance one or more of the following purposes: <ul style="list-style-type: none"> <li>i. Securing the proper development of its area</li> <li>ii. Preserving buildings or places of historical interest</li> <li>iii. Protecting the environment</li> <li>iv. Encouraging cultural activities</li> <li>v. Promoting community health or welfare</li> <li>vi. Encouraging agriculture</li> <li>vii. Providing recreation or amusement for the public.</li> </ul>

### 4. Policy Statement

#### 4.1 Remission of Interest accrued on overdue rates

4.1.1 As per Section 162 of the Local Government Act, Council charges a relevant interest rate on a daily basis on overdue rates.

4.1.2 Ratepayers can request a remission of interest under Section 163 Local Government Act. Council officers under delegation can consider applications for remission of interest for reasons that fall under the following two categories:

- 4.1.2.1 Administrative reasons, error or omissions which caused or significantly contributed to the failure to rates in a timely manner;
- 4.1.2.2 Proven Financial Hardship – Ratepayers must enter into a feasibly payment schedule and maintain such agreement. Such payment schedule shall not result in the debt growing larger.

#### 4.2 Deferment of Rates

4.2.1 As per Section 164 (1) (b) of the Local Government Act, a rate concession can be a deferment in the whole or part of an obligation to pay rates

4.2.2 Ratepayers may have rates and charges or a part thereof postponed, although rates and charges will continue to be levied subject to compliance with the following:

- 4.2.2.1 The ratepayer must be experiencing undue and unavoidable hardship
- 4.2.2.2 An application must be submitted to the Chief Executive Officer by the ratepayer or the ratepayer's representative providing evidence from an approved Financial Counsellor of such circumstances referred to in 4.2.2.1
- 4.2.2.3 The postponement can be on a fixed or ongoing basis until the property is disposed of or sold.

#### 4.3 Waiving of Rates, Charges or legal Fees

4.3.1 As per Section 164 of the Local Government Act, a rate concession can be a waiver or part of rates or a component of rate.

4.3.2 Council may grant a rate concession unconditionally or on conditions determined by the Council. If the ratepayer fails to comply with a condition the Council may by notice to the ratepayer withdraw the concession and require the ratepayer to pay an amount, on or before a date specified in the notice, to neutralise the benefit to the ratepayer of the rate concession.

4.3.3 Any waiver is a one off waiver in responses to the circumstances presented at the time.

#### 4.4 Correction of anomalies

4.4.1. As per Section 166 of the Local Government Act, Council may grant a concession to a ratepayer or ratepayers of a particular class if satisfied that it is necessary to do so in order to correct anomalies in the operation of the rating system.

4.4.2 Council may grant a rate concession on the Council's own initiative or on application by the affected ratepayer.

4.4.3 Application in writing must be submitted to the Chief Executive Officer by the ratepayer or the ratepayer's representative outlining the anomaly.

#### 4.5. Public Benefit Concessions

4.5.1 As per Section 167 of the Local Government Act Council may grant a rate concession if satisfied that the concession will advance one or more of the following purposes:

4.5. 1.1. Secure the proper development of its area

4.5.1.2. Preserve buildings or places of historical interest

4.5.1.3. Protecting the environment

4.5 1.4. Encouraging cultural activities

4.5.1.5 Promoting community health or welfare

4.5.1.6. Encouraging agriculture

4.5.1.7. Providing recreation or amusement for the public

4.5.2 Any rate concession under 4.5.1 shall be presented to Council for consideration in a report. An application for a rate concession requires a written submission..

#### 4.6. Confidentiality

Any information provided will be treated as strictly confidential. Information will be securely retained by Council officers.