

NOT-FOR-PROFIT KINDERGARTENS PARTIAL REBATE OF RATES AND CHARGES POLICY

OVERVIEW

Brisbane City Council has resolved to grant a partial rebate to not-for-profit kindergartens that have made an Application to Council that has been approved and meets the Eligibility Criteria set out in this policy.

This policy sets out:

- (a) the criteria for determining whether a not-for-profit kindergarten is eligible for a partial rebate of rates and charges
- (b) Council's assessment and approval process for such applications
- (c) the effect of Council approving an Application made in accordance with this policy and
- (d) any conditions that apply to the partial rebate of rates and charges.

LEGISLATION

Council may, by resolution, grant a ratepayer or a ratepayer who is a member of a stated class of ratepayers a concession for rates or charges in accordance with Chapter 4, Part 10 of the *City of Brisbane Regulation 2012*.

DEFINITIONS

financial year has the meaning given to it in the Resolution of Rates and Charges.

lessee:

- (a) means either the sole lessee, or (where there is more than one lessee) each of the lessees of rateable land under a lease or permit to occupy granted by the Queensland Government or the Australian Government that includes an obligation on the lessee to pay rates and charges as though the lessee is the registered owner of the rateable land
- (b) excludes a sub-lessee of a holder of a lease or a permit to occupy from the Queensland Government or the Australian Government.

rates and charges means:

- (a) general rates post application of rate capping
- (b) separate rates and
- (c) special rates and charges.

rating quarter has the meaning given to it in the Resolution of Rates and Charges.

Resolution of Rates and Charges means the resolution of Council contained in Council's Annual Plan and Budget 2024-25, setting rates and charges applicable for the 2024-25 financial year.

POLICY

Council grants a partial rebate of rates and charges to approved not-for-profit kindergartens who meet or continue to meet the Eligibility Criteria to assist those organisations in achieving or enhancing their principal objectives.

APPLICATION PROCESS

Organisations that meet the Eligibility Criteria may make an application to Council in the approved form for a not-for-profit kindergarten partial rebate of rates and charges (**Application**).

The approved form is available on Council's website or from any Council Customer Centre.

An Application must be completed for each separate parcel of rateable land.

An organisation is not required to make an Application if:

- (a) Council has previously approved an Application in this financial year in relation to the relevant rateable land (or an application in any of the three financial years immediately before this financial year) and
- (b) the organisation met the eligibility criteria when the relevant application was made and maintained its eligibility for the partial rebate of rates and charges on and from the relevant approval date, including any changes that may have been made to such eligibility criteria from one year to the next.

ELIGIBILITY CRITERIA

To be eligible to make an Application for a not-for-profit kindergarten partial rebate of rates and charges, an organisation must:

- (a) be solely established for the purpose of providing government approved kindergarten programs taught by qualified early childhood teachers
- (b) be recognised as an "income tax exempt charity" by the Australian Taxation Office
- (c) hold a current registration as a "charity" with the Australian Charities and Not-for-Profits Commission
- (d) be:
 - (i) the sole registered owner of rateable land to which the Application applies; or
 - (ii) the Lessee of rateable land to which the Application applies
- (e) not be receiving a rebate for the rateable land in accordance with Council's *Not-for-profit Organisations Partial Rebate of General Rates Policy*
- (f) have a rate account for the rateable land that is clear of all indebtedness as at the last day of the rating quarter immediately before the Application is made to Council, (together the **Eligibility Criteria**).

ASSESSMENT AND APPROVAL BY COUNCIL

Upon receipt of an Application, Council must:

- (a) consider and decide each Application against the Eligibility Criteria and
- (b) give the organisation a notice of its decision to:
 - (i) approve the Application (the **Approval Date**) or
 - (ii) refuse the Application.

Council may request additional information or proof that the organisation meets the Eligibility Criteria at any time after the Application is received by Council.

If the organisation does not provide the additional information or proof requested by Council within 30 days of the date of Council's request, the Application is deemed to have lapsed.

EFFECT OF APPROVAL BY COUNCIL

The date of entitlement to the not-for-profit kindergarten partial rebate of rates and charges is the Approval Date and each day thereafter that the organisation continues to meet the Eligibility Criteria.

The rebate will be applied on a pro-rata basis on and from the Approval Date for that rating quarter.

Entitlement to the not-for-profit kindergarten partial rebate of rates and charges will continue while the relevant organisation complies with the Eligibility Criteria in this policy.

QUANTUM OF PARTIAL REBATE

The amount of the partial rebate is set out in the Resolution of Rates and Charges.

CONDITIONS

1. The organisation must ensure that its rate account is paid in full by the due date of each rating quarter.
2. The organisation must immediately notify Council if, at any time during the financial year it ceases to meet the Eligibility Criteria.
3. Council may audit the eligibility of an organisation in relation to its eligibility for the not-for-profit kindergarten partial rebate of rates and charges at any time and may:
 - (a) request the organisation to provide any reasonable information to confirm that the organisation continues to meet the Eligibility Criteria and
 - (b) inspect or re-inspect the rateable land.
4. If the organisation fails to provide any reasonable information requested by Council in accordance with Condition 3 within 30 days of such request, the organisation will be deemed to cease to meet the Eligibility Criteria and Council must issue a notice stating the date upon which the eligibility ceased. The organisation may make a fresh Application for the not-for-profit kindergarten partial rebate of rates and charges.

AUTHORITY

Council Resolution, 20 June 2024.

POLICY OWNER

Chief Financial Officer, Corporate Finance, Organisational Services.

FURTHER ASSISTANCE

For further assistance, please contact the Revenue and Grants Team, Corporate Finance, Organisational Services.

RELATED INFORMATION

This policy relates to Council's Revenue Policy, Revenue Statement and Resolution of Rates and Charges presented to Council for adoption on 12 June 2024.

REVIEW DATE

Not applicable. This policy will expire on 30 June 2025.