



# **RATES AND CHARGES – PENSIONER CONCESSION POLICY**

<b>Policy No:</b>	<b>FIN-DFA-008</b>
<b>Date Adopted:</b>	<b>17 July 2012</b>
<b>Minute No:</b>	<b>34.07.12</b>
<b>Re-Adopted by Council:</b>	<b>16 August 2022</b>
<b>Minute No:</b>	<b>09.08.22</b>
<b>Responsible Director:</b>	<b>Chief Financial Officer</b>

# POLICY STATEMENT

## I. INTRODUCTION

This policy provides guidance to the General Manager and staff in applying the provisions of the Local Government Act 1993 for rate and charges rebates applicable to eligible pensioners.

## 2. DEFINITIONS

Here is the meaning of some terms used in the Policy:

**Ratepayer:** The person(s) **liable for payment of the rates** of the property for which the pensioner concession is claimed.

**Liability to Pay Rates:** Section 560 of the Local Government Act 1993, states the following in regard to rate payment liability:

- a) The owner for the time being of land on which a rate is levied is liable to pay the rate to the council, except as provided by this section.
- b) If land owned by the Crown is leased, the lessee is liable to pay the rate, except as provided by subsection (d).
- c) If there are two or more owners, or two or more lessees from the Crown, of the land, they are jointly and severally liable to pay the rate.
- d) The Crown is liable to pay the rate for land owned by the Crown which is subject to the Housing Act 1912 or the Aboriginal Housing Act 1998.

**Eligible Pensioner:** In relation to a rate or charge levied on land on which a dwelling is situated means a person:

- a) Who is a member of a class of persons prescribed by the Local Government Regulations, and
- b) Who occupies that dwelling as his or her sole or principal place of living.

**Principal Place of Living:** The property that the ratepayer occupies as their sole or dominant residence.

### **3. OBJECTIVES**

The objective of Council's Rates and Charges – Pensioner Concession Policy and Guidelines is to:

- Outline guidelines on management of Rates and Charges for properties owned and occupied by pensioners.
- Ensure a fair and equitable approach and assist pensioners who may experience difficulty in meeting the payment of rates and charges.
- Ensure compliance with relevant auditing and legislative requirements.

### **4. PRINCIPLES**

Council's Rates and Charges – Pensioner Concession Policy and Guidelines are underpinned by the following principles:

- Fairness
- Integrity
- Appropriate confidentiality
- Compliance with relevant statutory requirements

### **5. ACCESS**

Public access to information about Pensioner Concessions will be through Council's website and notices issued for the payment of rates and charges. Reasonable access assistance will be available to persons with special needs.

### **6. RESPONSIVENESS AND ACCOUNTABILITY**

Council's Customer Service and Rating Officer will assess and make determinations on applications for pensioner concession in accordance with statutory requirements and these guidelines. A right of appeal against a determination for a pensioner concession can be requested in which the Chief Financial Officer (either directly or through delegated authority) will review the request and previous determination.

### **7. THE APPLICATION PROCESS**

Pensioners requesting a concession are required to submit an application on the prescribed form with the production of a current Pension Concession Card (or equivalent card for TPI and EDA pensioners) issued by Centrelink or the Department of Veterans' Affairs.

The application must be signed by the applicant or a person with power of attorney for the applicant. Assessment of the application includes verification of information with Centrelink.

Once assessed, the applicant will be notified either in writing or verbally of Council's decision and the amount of rates and charges payable.

Council will confirm all pensioners' eligibility at least every 12 months with Centrelink. If at this time eligibility is not confirmed Council will remove any further concession. This removal will be indicated on subsequent rates notices. Reinstatement of a concession will require reapplication.

## **8. ELIGIBILITY REQUIREMENTS**

Only eligible ratepayer pensioners are entitled to receive a pensioner concession against their rates and charges.

The property for which a pensioner concession is sought must be the applicant's sole or principal place of living.

Where an owner becomes an eligible pensioner after the commencement of a quarterly instalment / billing period, the concession will commence from the start of the next quarterly instalment / billing period.

If a ratepayer (receiving a pensioner concession on a property considered to be their sole or principal place of living) is required to enter an aged care facility for health or care reasons, the pensioner concession will continue to be applied under the condition that the property is not being rented or occupied.

In accordance with Section 577 of the Local Government Act 1993, Council will grant a rate concession where an eligible pensioner, not the owner of the property, has a life interest in the property and is responsible for payment of rates. Council requires confirmation in writing (preferably from a legal representative) with a copy of the will of a deceased estate, copy of the Certificate of Title (if the life tenancy is registered) or relevant documentation to validate a life tenancy agreement.

## **9. AMOUNT OF CONCESSION**

Rate concessions will be limited to the current rating year and two rating years prior to the application. Prior year concessions will require a 'Statutory Declaration' from the applicant stating that the property for which a concession is sought was their principal place of living for that prior period. Pensioner eligibility for prior periods will be confirmed by Council with Centrelink.

Council will assess and apply the concession in accordance with the proportionate level of ownership by the Pensioner(s) and where required, apply the pro-rata provisions of Section 575(4) and 584(1) of the Local Government Act 1993.

Mandatory pensioner concessions (under Section 575 of the Local Government Act 1993) will be granted as follows:

- 50% of ordinary rates up to a \$250.00 maximum rebate.
- 50% of sewer charges up to a maximum \$87.50 rebate.

The Council does not grant voluntary pensioner concessions (under Section 582 of the Local Government Act 1993).

## **10. PENSIONERS UNDER FINANCIAL HARDSHIP**

Further concessions in relation to rates and charges for pensioners suffering from financial hardship may be applied in accordance with Council's *Rates and Charges Hardship Policy*.

## **RELATED LEGISLATION, CIRCULARS OR GUIDELINES (AS AMENDED)**

- Local Government Act 1993
- Local Government (General) Regulation 2005 (NSW)

## **RELATED COUNCIL POLICY OR PROCEDURE**

- Rates and Charges Hardship Policy
- Rates and Charges Debt Recovery Policy