

Rates and Charges - Pensioner Concession Policy

1 Purpose

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.

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

- Fairness
- Integrity
- Appropriate confidentiality
- Compliance with relevant statutory requirements
- Ensuring ratepayers are treated sensitively with courtesy and respect.

2 Policy

This policy applies to eligible pensioners with the statutory pensioner concession relating to rates and charges as specified in Section 575 of the Local Government Act, 1993.

2.1 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.
- Where an owner ceases to qualify as an eligible pensioner, or sells the property to which the rebate applies, the rebate will cease at the end of the current 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.
- 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.

- Any component of the pension concession granted on any water usage account will be limited to the billing period in which the application is submitted.
- Council will make an order, under Section 577 of the Local Government Act 1993 deeming certain persons who are jointly liable with an eligible pensioner(s) or solely liable, but who are not themselves eligible, to be eligible pensioners for the purpose of a mandatory reduction in accordance with Section 575 of the Local Government Act 1993.
- 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.
- A mandatory rebate of Rates and Charges to the maximum amount determined by Section 575 of the Local Government Act 1993 will apply for eligible pensioners.
- Voluntary pensioner concessions (under Section 582 of the Local Government Act 1993) will be granted against Domestic Waste Charges and Environmental Special Rates with the amount of concession to be set each year by Council resolution.
- Any consideration for pensioner concessions not pursuant with these guidelines will be determined by Council resolution.

3 Definitions

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 regards to rate payment liability:

1. 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.
2. If land owned by the Crown is leased, the lessee is liable to pay the rate, except as provided by subsection (4).
3. 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.
4. 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:

1. The person who is in receipt of a Pension Concession Card issued by Centrelink, The Department of Veteran Affairs or the Department of Veteran Affairs Gold TPI or EDA Card, and
2. 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.

4 Key Responsibilities

| Position | Directorate | Responsibility |
|------------------------------------|-------------------|--|
| Mayor | Council | To lead Councillors in their understanding of, and compliance with this policy. |
| General Manager | Executive | To lead staff (either directly or through delegated authority) in their understanding of, and compliance with this policy. |
| Directors | All Directorates | To communicate, implement and comply with this policy. |
| Section Leader – Financial Support | Business Services | Will review (either directly or through delegated authority) any request and previous determination that has been denied. |

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| Council's Customer Resolution and Revenue / Rating Officers | Business Services | Will assess and make determinations on applications for pensioner concession in accordance with statutory requirements and this policy. |
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5 References (laws, standards and other Council documents)

- Rates, Charges and Fees – Financial Hardship Policy (POL-056)
- Rates and Charges – Pensioner Concession Procedures
- Debt Recovery Strategy / Procedures
- Chapter 15, Part 8, Division 1 of the Local Government Act, 1993;
- Part 5, Division 4 of the Local Government (General) Regulation 2005;

6 Details of Approval and revision

- **Approval date: 14/09/2017**
- **Responsible Section: Financial Support**
- **Superseded policies/procedures: N/A**
- **Next review date: 14/09/2021**

Table of amendments

| Amendment | Authoriser | Approval ref | Date |
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