

Name of policy:	Rates – Pensioner Concessions		
Adoption by Council:		Minute number:	
Last review date:	November 2022		
Review timeframe:	2 Years		
Next scheduled review date:	December 2024		
Related legislation:	Local Government Act 1993 Local Government (General) Regulation 2021		
Associated policies/documents:	Nil		
Responsible division:	Corporate Services		

Policy objective

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

Policy statement

Council will manage applications for Pensioner Concessions in accordance with the requirements of Chapter 15, Part 8, Division 1 of the Local Government Act 1993 and Part 5, Division 4 of the Local Government (General) Regulation 2021.

Coverage of the policy

This policy applies to eligible pensioners who seek a reduction in their rates and charges and to staff who receive and assess applications for pensioner concessions.

Strategic Plan link

This Policy supports the Community outcome 4: Strong leadership and good governance

<i>4.2 Council demonstrates good governance and financial management to ensure decisions and transactions are ethical, efficient, safe and fair.</i>	<i>4.2.1 Use governance frameworks and processes to guide our decisions and to ensure council is accountable to the community</i>
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Policy content

Section 575 of the Local Government Act 1993 (the Act) provides that a pensioner rate concession may be granted to certain ratepayers.

In general, in order to be eligible for such a concession the following criteria must be met:

- The rateable property must be the applicant's sole or principal place of living;
- The applicant must be the person liable for the payment of rates (and annual charges);
- The applicant must be in receipt of a Pension Concession Card or a relevant card issued by the Department of Veteran Affairs;
- There must be a dwelling on the property where a rate (and annual charge) is levied.

An eligible pensioner may apply to Council for a concession on a rate or annual charge (section 575). The application must be on the approved form and a current Pensioner Concession Card (or relevant Department of Veteran Affairs card) must be produced as evidence of eligibility.

Each application will be checked and verified with the Department of Human Services and Department of Veteran Affairs to confirm eligibility prior to the pension rebate being applied to the rate assessment.

Council will conduct pensioner concession validation exercises at least annually with the Department of Human Services and Department of Veteran Affairs to ensure the ongoing validity of pensioner concession holders.

Where a ratepayer's eligibility for a pension concession is not confirmed, the ratepayer will be required to lodge a new application for assessment.

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

Where a ratepayer ceases to be 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 and any rebate granted in respect of future quarterly periods will be reversed and any amount subsequently outstanding will become payable.

Where a ratepayer has become an eligible pensioner prior to the current quarterly instalment / billing period and has not made an application for a pensioner concession, Council will accept an application that covers the current rating / billing year and the rating / billing year immediately preceding the current year.

There are additional circumstances (set out below) where Council will extend a pensioner concession.

1. Council may make an order under section 577 (1) of the Act deeming certain ratepayers who are jointly liable with an eligible pensioner, but who are not eligible themselves, to be eligible pensioners for the purpose of extending a pensioner concession to avoid hardship.
2. Council may extend a pensioner concession (in accordance with section 577(2)) to a ratepayer who is not solely liable for the payment of rates in accordance with section 560 of the Act but who has assumed full responsibility for all outgoings associated with the land. These ratepayers must be eligible pensioners who are in receipt of a Supporting Parent Pension and whose former spouse / partner is no longer residing at the property or contributing to the payment of rates and charges.
3. Council will continue to provide a pensioner concession for the remainder of the rating year where an eligible pensioner has moved into an aged care facility / nursing home, provided that the property remains vacant (unless occupied by the ratepayer's spouse/partner) and the property is not leased or rented and the ratepayer agrees to notify Council if circumstances change.
4. Council will extend a pensioner concession to an eligible pensioner who is not the owner of the property but who has a life interest in the property and is responsible for

the payment of rates and it is their principal place of abode. Council requires confirmation in writing 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 the life tenancy agreement.

Definitions

Ratepayer – the person(s) liable for payment of the rates / annual charges of the property for which the pensioner concession is claimed.

Principal place of residence – the property that the ratepayer occupies as their sole or dominant residence.

Eligible Pensioner – a 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.

References and related documents

Nil

Responsible officer (position)

Manager Finance

Attachments

Nil