

# Pensioner Rates Policy

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# 1. Policy Objectives

To provide the framework for providing eligible pensioners with the appropriate rating assistance and financial concessions in regard to their Council Rates and Charges.

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# 2. Definitions

**Act** mean Local Government Act, 1993

**Age Pension** means 65 years of age to 01/07/2017 or 65 years and 6 months from 01/07/2017 and then an additional 6 months every two years to 01/07/2023 when it reaches 67 years.

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# 3. Scope

This policy is limited to the assistance and financial concessions granted to eligible pensioners in regard to their rates and annual charges. This includes but is not limited to:

- any applicable statutory rates rebates
- any applicable voluntary Council rebates
- payment arrangements
- the accrual of rates and charges against an Estate

This policy does not extend to any pensioner discounts offered by the Council in regard to other fees and charges or services outside of Council rates and annual charges.

Any pensioner discounts offered on other fees and charges will be outlined in the Council's adopted Fees and Charges schedule which is available on the Council's website.

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# 4. Pensioner Rebate

## 4.1. Concession Amounts

### **Statutory Rebate**

The statutory pensioner rebate granted against the ordinary rates and domestic waste management charge under Section 575 of the Act is \$250.00.

## **Additional Rebates**

Council may also grant additional voluntary rebates or provide other concessions against particular special rates or charges. Where these apply, they will be outlined in the Council's Operational Plan.

From the 2018-19 rating period, an additional pensioner rebate of \$75 was granted by Council to eligible pensioners.

## **4.2. Eligibility**

### **Legislation**

The Local Government Act 1993, Division 1, Part 8 of Chapter 15 provides concessions for an eligible pensioner:

- (a) who is a member of a class of persons prescribed by the regulations, and
- (b) who occupies that dwelling as his or her sole or principal place of living.

Entitlement is granted under Section 575 of the Local Government Act, 1993 which provides that:

- If an eligible pensioner is the person solely liable, or a person jointly liable with one or more other persons, for a rate or charge levied on land on which a dwelling is situated, the rate or charge is, on application to the council and on production to the council of evidence sufficient to enable it to calculate the amount of the reduction, to be reduced in accordance with this Section.
- If a person becomes an eligible pensioner after the day on which a rate or charge is made and levied, the person is entitled to a reduction under this section of the rate or charge equal to the number of full quarters remaining after the day on which the person became an eligible pensioner in the year for which the rate or charge is made.

### **Pensioner status while in aged care**

The pensioner rebate will continue to apply if an eligible pensioner ratepayer enters an aged care facility, so long as their rateable property was considered to be their sole or principal place of living prior to entering aged care, and the property is not being rented while they are in aged care.

### **Life tenancy eligibility**

Under Section 577 of the Act, 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 payments of rates.

Council requires confirmation in writing (preferably from a legal representative) with a copy of the Will of a deceased estate, and/or a copy of the Certificate of Title (if the life tenancy is registered).

### **Overseas travel**

If a pensioner has travelled overseas and their concession card was cancelled then the pensioner must reapply using the newly issued pensioner concession card.

If the property remained the principal place of residence for the applicant while they were overseas, a Statutory Declaration must be provided stating that the premises was not rented in their absence. Council will then maintain the full rebate.

### 4.3. Granting of a Concession

Pensioners requesting a rebate are required to submit an application on the prescribed form available from Council's website or by contacting the Council.

Applicants will be asked to produce a current Pension Concession Card as part of the application determination.

The application must be signed by the applicant or a person with power of attorney for the applicant.

The eligible pensioner must meet the eligibility criteria to receive a pensioner concession.

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

#### **Verification of pensioner status**

Validation of eligible pensioner reference card holders will be carried out at least annually in conjunction with Centrelink and Department of Veteran Affairs.

If the validation results in the eligibility as not confirmed, Council will remove any further concession. Reinstatement of a concession will require reapplication.

#### **Date of Effect**

Pensioner rebates will generally be granted from the year that application is first made.

If a person becomes an eligible pensioner part way through the rating year, a proportional rebate will apply based on the number of full quarters after the person became eligible.

#### **Backdated rebates**

Applications for previous years may be considered on a case by case basis with supporting documentation.

Any backdating of the rebate will generally be limited to only the prior year of application.

#### **Reversal of non-eligible rebates**

If circumstances occur that cause a person's entitlement to a reduction of rates or charges to cease, the entitlement is taken to cease on the last day of the quarterly instalment period during which those circumstances occurred.

Reversal of pensioner rebates will be made as required by Section 584 of the Local Government Act, 1993.

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## 5. Payment Arrangements

Council offers flexibility to pensioners to negotiate alternative payment arrangements to the standard rates instalment due dates.

Council may write off any accrued interest charges on overdue rates at the end of the negotiated repayment schedule provided it is adhered to in full.

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## 6. Accruing of Rates and Charges / Rates Deferral

Council allows pensioners that are of the applicable Age Pension age, to defer their rates and charges against their eventual estate.

Pensioners wishing to take advantage of this scheme will need to make application on the prescribed form available from the Council's Rates section.

Any accrued rates and charges under this deferral scheme will be subject to the relevant interest charges in accordance with the Act.

Pensioners are advised to seek their own independent financial advice before consenting to have their rates and charges deferred against their eventual estate.

A pensioner taking part in this scheme may at any time pay any amount towards reducing the accrued balance of rates and charges.

Should the subject property be transferred to another person(s) ahead of the eventual estate, all rates, charges and interest accrued will become due and payable as at the date of transfer.

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## 7. Applicable Legislation

The administration of pensioner concessions and other pensioner assistance programs on rates and charges is governed by the following:

- Local Government Act (1993)
- Local Government (General) Regulation (2005)
- NSW Government Revenue Raising Manual (2007)
- Office of Local Government, Debt Management and Hardship Guidelines (November 2018)
- other relevant legislation and regulations.

This document is supplemented by the written procedures, calendar and timetables that are maintained by the Rates section, that taken together to provide a "How To" manual in regard to all aspects of rating administration.

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