Procedure 5.06.4 Pensioner Concessions

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Introduction

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

Definitions

<table>
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<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Ratepayer</td>
<td>The person(s) liable for payment of the rates of the property for which the pensioner concession is claimed.</td>
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<td>Liability to pay Rates</td>
<td>Section 560 of the Act, states the following in regards to rate payment liability:</td>
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<td>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</td>
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<td>2. If land owned by the Crown is leased, the lessee is liable to pay the rate, except as provided by subsection (4)</td>
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<td>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</td>
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<td>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</td>
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<td>Eligible pensioner</td>
<td>In relation to a rate or charge levied on land on which a dwelling is situated means a person who:</td>
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<td>1. is a member of a class of persons prescribed by section 134 of the Local Government Regulations (2005) as stated below (including any amendments made to stated regulation):</td>
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<td>2. 134 Eligible pensioners for the purposes of determining pensioner concessions-prescribed classes</td>
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<td>For the purposes of paragraph (a) of the definition of “eligible pensioner” in the Dictionary to the Act, the following classes of persons are prescribed:</td>
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<td>a. persons who receive a pension, benefit or allowance under Chapter 2 of the Social Security Act 1991 of the Commonwealth, or a service pension under Part III of the Veterans’ Entitlements Act 1986 of the Commonwealth, and who are entitled to a pensioner concession card issued by or on behalf of the Commonwealth Government,</td>
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<td>b. persons who receive a pension from the Commonwealth Department of Veterans’ Affairs as:</td>
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<td>i. a war widow or war widower within the meaning of the Veterans’ Entitlements Act 1986 of the Commonwealth, or</td>
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<td></td>
<td>ii. the unmarried mother of a deceased unmarried member of the Australian Defence or Peacekeeping Forces, or</td>
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<td></td>
<td>iii. the widowed mother of a deceased unmarried member of the Australian Defence or Peacekeeping Forces, or</td>
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</tbody>
</table>
Term | Definition
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| Defence or Peacekeeping Forces, iv. and do not have income and assets that would prevent them from being granted a pensioner concession card (assuming they were eligible for such a card), c. persons who have received a lump sum mentioned in section 234 (1) (b) of the Military Rehabilitation and Compensation Act 2004 of the Commonwealth or are receiving a weekly amount mentioned in that paragraph, and do not have income and assets that would prevent them from being granted a pensioner concession card (assuming they were eligible for such a card), d. persons who receive a general rate of pension adjusted for extreme disablement under section 22 (4) of the Veterans’ Entitlements Act 1986 of the Commonwealth, or a special rate of pension under section 24 of that Act, e. persons who receive, or who at some point in their life have been eligible for, a Special Rate Disability Pension under the Military Rehabilitation and Compensation Act 2004 of the Commonwealth.

Principal place of living | Property that the ratepayer occupies as their sole or dominant living.

Objectives

The objective of Council’s Rates and Charges – Pensioner Concession Policy and Guidelines are:

- 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.

The application process

Eligible 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. A rebate will not be granted without providing this evidence.

The application must be signed by the applicant or a person with power of attorney for the applicant. The customer consent section, which allows Council to confirm with Centrelink annually the accuracy of the details provided by the applicant, must be signed. If this section is not signed the rebate will not be granted.

Assessment of the application may include immediate 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.

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.

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 for financial gain.
In accordance with 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 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.

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 advised in writing. Reinstatement of a concession will require reapplication.

**Amount of concession**

Rate concessions will be limited to the current rating year only and will not be backdated to rating years prior to the application. No claims for previous years will be considered.

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

However, applications received after 1 April each year will be assessed as follows:

- Where a pension has been granted prior to 1 April, the current rating year will be adjusted.
- Where a pension has been granted on or after 1 April, the concession will apply to the next rating year only.

No adjustment will be made to the current rating year.

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 Act.

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

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

Any consideration for pensioner concessions not pursuant with these guidelines will be determined by Council resolution.

**Pensioner concession funding**

Council receives a Pensioner Concession Subsidy of 55% of all concessions granted in the financial year. The subsidy represents both State and Commonwealth funding. Council funds the balance of 45% of the pensioner concessions granted.

**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 ‘Financial Hardship Assistance’ procedure.

**Related policies & procedures**

5.06.1 Financial hardship assistance