

ADOPTED		VERSION NO	3.0
COUNCIL MEETING MIN	311/23	REVIEW DATE	DECEMBER 2027
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Objective

To provide eligible pensioners with the statutory pensioner concession relating to rates and charges as specified in Division 1 Part 8 of Chapter 15 of the Local Government Act 1993 (LGA).

Legislative requirements

- Local Government Act 1993
- Local Government (General) Regulation 2021
- Privacy and Personal Information Protection Act 1998
- Privacy & Personal Information Protection Regulation 2019

Related policies and plans

- *Council Rating and Revenue Raising Manual*, Department Local Government 2007
- Debt Management and Hardship Guidelines - Office of Local Government 17 November 2018
- Debt Management and Recovery Policy
- Hardship Provisions Policy
- Privacy Management Plan

Policy

The LGA Division 1 Part 8 of Chapter 15 provides concessions for eligible pensioners.

ENTITLEMENT TO STATUTORY PENSIONER CONCESSION – S575 LGA

Entitlement is granted under section 575 LGA 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.

An eligible pensioner, not being the owner of the property, who has a Life interest in the property which is registered on the Certificate of Title and is responsible for the payment of rates and charges, is deemed as the person liable for a rate or charge levied on the property for the purpose of this Policy.

APPLICATION FOR PENSIONER CONCESSION - S579 LGA

Pensioners requesting a rebate are required to submit an initial application in the prescribed form and hold a current Pension Concession Card issued by Centrelink, or receive a prescribed pension from the Department of Veterans Affairs, in order to qualify for any reduction in rates and charges.

Pension and eligibility information supplied in an initial application will be validated in conjunction with Centrelink and Department of Veterans' Affairs prior to the granting of a concession. Further validation checks will be carried out in the same way each quarter to ensure ongoing eligibility.

Where eligibility is not confirmed in a quarterly validation check, any reduction in rates and charges applicable to future quarters will be reversed and the amounts will become payable. Where eligibility has not been confirmed due to a temporary pause in pension payments, a new pension concession application is required. If eligibility is confirmed in relation to the new application, reductions in rates and charges previously reversed will be reinstated to the start of the quarter in which the new application is made.

Applications for pensioner rebates must be made during the year the rate or charge is levied. Rebates will not be retrospectively applied to previous years.

AMOUNT OF CONCESSION - S575 LGA & ENDING OF CONCESSION - S584 LGA

The amount of a pensioner concession to be granted is as listed in section 575(3) LGA. This is currently as follows:

- The total amount by which all ordinary rates and charges and for domestic waste management services levied on any land for the same year are reduced is not to exceed \$250.
- The total amount by which all water supply special rates or charges levied on any land for the same year are reduced is not to exceed \$87.50.
- The total amount by which all sewerage special rates or charges levied on any land for the same year are reduced is not to exceed \$87.50.

The maximum amounts of the pensioner rebates allowed are adjusted downwards proportionately subject to whether the person making the application is solely liable or jointly liable with eligible dwelling occupiers.

Persons who become, or cease to be, eligible pensioners during the year will receive a concession proportionate to the number of full quarters in which they are an eligible pensioner.

FUNDING OF CONCESSION - S581 LGA

Council receives a Pensioner Concession Subsidy of 55% of all concessions granted for a rating year. The subsidy represents both State and Commonwealth funding.

Council funds the balance of 45% of the pensioner concessions granted.

Council is required to submit an independent Audit Certificate prepared by Council's auditor to the Office of Local Government on an annual basis when applying for payment of the Pensioner Concession Subsidy.

ABANDONMENT OF PENSIONERS RATES AND CHARGES - S582 LGA

Council does not provide any additional waiver or reduction in rates, charges and interest due by an eligible pensioner unless in accordance with other related policies.

Privacy

Personal information collected as a consequence of this Policy will only be used for the purpose of assessing eligibility under the Policy and will be managed by Council's Privacy Management Plan.

Variation

Council reserves the right to vary the terms and conditions of this Policy, subject to a report to Council.

Definitions

Word/Term	Definition
"eligible pensioner"	<p>As defined in the Dictionary to the LGA: <i>In Division 1 of part 8 of chapter 15, in relation to a rate or charge levied on land on which a dwelling is situated means a person:</i></p> <p>(a) <i>who is a member of a class of persons prescribed by the regulations, and</i></p> <p>(b) <i>who occupies that dwelling as his or her sole or principal place of living.</i></p>
"the person solely liable" or "a person jointly liable..."	<p>As defined under S560 LGA – <i>Who is liable to pay rates?</i></p> <p>(1) <i>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.</i></p> <p>(2) <i>If land owned by the Crown is leased, the lessee is liable to pay the rate.</i></p> <p>(3) <i>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.</i></p>
"Owner"	<p>As defined in the Dictionary to the LGA:</p> <p>(a) <i>in relation to Crown land, means the Crown and includes:</i></p> <p>(i) <i>a lessee of land from the Crown, and</i></p> <p>(ii) <i>a person to whom the Crown has lawfully contracted to sell the land but in respect of which the purchase price or other consideration for the sale has not been received by the Crown, and</i></p> <p>(b) <i>in relation to land other than Crown land, includes:</i></p> <p>(i) <i>every person who jointly or severally, whether at law or in equity, is entitled to the land for any estate of freehold in possession, and</i></p> <p>(ii) <i>every such person who is entitled to receive, or is in receipt of, or if the land were let to a tenant would be entitled to receive, the rents and profits of the land, whether as beneficial owner, trustee, mortgagee in possession, or otherwise, and</i></p> <p>(iii) <i>in the case of land that is the subject of a strata scheme under the Strata Schemes (Freehold Development) Act 1973 or the Strata Schemes (Leasehold Development) Act 1986 , the owners corporation for that scheme constituted under the Strata Schemes Management Act 1996 , and</i></p> <p>(iv) <i>in the case of land that is a community, precinct or neighbourhood parcel within the meaning of the Community Land Development Act 1989 , the association for the parcel, and</i></p> <p>(v) <i>every person who by this Act is taken to be the owner, and</i></p> <p>(c) <i>in relation to land subject to a mining lease under the Mining Act 1992 , includes the holder of the lease, and</i></p> <p>(d) <i>in Part 2 of Chapter 7, in relation to a building, means the owner of the building or the owner of the land on which the building is erected.</i></p>