

# TEMORA SHIRE COUNCIL



TEMORA  
*The Friendly Shire*

## Rates & Charges – Pensioner Concession

ACTIVE

<b>Review Details</b>
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**ABOUT THIS RELEASE**

**DOCUMENT NAME:** Pensioner Concession (Rates & Charges)  
**CODE NUMBER:** F4  
**AUTHOR:** Temora Shire Council  
**ENDORSEMENT DATE:** November 2022

**REVIEW**

Revision Date	Revision Description		Date approved by Council	General Manager's Endorsement
October 2022	New Policy	1	November 2022	GCL

**PLANNED REVIEW**

Planned Review Date	Revision Description		Review by
November 2024			

## Objectives

- Ensure pension concessions are granted in accordance with Section 575 of the Local Government Act 1993
- Ensure consistency, fairness, integrity and confidentiality of all proceedings for both Council and the pensioner.
- Ensure compliance with relevant auditing and legislative requirements.

## Policy Statement

### **1. Eligibility**

- 1.1 Only eligible (refer definition) ratepayer pensioners are entitled to receive a pensioner concession against their rates & charges.
- 1.2 The property for which a pensioner concession is sought must be the applicant's sole or principal place of living
- 1.3 Where an owner becomes an eligible pensioner after the commencement of a quarterly instalment the concession will commence from the start of the next quarterly instalment period. Quarterly instalment periods commence on 1 July, 1 October, 1 January, and 1 April each year.
- 1.4 Validation of eligible pensioner card holders will be carried out annually in May /June of each year in conjunction with Services Australia and the Department of Veterans Affairs.
- 1.5 If a ratepayer receiving a pensioner concession on a property considered to be their sole or principal place of living enters an aged care facility, the pensioner concession will continue to be applied on the condition that the property is not being rented, and the owner is still responsible for payment of rates and charges.
- 1.6 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 and charges. Council requires confirmation in writing (legal representative) with a certified copy of the will, copy of title search (if life tenancy is registered) or relevant documentation to validate a life tenancy agreement.

## **2. Application Process**

- 2.1 Pensioners applying for a concession are required to complete an application on the prescribed form and provide a copy of a current concession card issued by Services Australia or Department of Veterans Affairs. An application for Pensioner Concession will not be considered if the address shown on the concession card differs from the property address for which the rebate has been sought.
- 2.2 The application must be signed by the applicant or a person with Power of Attorney for the applicant, which allows Council to confirm with appropriate Government agencies, the accuracy of the details provided by the applicant.
- 2.3 A concession will be granted to pensioners who meet the eligibility criteria and will be limited to the current rating year and a maximum of two rating years prior to application, if applicable.

## **3. Amount of Rebate**

- 3.1 Mandatory pension concession under Section 575 of the Local Government Act 1993 will be granted as follows:
  - 50% off ordinary rates and charges and domestic waste up to \$250.00 maximum
  - 50% off sewer charges up to \$87.50 maximum
- 3.2 Council receives a pensioner concession subsidy of 55% of all concession granted for a rating year. Council fund the balance of 45% of the concession granted.

## **4. Administration**

- 4.1 The amount by which the Rates and Charges are reduced is determined by the ownership of the property. If the person making the application is an eligible pensioner which is solely liable or jointly liable with one or more jointly eligible occupiers but with no other person (jointly eligible occupier is the spouse or de facto partner of that eligible pensioner) then a full rebate is granted. Otherwise, a percentage of the rebate is calculated in relation to the percentage of ownership.
- 4.2 Where an owner ceases to qualify as an eligible pensioner, the concession will cease at the end of the instalment period in which the eligibility ceased. Reinstatement of a concession will require reapplication.
- 4.3 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

- 4.4 Council will provide written documentation when a pensioner concession is granted detailing the amount of the concession, the period and the balance of rates and charges outstanding. Council will also provide written documentation when a concession is unconfirmed (in the annual verification process) or removed.
- 4.5 Any consideration for pension concession not pursuant with these guidelines will be determined by council resolution.

## 5. Definition

**"eligible pensioner"** 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

- (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

Local Government (General) Regulation 2005

### **134 Eligible pensioners for the purposes of determining pensioner concessions—prescribed classes**

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:

- (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,
- (b) persons who receive a pension from the Commonwealth Department of Veterans Affairs as:
  - (i) the widow or widower of a member of the Australian Defence or Peacekeeping Forces, or
  - (ii) the unmarried mother of a deceased unmarried member of either of those Forces, or
  - (iii) the widowed mother of a deceased unmarried member of either of those Forces, 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 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.

**"jointly eligible occupier"**, in Division 1 of Part 8 of Chapter 15, in relation to a rate or charge in respect of which an eligible pensioner is jointly liable, means a person who

- (a) is the spouse or de facto partner of that eligible pensioner, or

- (b) is another eligible pensioner, or
- (c) if another eligible pensioner and his or her spouse or de facto partner have the same sole or principal place of dwelling, is the spouse or de facto partner of that other eligible pensioner, and whose sole or principal place of living is the same as that of that first mentioned eligible pensioner.

The dictionary of the Local Government Act contains a definition of dwelling that relates only to the statutory pensioner rate rebate:

"dwelling" in Division 1 of Part 8 of Chapter 15, means a building or part of a building used as a place of dwelling.