

# PENSIONER RATES POLICY

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PREPARED BY:  
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SUTHERLAND SHIRE

## 1. PURPOSE

The purpose of the Pensioner Rates Policy is to provide eligible pensioners with the available financial concessions and payment assistance in relation to their annual Council Rates and Charges.

## 2. APPLICATION

This Policy applies to all eligible pensioners as prescribed under the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2021* (the Regulation).

## 3. PRINCIPLES

### 3.1 Application of Principles

No one principle should be applied to the detriment of another. Principles must be collectively considered and applied to the extent that is reasonable and practicable in the circumstances.

### 3.2 Policy Scope

This Policy is limited to the assistance and financial concessions granted to eligible pensioners in relation to their Rates and Charges levied against their principal place of residence.

This Policy does not extend to any pensioner discounts offered by the Council relating to other fees and charges outside of Council Rates and Charges. Any pensioner discount offered on other fees and charges will be outlined in Council's Fees and Charges Schedule adopted as part of the annual Operational Plan.

### 3.3 Statutory Pensioner Rebate

The statutory rebate is granted against the ordinary rate and domestic waste management charge, under section 575 of the Act, is a maximum of \$250.00 per annum.

### 3.4 Voluntary Pensioner Rebate

In some cases, Council will grant an additional Voluntary Pensioner Rebate (currently \$105.00) per annum to eligible pensioners. To receive the voluntary rebate a ratepayer must be an eligible pensioner within the meaning of the Act, and also have resided in the Sutherland Shire local government area for the last three consecutive years.

This Policy position is consistent with the resolution of Council made on 29 November 1999.

### 3.5 Rebate Eligibility

#### 3.5.1 Legislated Eligibility

A ratepayer is an eligible pensioner where they comply with the eligibility requirements of the Act and Regulation.



## **3.5.2 Pensioner Status while in Aged Care**

A Where a pensioner rebate has been granted to an eligible pensioner, the pensioner rebate will continue to apply after the eligible pensioner enters aged care for up to two years, providing the property is vacant and not being rented during that time. After two years eligibility will cease.

## **3.5.3 Life Tenancy**

Under section 575 of the Act, Council will grant a pensioner concession where an eligible pensioner, who is not the owner of the property, has a life interest in the property and is responsible for the payment 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).

## **3.5.4 Overseas Travel**

If a pensioner travels overseas and their concession card is cancelled while the pensioner is overseas, the pensioner must reapply upon their return to Australia using their newly issued Pensioner Concession Card (PCC). Where the PCC cancellation occurs within the current financial year a Reinstatement Form can be completed.

## **3.6 Granting of a Concession**

Pensioners requesting a rebate are required to submit their application on the prescribed form over the phone or via Council's website, or by contacting Council. Eligible pensioners can only claim a rebate for their principal place of residence at any one time. A new application is required if the eligible pensioner wishes to move their concession to another property.

Applicants may be asked to produce a current PCC as part of the application determination. An application must be signed by the applicant or a person with power of attorney for the applicant. Where a power of attorney is being used, substantiating documentation must be provided.

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.

### **3.6.1 Verification of Pensioner Status**

Council will apply concessions on an ongoing annual basis where pensioners remain eligible. Verification of eligibility for relevant pensioners will be carried out at least annually in conjunction with Centrelink and the Department of Veteran Affairs.

Where verification results do not confirm eligibility, Council will remove any concession/s the pensioner is no longer eligible for. Any subsequent reinstatement of a concession will require reapplication.



## **3.6.2 Date of Effect**

If a person becomes an eligible pensioner after the annual Rates and Charges are raised at the beginning of the financial year, a proportional rebate will apply based on the number of full financial quarters remaining in the rating year after the person became eligible.

## **3.6.3 Backdated Rebates**

An eligible pensioner can only claim a maximum rebate dating back to 1 July in the previous year.

## **3.6.4 Reversal of Non-Eligible Rebates**

Under section 575 of the Act, Council will grant a pensioner concession where an eligible pensioner, who is not the owner of the property, has a life interest in the property and is responsible for the payment 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).

## **3.7 Payment Arrangements**

Council offers flexibility to pensioners to negotiate alternative payment arrangements outside of the standard Instalment due dates. Council may write off any accrued interest charges on overdue Rates and Charges provided any payment arrangement is adhered to in full.

## **3.8 Age Pensioner Rates Deferral**

Council allows Eligible Age Pensioners to defer their Rates and Charges against their eventual estate. Pensioners wishing to take advantage of this scheme will need to make an annual application on the prescribed form.

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. Council encourages payments if practical for the pensioner as payments will reduce the amount of interest applied to the account.

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.

## **4. RESPONSIBILITIES**

### **4.1 Responsible Officer**

The Chief Financial Officer is the Responsible Officer for this policy and is responsible for keeping the Policy current.



## 4.2 Chief Executive Officer

Council has delegated the Chief Executive Officer the authority to exercise the responsibilities detailed in this Policy.

## 4.3 Employees

Employees must adhere to the requirements of this Policy and operate within its authorities.

## 5. POLICY COMPLIANCE

Council auditors, the Audit Office of New South Wales, audit the granting of the Statutory Pensioner Rebates as part of the State Government subsidy claim on an annual basis.

## 6. RECORD KEEPING, CONFIDENTIALITY AND PRIVACY

Council adheres to and complies with the NSW *State Records Act 1998* and *Privacy and Personal Information Protection Act 1998* through its Access to Information Policy and Privacy Management Plan.

## 7. BREACHES OF POLICY

Breaches of this Policy will be dealt with in accordance with normal disciplinary procedures and will be advised to the Chief Executive Officer and / or Director Corporate Support, via the Chief Financial Officer where appropriate.

## 8. RELATED DOCUMENTS

- Debt Recovery and Hardship Policy

## 9. RELEVANT LEGISLATION AND REGULATIONS

- *Local Government Act 1993 (NSW)*
- *Local Government (General) Regulation 2021*
- *NSW Government Revenue Raising Manual (2007)*
- *Office of Local Government Debt Management and Hardship Guidelines (2018)*
- *Privacy and Personal Information Protection Act 1998 (NSW)*

End of Document

<b>UNCONTROLLED COPY WHEN PRINTED</b> - For up to date copy please refer to Sutherland Shire Council Intranet / Website			
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