

PENSIONER RATES POLICY

September 2019

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SUTHERLAND SHIRE

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1. PURPOSE

The purpose of the Pensioner Rates Policy is to provide eligible pensioners with the appropriate rating assistance and financial concessions in regard to their Council Rates and Charges.

2. APPLICATION

The Pensioner Rates Policy applies to all eligible pensioners as prescribed under clause 134 of *Local Government (General) Regulation 2005*.

3. PRINCIPLES

3.1 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.

3.2 Pensioner Rebate Concession Amounts

3.2.1 Statutory Rebate

The statutory pensioner rebate granted against the ordinary rates and domestic waste management charge under Section 575 of the *Local Government Act 1993* ("the Act") is \$250.00.

3.2.2 Voluntary Rebate

Council will grant an additional Voluntary Pensioner Rebate of \$105.00 to eligible pensioners. To be eligible for the voluntary rebate, ratepayers have to be eligible pensioners within the meaning of the Act. Such pensioners are to have been ratepayers in the Shire for the last three consecutive years.

This policy position is congruent with the resolution of Council made on 29/11/1999.

3.3 Eligibility

3.3.1 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.

3.3.2 Pensioner status while in aged care

Where a pensioner rebate has been granted to an eligible pensioner, the pensioner rebate will cease after two years from entry into an aged care facility provided the property is vacant and not being rented during that time.

3.3.3 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).

3.3.4 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. Where the pensioner concession card was not cancelled a Pension Reinstatement Form must be completed.

3.4 Granting of a Concession

Pensioners requesting a rebate are required to submit an application over the phone or on the prescribed form available from Council's website or by contacting the Council. Eligible pensioners can only claim a rebate for a single property at any one time. A new application is required should the eligible pensioner wish to move their concession to another property.

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. Where a power of attorney is being used, 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.

3.4.1 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.

3.4.2 Date of Effect

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.

3.4.3 Backdated rebates

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

3.4.4 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 performed as required by Section 584 of the *Local Government Act 1993*.

3.5 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 provided the payment arrangement is adhered to in full and the appropriate Hardship application has been submitted.

3.6 Accruing of Rates and Charges / 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 available from Council's website.

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.

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; and
- Providing advice and ensure adherence to the policy; and
- Training and educating relevant employees with respect to policy and procedures and ensure documents, tools, templates and user guides are current and readily available; and
- Identifying and investigating breaches of policy and if necessary report to Chief Executive Officer.

5. MONITORING

As part of their normal engagement, Council's auditors undertake an audit of the annual Pensioner Concessions Subsidy Claim submitted to the NSW Office of Local Government. This audit is to ensure that appropriate control measures are in place to ensure that the correct granting of concession has occurred.

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 Enterprise Content Management Policy and Privacy Policy.

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.

8. RELATED DOCUMENTS

- Debt Recovery and Hardship Policy
- Hardship Relief Application Form
- Application for Council Pensioner Concession Rates Rebate

9. RELEVANT LEGISLATION, REGULATIONS AND GUIDELINES

- Local Government Act 1993 (NSW)
- Local Government (General) Regulation (2005)
- NSW Government Revenue Raising Manual (2007)
- Office of Local Government, Debt Management and Hardship Guidelines (November 2018)
- Privacy and Personal Information Protection Act 1998 (NSW).
- Other relevant legislation and regulations.

10. DEFINITION OF TERMS

Term	Meaning
Eligible Pensioner	As defined in Clause 134 of the <i>Local Government (General) Regulations 2005</i> .

End of Document

UNCONTROLLED COPY WHEN PRINTED - For up to date copy please refer to Sutherland Shire Council Intranet / Website			
Document Name: Pensioner Rates Policy		Policy Accountability: Chief Financial Officer	
Version: # 1.0	Approved by: Council (GOV035-19)	Minute No: 326	Date approved: 9 December 2019
Original: September 2019	Last Revision: September 2019	Next Revision: September 2021	