



WEDDIN SHIRE COUNCIL

POLICY NUMBER: 1.22.2

POLICY FOR RATES AND CHARGES PENSIONER REBATE

Adopted: 16 March 2017

INTRODUCTION

To provide eligible pensioners with the pensioner concessions relating to Rates and Charges under the provisions of the Local Government Act 1993.

PURPOSE

This policy is to determine who is eligible for a pensioner concession and to ensure compliance under 'Section 575' of the Local Government Act, 1993.

POLICY

1. Pensioner Concessions

- 1.1 Weddin Shire Council will promptly arrange for pension rebates (as per government legislation) to be applied for all eligible pensioners. The ratepayer is entitled to a reduction under Sec 575 of the Local Government Act 1993 of the rate or charge proportionate to the number of full quarters remaining after the day on which the person becomes an eligible pensioner in the year for which the rate or charge is made. The rebate commences from 1 January, 1 April, 1 July or 1 October next following the date of the commencement of eligibility.
- 1.3 Eligible pensioner property owners are entitled to a rate rebate not exceeding \$250 per annum in accordance with Section 575. If a rate increase is approved in excess of the Independent Pricing and Regulatory Tribunal's (IPART) determination of the Local Government Cost Index (LGCI), Council may provide an additional rebate in accordance with Section 582, to be set by a resolution of Council at the commencement of the financial year.
- 1.4 If a ratepayer is in receipt of a pension concession card and is currently receiving a pension rebate on the property considered to be their sole or principal place of residence, and they are then required to enter an aged care facility for health or care reasons, the pension rebate will continue to apply as long as the property is not being rented or occupied.
- 1.5 As per Section 577 of the Local Government Act 1993, Council will also grant a rate concession when 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 from a legal representative with a copy of the will of deceased estate, copy of the Certificate of Title and relevant document to validate the life tenancy agreement.

2. ASSISTANCE TO ELIGIBLE PENSIONERS

- 2.1 For the purpose of this policy an eligible pensioner is a person in receipt of a pension, benefit or allowance under Chapter 2 of the Commonwealth Social Security Act 1991 or a service pension under Part 3 of the Veterans' Entitlement Act 1986 of the Commonwealth and who is entitled to a Commonwealth Pensioner Concession Card, as prescribed in Clause 134 of the Local Government (General) Regulation 2005 (NSW). If Centrelink removes the entitlement of a person to a pension under these provisions, they will not be entitled to a pensioner rate concession and will need to reapply to Council. Should a ratepayer fail to reapply, rebates will not be granted until such application is made.
- 2.2 Pensioner concessions for rates and charges are available under Sections 575-584 of the Act. To receive the concessions, an eligible pensioner must apply to Council for a reduction in the ordinary rates and charges for Domestic Waste Management of 50 percent provided this does not exceed \$250 (section 575).

POLICY FOR RATES AND CHARGES PENSIONER REBATE (NO. 1.22.2)

- 2.3 Council may extend the reduction by an additional amount (section 582) to an eligible pensioner if a successful application has been made under section 575.
- 2.4 Under Section 577 of the Act, in order to avoid hardship, Council may extend the pensioner concession to ratepayers who jointly occupy a dwelling and are jointly liable for the rates and charges with an eligible pensioner, if it considers it proper to do so.
- 2.5 The Act does not provide for the deferral of pensioner rates and charges, apart from the provisions for a formal agreement for periodical payments. However, Council may allow for a delay of recovery proceedings in some cases subject to an interest charge calculated in accordance with Section 566 of the Act.

3. WRITING OFF OF RATES, CHARGES AND INTEREST

- 3.1 Council may write off charges or interest, subject to this policy. The General Manager shall have a delegation to do so and report such write-off at the appropriate ordinary meeting.

4. BACKDATING OF CLAIMS

- 4.1 Section 579 of the Act prescribes that the rebate for pensioner concessions can be limited by regulation. As there is no regulation that puts a time limit on the backdating of the pensioner concession, the time limit is required to be set by way of Council resolution. It is open to a Council to adopt a policy of allowing pensioner rates reductions in respect of previous year's rates.
- 4.2 The Department considers that discretion in regard to the backdating of claims should only be exercised where there are substantive reasons provided for the pensioner not submitting a proper application at the time each previous year's rates were levied. Furthermore, the Council should take all reasonable steps to ensure that the application is a bona-fide one (eg insist upon conclusive proof that that the person did in fact permanently reside in the subject premises at the relevant time).

For the purpose of this policy conclusive proof may include:

- A notice or bill from a utility bearing the applicants name and mailing address consistent with the property address which the pensioner concession is applied and the relevant time period
- 4.3 That the backdating of pensioner rebate claims pursuant to Section 579 of the Local Government Act 1993 be limited to up to two (2) previous rating years only, or part thereof and only where adequate substantiation can be provided to satisfy the essential criteria of the granting of a rates & charges pensioner concession.
 - 4.4 Further to that, claims made beyond two (2) previous rating years are referred to Council.

RESPONSIBILITY

The Rates Clerk in conjunction with the Director of Corporate Services and/or the Finance Officer, is responsible for considering applications.

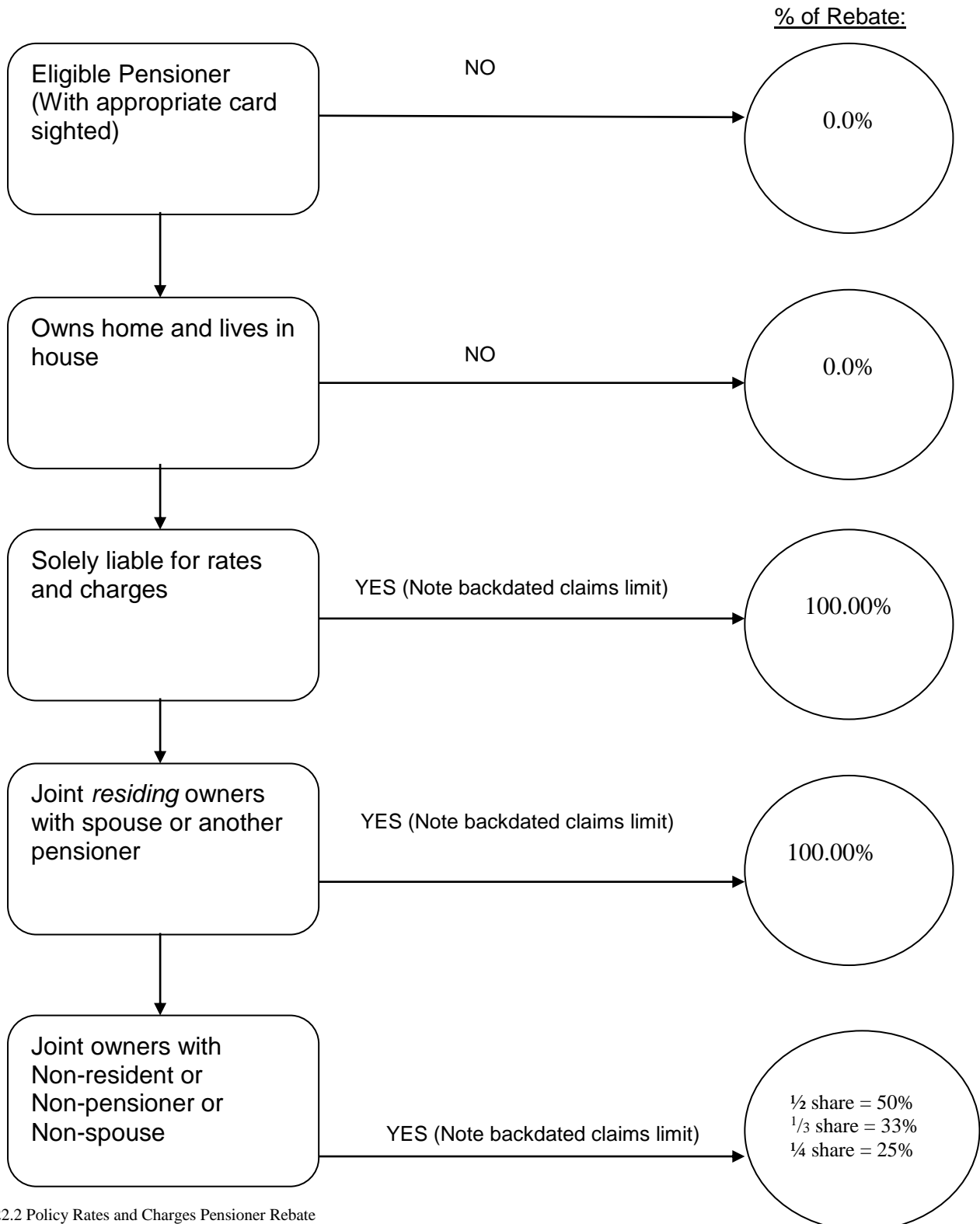
RELATED DOCUMENTATION

This Policy should be read in conjunction with Section 575 of the Local Government Act 1993, Section 582 of the Local Government Act 1993, Local Government (Rates and Charges) Regulation 1999 Section 18, Council's Rates & Charges Recovery Policy and Council's Rating & Revenue Raising Manual, under Concessions for Pensioners.

PROCEDURE

Pension Rebate Eligibility Flowchart

The following flowchart can be used to determine the appropriate level of rebate for an eligible pensioner.



POLICY FOR RATES AND CHARGES PENSIONER REBATE (NO. 1.22.2)

REFERENCES

Social Security Act 1991

Veterans' Entitlements Act 1986

Local Government Act 1993 - Chapter 15, Part 8 - Concessions

Local Government Act 1993 - Sections 575 and 582

Local Government Act (General) Regulation 2005 - Regulation 134 and 135

HISTORY

Version Number	Details
1.22.1	Adopted 25 June 2015
1.22.2	Adopted 16 March 2017