

Kyogle Council

Pensioner Concession Policy



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1. Title

This Policy may be cited as the Pensioner Concession Policy.

2. Validity of Policy

This Policy derives its validity from Council Resolution (241011/18).

3. Effect

The Policy shall be effective from October 24, 2011

4. Department Responsible

Corporate and Community Services Department.

5. Policy Objective

This policy provides guidance in applying the provisions of the Local Government Act 1993 rate and charges rebates applicable to eligible pensioners.

6. Definitions

- a) **Ratepayer** – the person liable for payment of the rates of the property for which the pensioner concession is claimed.
- b) **Principal place of residence** – the property that the ratepayer occupies as their sole or dominant residence.
- c) **Eligible Pensioner** – a person who is in receipt of a Pension Concession Card issued by Centrelink, the Department of Veterans Affairs or the Department of Veteran Affairs Gold TPI or EDA Card.

7. Background/legislative requirements

Local Government Act 1993.

Local Government (General) Regulation 2005 (NSW).

8. Policy statement

This policy applies to eligible pensioners and is pursuant to Chapter 15, Part 8, Division 1 of the Local Government Act 1993 and Part 5 Division 4 of the Local Government (General) Regulation 2005.

- A mandatory rebate of Rates and Charges (includes Domestic Waste Management, Water & Sewerage Charges) to the maximum amount determined by Section 575 of the Local Government Act will apply for eligible pensioners.
- Where an owner becomes an eligible pensioner after the commencement of a quarterly instalment/billing period, the rebate will commence from the start of the next quarterly instalment/billing period.
- Where an owner ceases to qualify as an eligible pensioner, or sells the property to which the rebate applies, the rebate will cease at the end of the current instalment/billing quarter.
- If a ratepayer is in receipt of a pension concession card, currently receiving a pension rebate on the property considered to be their sole or principal place of abode and is 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.

- As provided by 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. Council requires confirmation in writing preferably from a legal representative with a copy of the will of a deceased estate, copy of the Certificate of Title if the life tenancy is registered or relevant documentation to validate a life tenancy agreement.
- Pensioner rebate concessions are to be granted only in the year the application is made.
- Interest will not be charged to eligible pensioners from the rating period following the processing of the rebate and until such time as the rebate is ceased.

9. Assistance to eligible pensioners

Section 567 of the Local Government Act, 1993 provides that accrued interest on rates or charges payable by a person may be written off under the provisions as detailed in Council's Hardship Policy.

Section 577 of the Local Government Act, 1993 enables Council to make an order deeming certain persons who are jointly liable with an eligible pensioner(s) or solely liable, but who are not themselves eligible, to be eligible pensioners for the purpose of a mandatory reduction in accordance with Section 575 of the LGA.

Section 582 of the Local Government Act, 1993 allows Council to waive or reduce rates, charges and interest due by any person prescribed by the regulations who is in receipt of a pension, benefit or allowance under the Social Security Act 1991 of the Commonwealth. This provision is not subsidised by the State Government and an additional concession is not available from Council.

10. Application Process

- Application for a pension concession on a property must be made by completing the prescribed pensioner rebate application form (Council requires a copy of the concession card (both sides) to be included with application form) and all information must be provided before the application can be assessed.
- The application must be signed by the applicant or a person with power of attorney for the applicant.
- The property must be the applicant's sole or principal place of abode.