



Rates - Pensioner Concession Policy

DOCUMENT AUTHORISATION

RESPONSIBLE OFFICER:		RATES OFFICER			
REVIEWED BY:		MANEX			
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VERSIONS:	DATE:	RESOLUTION NO:	DESCRIPTION OF AMENDMENTS:	AUTHOR / EDITOR:	APPROVED / ADOPTED
4	23/06/2022	21.06/22	Review and add the Acknowledgment of Country, Minor changes for the new template that does not affect the policy in any way	Rates Officer	Council
3	23/05/2019	11.05/19	Review	Rates Officer	Council
2	28/04/2016	9.04/16	Review	Rates Officer	Council

Note: Document Control continued at Appendix A



 General Manager

20 July 2022

 Date

ACKNOWLEDGEMENT OF COUNTRY

Glen Innes Severn Council acknowledges and pays respect to the Ngoorabul people as the traditional custodians of this land, their elders past, present and emerging and to Torres Strait Islander people and all First Nations people.

PURPOSE

The purpose of this policy is to:

- To provide eligible pensioners with the statutory pensioner concession relating to rates and charges under the provisions of Section 575 of the *Local Government Act, 1993*.

APPLICABILITY

- This policy applies to eligible pensioners with the statutory pensioner concession relating to rates and charges as specified in Section 575 of the *Local Government Act, 1993*.

OUTCOMES

- To ensure a fair and equitable approach and assist pensioners who may experience difficulty in meeting the payment of rates and charges.
- To provide guidance to the General Manager and staff in applying the provision of the *Local Government Act 1993* for rates and charges rebates applicable to eligible pensioners.
- To ensure that Council is providing pensioners with sufficient clarity and certainty in respect of their 'pension concession' entitlement;
- To establish and maintain accountability and transparency at all times in respect of the pensioner concession process; and,
- To minimise the risk of fraud and corruption.

ROLES AND RESPONSIBILITIES

The Rates Officer will;

- Review the application and determine if the application is valid;
 - Determine and process any adjustment to rates for the current rates cycle;
 - Record the adjustment in the rates software; and
 - Provide advice to the Chief Financial Officer.
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The Chief Financial Officer will review the advice provided by the Rates Officer and provide a response to the applicant.

DEFINITIONS

In this policy:

Ratepayer	The person liable for payment of the rates of the property for which the pensioner concession is claimed (liable to pay rates as defined under section 560 of the <i>Local Government Act 1993</i>).
Principle Place of Residence	The property that the ratepayer occupies as their sole or principal place of abode.
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' (Total Permanently Incapacitated), 'EDA' (Extreme Disablement Adjustment) or 'WW' (War Widow/er) Card.
Pension Concession	A mandatory rebate of Rates and Charges (includes Domestic Waste Management, Annual Water and Sewerage Charges) to the maximum amount determined by Section 575 of the <i>Local Government Act 1993</i> which applies for eligible pensioners.

POLICY STATEMENT

1. Introduction

Pursuant to Chapter 15, Part 8, Division 1 of the *Local Government Act 1993* (NSW) and Part 5, Division 4 of the *Local Government (General) Regulations 2021* Council is required to provide a concession on rates and charges for eligible pensioners.

Further, it is important for Council to ensure the fair and equitable operation of these concessions while maintaining a system of internal control and verification that confirms only eligible pensioners receive this concession.

2. Policy Statement

For the effective and efficient operation of these concessions the following principles are to be applied:

2.1 Concession Amount

- A rebate of Rates and Charges (including Domestic Waste Management, Annual Water and Sewerage Charges) to the maximum amount determined by Section 575 of the *Local Government Act 1993 (NSW)* will apply to eligible pensioners.
- Council will assess and apply the rebate in accordance with the proportionate level of ownership by the Pensioner(s) and where required, apply the pro-rata provisions of Section 575(4) and 584(1) of the Act. Where granted, sufficient evidence is to be obtained in determining the amount of the reduction in accordance with Section 575 of the Act.
- Mandatory pensioner concessions (under Section 575 of the *Local Government Act 1993*) will be granted as follows:
 - 50% of ordinary rates up to a \$250.00 maximum rebate.
 - 50% of annual water charges up to a maximum \$87.50 rebate.
 - 50% of annual sewer charges up to a maximum \$87.50 rebate.
- Entitlement is based on a per quarter basis and therefore a maximum concession of \$106.25 will apply for each quarter the pensioner is entitled for a rebate.

2.2 General Conditions

- Where an owner becomes an eligible pensioner after the commencement of a quarterly instalment, the rebate will commence from the start of the next quarterly instalment.
- 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.
- 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.
- Council will confirm all pensioners' eligibility once a year with Centrelink. Where a pensioner concession entitlement is not confirmed by Centrelink – the concession will be removed and the pensioner must reapply for the concession.

2.3 Application Process

- Application for a pension concession on a property must be made by completing the prescribed pensioner rebate application form and all information must be provided before the application can be assessed. This will include the production of a current Pension Concession Card (or equivalent card for TPI, EDA and WW pensioners) issued by Centrelink or the Department of Veterans Affairs.
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- The application must be signed by the applicant or a person with power of attorney for the applicant.
- The assessment of the application may include immediate verification of information with Centrelink.
- Once assessed, the applicant will be notified in writing of Council's decision and the amount of rates and charges payable.
- The property must be the applicant's sole or principal place of abode and the applicant must be able to demonstrate this at the time of making the application. This will include the completion of a declaration to that effect.
- All requests to approve a rebate for a period prior to the application must provide a valid reason as to why the applicant did not apply at an earlier date. Upon request, and following approval by the Rates Officer, where a pensioner became eligible for the rebate prior to 1 July preceding their application, a pension rebate will be provided to a maximum of 1 July in the financial year preceding the application date (or to the instalment after they became entitled during that preceding period).

LEGISLATION AND SUPPORTING DOCUMENTS

Relevant Legislation, Regulations and Industry Standards include:

The following legislation affects the operation of this policy:

- *Local Government Act 1993 (NSW), as amended;*
 - *Local Government (General) Regulation 2021 (NSW);*
 - *Local Government (State) Award;*
 - *Crimes Act 1900;*
 - *Environmental Planning Assessment Act 1979;*
 - *Government Information (Public Access) Act 2009;*
 - *Independent Commission against Corruption Act 1988;*
 - *Privacy and Personal Information Protection Act 1998;*
 - *Protected Disclosures Act 1994; and*
 - *Trustees Act 1925.*
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Relevant Council Policies and Procedures include:

The following Council policies and documents relevant to this policy include:

- *Access to Information Policy;*
- *Code of Conduct Policy;*
- *Complaints Policy;*
- *Computer Usage Policy;*
- *Delegations of Authority Procedure;*
- *Fraud and Corruption Prevention Policy;*
- *Grievance Resolution Policy;*
- *Human Resources Policy Statement Register;*
- *Internal Reporting Policy; and*
- *Debt Recovery Policy.*

VARIATION AND REVIEW

The Rates – Pensioner Concession Policy will be reviewed every three (3) years, or earlier if deemed necessary, to ensure that it meets the requirements of legislation and the needs of Council. The term of the Policy does not expire on the review date, but will continue in force until superseded, rescinded or varied either by legislation or a new resolution of Council.

Appendix A**Document Control Continued**

PREVIOUS VERSIONS:	DATE:	RESOLUTION NO:	DESCRIPTION OF AMENDMENTS:	AUTHOR/ EDITOR:	REVIEW / SIGN OFF:
1	18/04/2013	10.04/13	Present Council with new Policy	Rates Officer	Council