

POLICY:-	
Policy Title:	Pensioner Concession Policy
File Reference:	F10/618-04
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Resolution Number:	358/11 and 325/14 and 142/17
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Resolution Number:	104/20
Next Policy Review date:	2023

PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed:	
Procedure/guideline reference number:	

RESPONSIBILITY:-	
Draft Policy developed by:	Director of Finance and Administration
Committee/s (if any) consulted in the development of this Policy:	N/A
Responsibility for implementation:	Director of Finance and Administration
Responsibility for review of Policy:	Director of Finance and Administration

OBJECTIVE

To provide eligible pensioners with the statutory pensioner concession relating to rates and charges, as specified in Section 575, of the Local Government Act 1993.

POLICY STATEMENT

Council will provide a consistent approach to verifying all pensioner concession applications and apply appropriate internal controls to maintenance of pension details.

This policy sets out the terms and conditions required to be met by eligible persons for a pensioner concession under the Local Government Act 1993.

PROCEDURAL GUIDELINES

1. Council's procedure under Section 579, of the Local Government Act 1993, is that all pensioners make initial application for rebate on the prescribed form and that any backdating of the rebate be limited to only the prior year of application.
2. Council's procedure under Section 582, of the Local Government Act 1993, is that Council will not provide any additional waiver or reduction in rates, charges and interest due by any person.
3. That validation of eligible pensioner reference card holders will be carried out by Council staff twice each year in conjunction with Centrelink and the Department of Veteran Affairs verification processes.
4. The reversal of pensioner rebates will be made as required by Section 584, of the Local Government Act 1993, if a person ceases to be eligible for a reduction, under this Division, 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.

ENTITLEMENT TO PENSIONER CONCESSION

The Local Government Act 1993, Chapter 15, Part 8 - Concessions, Division 1 provides concessions for eligible pensioners.

Entitlement is granted under Section 575, of the Local Government Act 1993, which states the following.

"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."

APPLICATION FOR PENSION CONCESSION

Pensioners requesting a rebate are required to submit an application on the prescribed form and the production of a current Pension Concession Card as sufficient evidence to calculate the amount of the rates and charges reduction, allowed under the Local Government Act 1993. The eligible pensioner must meet the above entitlement criteria to receive a pensioner concession.

AMOUNT OF PENSION CONCESSION

The maximum amounts of the pensioner rebate allowed is adjusted downwards proportionally subject to whether the person/s making the application is solely liable or jointly liable with eligible dwelling occupiers.

The total amount of annual pension concession by which:-

- (a) All ordinary rates and charges and for domestic waste management services levied on any land for the same year are reduced is not to exceed \$250;
- (b) All water supply special rates or annual charge so levied are reduced is not to exceed \$87.50;
- (c) All sewerage special rates or annual charge so levied are reduced is not to exceed \$87.50.

STATUTORY PENSION CONCESSION FUNDING

Council receives a Pensioner Concession Subsidy of 55% of all concessions granted in the financial year. The subsidy represents both State and Commonwealth funding. Council funds the balance of 45% of the pensioner concessions granted.

PENSIONERS TEMPORARILY IN HOSPITALS OR NURSING HOMES

Council staff will be empathetic in all circumstances related to permanent, partial and/or temporary incapacitation of eligible pensioners.

If a ratepayer is required to leave their principal place of living for a temporary period with an intention to return to their home, Council will assess whether the ratepayer is still eligible for a pensioner concession. Factors for consideration include whether the property is vacant or only occupied by the ratepayer's spouse during the time of their absence.

If a residence is leased on a commercial basis this will negate the sole principal place of residence status for the property and the pension concession will be removed for the property.

RELEVANT LEGISLATION AND RELATED COUNCIL POLICY

- Local Government Act 1993 (as amended);
- Local Government (General) Regulation 2005;
- Independent Commission against Corruption Act (ICAC) 1988;
- Anti Discrimination Act 1977;
- NSW State Records Act 1998;
- Government Information (Public Access) Act 2009;
- Privacy and Personal Information Protection Act 1998;
- Office of Local Government Rating and Revenue Raising Manual;
- Council's Code of Conduct for Councillors, staff and delegates of Council;
- Council's Code of Meeting Practice;
- Council's Rates and Charges Hardship Assistance Policy;
- Council's Debt Recovery Policy;
- Council's Service Delivery Policy;
- Council's Records Management Policy;
- Council's Privacy Management Plan;
- Council's Complaints Management Policy;
- Council's Delegation of Authority Policy; and
- Council's instrument of delegations from the General Manager to Council staff.

VARIATION

That Council reserves the right to vary the terms and conditions of this policy.