



**PENSIONER POLICY –
PENSIONER
CONCESSIONS &
RECOVERY OF LONG-
TERM OVERDUE
RATES & CHARGES
P3.0163.3**

PENSIONER POLICY – PENSIONER CONCESSIONS & RECOVERY OF LONG TERM OVERDUE RATES AND CHARGES

DIVISION: Customer & Corporate Strategy

BRANCH: Finance & Property Services

CATEGORY: 2

PART 1 – INTRODUCTION

1. OBJECTIVE

- 1.1. To provide eligible pensioners with the statutory pensioner concession (Pension Rebate) relating to Rates and Charges under the provisions of section 575 of the *Local Government Act 1993*.
- 1.2. To provide eligible pensioners with Council concessions (including an additional Voluntary Pension Rebate) to assist in the payment of Rates and Charges.
- 1.3. To secure the recovery of long-term overdue Rates and Charges.

PART 2 - POLICY STATEMENT

2. ELIGIBILITY

- 2.1. An eligible pensioner under this Policy is a person who receives:
 - A pension, benefit or allowance under Chapter 2 of the *Social Security Act 1991* of the Commonwealth and holds a Pension Concession Card issued by or on behalf of the Commonwealth Government.
 - A service pension under part 111 of the *Veterans' Entitlements Act 1986* of the Commonwealth and holds a Pension Concession Card issued by or on behalf of the Commonwealth Government.
 - A pension from the Commonwealth Department of Veterans' Affairs as the widow or widower of a member of the Australian Defence Force or Peacekeeping forces or the unmarried or widowed mother of a deceased unmarried member of those forces (people in both of these categories are eligible only if they would also be eligible for a Pension Concession Card from Centrelink).

- A general rate of pension adjusted for extreme disablement under section 22(4) of the *Veterans' Entitlements Act 1986* of the Commonwealth, or a special rate of pension under section 24 of that Act.

3. PRINCIPAL PLACE OF RESIDENCE

To be considered for concessions under this Policy, the property must be within the Camden Local Government Area and is your sole or principal place of residence.

4. LIFE TENANCY

As provided by section 577 of the *Local Government Act 1993*, Council will grant a Pension Rebate where an eligible pensioner, not the owner of the property, has a life interest in the property and is responsible for the payment of rates and charges. Council requires confirmation in writing, preferably from a legal representative, with a copy of the will of a deceased estate and a copy of the Certificate of Title if the life tenancy is registered, or relevant documentation to validate a life tenancy agreement.

5. STATUTORY PENSION REBATE/CONCESSION

The Statutory Pension Rebate is currently set at \$250.00. Variations to the amount of the rebate under section 575 of the *Local Government Act 1993* is at the discretion of the NSW State Government.

6. CALCULATING THE REBATE

The amount by which the Rates and Charges are reduced is calculated by the ownership of the property. If the person making the application is an eligible pensioner who is solely liable or jointly liable with one or more jointly eligible occupiers but with no other person (jointly eligible occupier is the spouse or de facto partner of that eligible pensioner), then a full rebate is granted. Otherwise, a percentage of the rebate is calculated in relation to percentage of ownership.

7. PENSION REBATE APPLICATION

Pensioners requesting a rebate are required to submit an application on the prescribed form and hold a current Pension Concession Card issued by Centrelink to qualify for any reduction in Rates and Charges.

8. PENSIONER REBATE ELIGIBILITY CONFIRMATION

Council confirms eligibility once a year with Centrelink, usually in late May or early June.

At this time, if a pensioners' eligibility cannot be confirmed, Council will not be able to grant a rebate on their Rates and Charges issued in July.

In some circumstances, a pensioner is not able to be confirmed because the pensioner is overseas at the time of confirmation and accordingly is ineligible to receive a Pension Concession Card (PCC). In such cases, a pensioner may reapply when a new PCC is issued, and a check using the Centrelink online confirmation service will be made to confirm the eligibility status.

If a ratepayer is in receipt of a Pension Concession Card, currently receiving a pension rebate on a property considered to be their sole and principal place of residence 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.

9. CLAIM FOR PRIOR YEAR'S STATUTORY PENSION REBATES

The Statutory Pension Rebate will be granted to pensioners who meet the eligibility criteria and will be limited to the current rating year and the previous four rating years prior to the application (provided the pensioner would also have been eligible in each of the previous four years).

10. STATUTORY PENSION REBATE CANCELLATION

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.

11. STATUTORY PENSION REBATE AMOUNT

To receive the full year's rebate on rates the pensioner must be eligible at date of service of the Rate Notice. If the pensioner becomes eligible after service of the Rate Notice they are entitled to a pro-rata amount of the rebate, which is determined as follows:

<u>Date of Eligibility</u>	<u>Amount of Rebate</u>
Eligible after issue of Rates Notice but before - 30 September	$\frac{3}{4}$ (75%)
1 st October – 31 December	$\frac{1}{2}$ (50%)
1 st January – 31 st March	$\frac{1}{4}$ (25%)
1 st April – 30 th June	NIL

12. VOLUNTARY PENSION REBATE

As part of the 2022/23 Budget, Council resolved to provide an additional voluntary pension rebate of \$50 to eligible pensioners, bringing the total pension rebate amount to \$300. The increase will be in place from the 2022/23 financial year onwards.

The provision of an additional voluntary pension rebate is permissible under section 582 of the *Local Government Act 1993*, which states that a council may 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.

The additional voluntary pension rebate is provided to eligible pensioners providing they qualify for the Statutory Pension Rebate as at 1 July of any given rating year.

13. EXEMPTION FROM THE STORMWATER MANAGEMENT LEVY

Eligible pensioners will also be exempt from the Stormwater Management Levy providing they qualify for the Statutory Pension Rebate at 1 July of any given rating year.

14. ADDITIONAL CONCESSIONS PROVIDED TO ELIGIBLE PENSIONERS AND THE RECOVERY OF LONG-TERM AMOUNTS OUTSTANDING

Council provides the following additional concessions to pensioners to assist with the payment of Rates and Charges:

- Council allows pensioners 12 months to pay their “current” Rates and Charges before interest is applied to the outstanding balance.
- Council does not take legal action against pensioners to recover outstanding balances.
- Council allows Rates and Charges to accrue up to five years before entering into a deed of agreement with the pensioner for the future payment of Rates and Charges.
- Where a deed of agreement is required, Council will pay up to \$400 towards any legal costs incurred by the pensioner associated with putting the agreement in place.

The deed of agreement between Council and the pensioner will state that current and future amounts outstanding be paid upon the voluntary sale of the pensioner’s property or from their estate.

Where a pensioner prefers not to sign the deed of agreement, Council will seek judgment via the courts. This will secure the debt against the property upon the voluntary sale of the property or from their estate. Any legal costs associated with this process will be charged against the rate account of the property.

Under this Policy, Council will not consider the sale of land for unpaid rates as allowed under section 713 of the *Local Government Act 1993*.

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RELEVANT LEGISLATIVE INSTRUMENTS: *Local Government Act 1993*
Social Security Act 1991
Veterans' Entitlement Act 1986 (Cth)

RELATED POLICIES, PLANS AND PROCEDURES: Revenue Policy
RESPONSIBLE DIRECTOR: Customer and Corporate Strategy

APPROVAL: Council

HISTORY:

Version	Approved by	Changes made	Date	EDMS Number
1	Council	New	14/06/2011	15/167553
2		No changes	17/07/2019	15/167553
3	ELG	Minor amendments	08/09/2022	15/167553