



NAMBUCCA SHIRE COUNCIL PENSIONERS CONCESSION REBATE POLICY

Responsibility: CORPORATE SERVICES
Rates Officer

ADOPTED: 11 May 2017
Last reviewed by RO: 26 April 2017

1.0 Policy Objective

To provide eligible pensioners with the statutory pensioner concessions relating to rates and charges in accordance with Section 575 of the Local Government Act 1993 (the Act).

To outline Council's Policy in relation to the granting of rebates to eligible pensioners, including previous rating years.

2.0 Related Legislation

Local Government Act 1993 - Section 575, 577 & 582. Local Government Regulation 2005 – Clause 134 & 135

3.0 Definitions

"Eligible pensioner" as stipulated in clause 134 of the Regulations.

"Rates and Charges" relates to ordinary rates and domestic waste, water supply special rates and sewerage special rates.

4.0 Policy Statement

In accordance with Section 575 of the Local government Act 1993, you must be an eligible pensioner to receive a pensioner concession and you must own and occupy the dwelling as your sole or principal place of residence.

Eligible pensioners generally are:-

- People who receive a pension, benefit or allowance under Chapter 2 of the Social Security Act 1991 of the Commonwealth and hold a pensioner concession card issued by or on behalf of the Commonwealth government;
- People who receive a service pension under Part 111 of the Veterans' Entitlements Act 1986 of the Commonwealth and hold a pensioner concession card issued by or on behalf of the Commonwealth Government;
- People who receive a pension from the Commonwealth Department of Veterans' Affairs (DVA) as:
 - The widow or widower of a member of the Australian Defence or Peacekeeping Forces or
 - The unmarried or widowed mother of a deceased unmarried member of either of those Forces.
- People who receive 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 the Act. That is those that hold a DVA Gold Card with TPI (Totally Permanently Incapacitated) EDA (Extreme Disablement Adjustment) embossed on it.

Nambucca Shire Councils' policy is to grant a pensioner concession;

- to all War Widows regardless of whether they hold a centrelink pension card in addition to their Gold Card.
- to pensioners who have a life time tenancy of the premises in which they reside. Proof of life time tenancy is required in the form of a copy of the will or contract of sale.
- If a pensioner owner is hospitalised or living in a retirement village they are entitled to keep the concession on their home until such time as it is sold or rented out.
- In the case of a Family Law dispute where a partner has left the premises a full concession will be granted if a Statutory Declaration is provided by the remaining eligible pensioner stating that they are responsible for all the rates and charges payable on the property.
- For defacto relationships where both partners reside at the property. A full concession will only be granted if both peoples names are on the pension card otherwise it is a percentage of the concession in accordance with their percentage of ownership.
- Married couples are entitled to a 100% concession even if only one name appears on the pension card and both reside at the property.
- For a married couple where the home is owned by one partner but a pension concession is held by the other partner a full concession will be granted if it is their principal place of residence.

The amount of concession will be determined on the basis that:

- You own the property (or are liable for the rates) on your own. A statutory declaration will be accepted as evidence of liability if partners have separated; or
- You own the property (or are liable for the rates) with one or more eligible occupiers (an eligible occupier can be your spouse, another eligible pensioner and his or her spouse if they use the property as their sole or principal residence; or,
- You own the property (or are liable for the rates) with someone who is not an eligible occupier; or
- A registered company, of which you are a director/secretary, owns the property and you are liable to pay rates or charges, either
 - On you own; or
 - With one or more eligible occupiers, or
 - With someone who is not an eligible occupier.
 - You provide evidence of your involvement in the Company. e.g. Company Search

Section 575 (3) stipulates that the total amount by which:-

- (a) all ordinary rates and charges for domestic waste management services levied on any land for the same year are reduced is not to exceed \$250.00, and
- (b) all water supply special rates or charges so levied are reduced is not to exceed \$87.50, and
- (c) all sewerage special rates or charges so levied are reduced is not to exceed \$87.50

People who become, or cease to be, eligible pensioners during the year will receive a concession proportionate to the number of full quarters in which they are an eligible pensioner.

People who were and still are eligible, but for one reason or another had not applied for the pensioners concession, will on request be additionally allowed the rebate for rating year immediately preceding the current year.

Pensioners requesting a rebate are required to submit an application on the prescribed form which is available from Council or can be downloaded from Council's website.

The declaration and consent must be signed by the applicant or a person holding power of attorney for the applicant; a copy of the Power of Attorney will be required. Applicants current Pensioner Concessions Card or a photocopy thereof must be produced with the application.

