



**BYRON
SHIRE
COUNCIL**

Policy

Rates and Charges – Pensioner Concessions

2022

Information about this document

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Resolution No	09-608
Document Owner	Director Corporate and Community Services
Document Development Officer	Manager Finance/Revenue Coordinator
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Document History

Doc No.	Date Amended	Details/Comments eg Resolution No.
DM862049	02/07/09	Draft reported to Council. Resolution 09-607 – Amendments made – draft on exhibition see Advert #870062
DM885068	14/08/09	Policy adopted after exhibition period in accordance with Res 09-607 (no submissions received)
E2016/102052	15/12/16	Draft reported to Council. Resolution 16-621 – draft on exhibition see Advert E2017/876
E2016/102052	23/02/17	Council Resolution 17-035 - Policy adopted after exhibition period in accordance with Res 16-621 (1 submission received)
E2019/6983	23/01/19	Reviewed for currency, endorsed by ET. Minor change to policy year in title
E2022/92770	19/10/2022	Reviewed for currency. No major updates required. Minor change to policy year in title, reference to Debt Recovery Policy and Rates and Charges Financial Hardship Assistance Policy changed to current combined version “Debt Management and Financial Hardship Policy”

Further Document Information and Relationships

Related Legislation	Local Government Act 1993 (LGA) - Sections 575 to 584 Local Government (General) Regulation 2021
Related Policies	Debt Management and Financial Hardship Policy
Related Standards, Procedures, Statements, documents	Pensioner Concession Application Form (prescribed) Rates and Charges Administrative Guidelines Management Procedure Council’s annually adopted Revenue Policy Statement (IP&R documentation).

Note: Any reference to Legislation will be updated in the Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.

1. Introduction

1.1 Objectives

To provide clear and equitable guidelines for the granting of mandatory and voluntary pensioner concessions on rates and charges in conjunction with relevant section of the Local Government Act 1993 (LGA) and the Local Government (General) Regulation 2021 (LGR).

1.2 Scope

This policy applies to eligible pensioners as defined by the LGA dictionary and LGR.

1.3 Definitions

List here all the terms and acronyms used in the Policy, and their definitions. List in alphabetical order.

Policy acronym	Definition
Eligible Pensioner	See definition in the LGA dictionary and clause 134 of the LGR.
Immediate Family	A spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the person or; A child, parent, grandparent or sibling of a spouse or de facto partner of the person.

2. Statement

Council provides mandatory pensioner concessions in accordance with relevant sections of the LGA and LGR. Council receives a reimbursement subsidy of 55% of the total mandatory pensioner concessions granted.

This policy outlines guidelines that Council will follow when considering a pensioner concession application in cases where legislation is open for interpretation or is silent.

3. Pensioner concessions

3.1 Applications – Retrospective limitations (Section 575 LGA)

A pensioner concession will be granted to an eligible pensioner based on the effective date displayed on their Pensioner Concession Card, with retrospective concessions limited to the current and previous rating years only, based upon the date of receipt of the application on the prescribed form.

3.2 Temporary absence due to a medical reason (Section 575 LGA)

If an eligible pensioner is temporarily required to leave their principal place of abode due to a medical reason (i.e. nursing home or hospital) with an intention to return, Council will continue to grant a pensioner concession on the property's rates and charges for a

maximum period of up to 6 months. This is providing that the property is not privately leased or occupied during that period by anyone other than the pensioner's immediate family.

3.3 Temporary overseas absence (Section 575 LGA)

Council will continue to honour the pensioner concession if an eligible pensioner is temporarily overseas, still receiving their pension from Centrelink and the property was still their principle place of abode. This is providing that the property is not privately leased or occupied during that period by anyone other than the pensioner's immediate family.

3.4 Automatic eligibility confirmation (Section 575 LGA)

Council will check the eligibility status of all current pensioner's with Centrelink at least once per annum in June. Council may choose to perform additional eligibility checks at any time at their discretion.

3.5 Extension of pensioner concession to avoid hardship (Section 577/578 LGA)

Council may, in order for a ratepayer to avoid hardship, extend the pensioner concession to ratepayers who are not eligible pensioners that jointly own and occupy a property with an eligible pensioner, if it considers proper to do so.

3.6 Pensioners – Not Exempt from interest charges or debt recovery

A property owned or part owned by an eligible pensioner is not exempt from maximum interest charges adopted by the Council or debt recovery processes in accordance with Council's Debt Recovery policy for any overdue rates and charges.

3.7 Financial Hardship - Deferral of rates and charges against the estate

Aged pensioners and self-funded retirees may qualify to defer payment of their rates and charges against their estate. See Council's Rates and Charges Financial Hardship Assistance policy for eligibility criteria.

4. Sustainability

4.1. Social

This policy recognises the significant pensioner population within our community and provides support in meeting their rate payment responsibilities.

4.3. Economic

Council funds 45% of the mandatory pensioner concessions provided, with the State Government funding the balance.