



Ashfield Council

PENSIONER REBATE POLICY

28 October 2015

This policy will be reviewed triennially by: Chief Financial Officer
Next review date: 28 October 2018



Title:	Pensioner Rebate Policy
Summary:	
Record Number:	PR / 001
Date of Issue:	28 October 2015
Approval:	General Manager
Version Control:	Ver 1
Contact Officer:	Revenue Coordinator / Chief Financial Officer
Relevant References:	
Main Legislative or Regulatory References:	<ul style="list-style-type: none">• Local Government Act 1993• Local Government (General) Regulation 2005• Veterans' Entitlements Act 1986• Military Rehabilitation and Compensation Act 2004• Social Security Act 1991
Applicable Delegation of Authority:	
Related Ashfield Council Policy:	<ul style="list-style-type: none">• Rates and Charges Policy• Debt Recovery Policy• Hardship Policy
Related Ashfield Council Procedure:	



Policy Background

The Pension Concession Rebate applied to the Rates and Charges is regulated by legislation in the Local Government Act 1993. There are two sections of the Act applicable to pensioner concessions.

1. Mandatory rebate under Section 575 - capped at a maximum of \$250.00 a year per property.
2. Voluntary rebate under Section 582 – “council may, in its absolute discretion, further reduce on a voluntary basis (with no subsidy from the state government) rates and charges otherwise payable by an eligible pensioner.”

The Local Government (General) Regulation 2005 (Clause 134) sets out the prescribed classes of Eligible pensioners for the purposes of determining pensioner concessions

Policy Purpose

- To provide eligible pensioners with the statutory pensioner concession (Pension Rebate) relating to Rates and Charges under the provisions of Section 575 of the LGA 1993.
- To provide eligible pensioners with a voluntary rebate under Section 582 of the LGA 1993, subject to Council resolution.
- Ensure compliance with relevant legislation and regulations.

Policy Objectives

Mandatory pension rebate under Section 575 LGA 1993

- Pensioners requesting a rebate are required to submit an application on the prescribed form and the production of a current Pension Concession Card issued by Centrelink, or is the holder of a Gold Total Physical Incapacity(TPI), War Widow/er (WW) or an Extreme Disablement Adjustment (EDA) card issued by the Department of Veterans' Affairs as sufficient evidence to calculate the amount of the Rates and Charges reduction allowed under the LGA 1993.
- A mandatory rebate of Rates and Charges (includes Domestic Waste Management) to the maximum amount determined by Section 575 of the LGA 1993 will apply for eligible pensioners.
- Where an owner becomes an eligible pensioner after the commencement of a quarterly instalment/billing period, the rebate will commence from the start of the next quarterly instalment/billing period.
- 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/billing quarter.
- If a ratepayer is in receipt of a pension concession card, currently receiving a pension rebate on the property considered to be their sole or principal place of abode and is then required to enter



an aged care facility for healthcare reasons, the pension rebate will continue to apply as long as the property is not being rented or occupied.

- As provided by Section 577 of the LGA 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.
- Pensioner rebate concessions are to be granted only in the year the application is made and the rating period immediately preceding it.
- 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 LGA 1993.
- Where granted, sufficient evidence is to be obtained in determining the amount of the reduction in accordance with Section 575 of the LGA 1993.

Voluntary pension rebate under Section 582 LGA 1993

- Council will grant a further \$75.00 per assessment (proportionate to ownership) to all eligible Pensioners in receipt of a rebate under section 575 of the Act. This additional rebate is granted under Section 582 of the LGA 1993, and may be amended or withdrawn by Council resolution at any time.

Pensioner Concession Eligibility Confirmation

- Council confirms all pensioners' eligibility at least once a year with CentreLink, usually in late May or early June. At this time some pensioners' eligibility is not confirmed for various reasons, and Council is therefore not able to grant a rebate on their Rate Assessment issued in July.
- In some cases a pensioner is not confirmed because the pensioner is overseas at the time of confirmation, and accordingly is ineligible to receive a Pensioner Concession Card (PCC). In such cases a pensioner may reapply when a new PCC is issued, and must also provide Council with information regarding their length of stay overseas in the form of a statutory declaration, will need to be given. If the pensioner is unable or unwilling to divulge such information, a check using the CentreLink online confirmation service will be made to confirm the eligibility status. Adjustments to any rebate granted or about to be granted, will then be made.



Administration and Delegation

Function	Delegated Officer	Notes
Granting of rebates	<ul style="list-style-type: none">Revenue Coordinator	
Conduct an internal review of a decision	<ul style="list-style-type: none">Chief Financial OfficerDirector Corporate & Community Services	A delegate involved making the original determination on an application cannot conduct an internal review of the application.
Vary the policy to reflect any required legislative and/or operational changes	<ul style="list-style-type: none">Director Corporate & Community Services	

Definitions

LGA, 1993 – refers to the Local Government Act, 1993.

Application Form – Form approved by the Chief Executive of the Office of Local Government, in accordance with clause 135 of the Local Government (General) Regulation 2005 under the LGA 1993.

Eligible pensioner – a person who is a member of a class of persons prescribed by the regulations, occupies that dwelling as his or her sole or principal place of living and is in receipt of a Pension Concession Card issued by Centrelink, or the Department of Veteran Affairs Gold TPI or EDA Card.