

# POLICY



**Date adopted:** 30/05/2017  
**File no:** 128743-2  
**Minute number:** 148/2017

**Policy title:** **GENERAL RATE AND WASTE CHARGE/S CONCESSIONS TO PENSIONERS**

**Directorate:** ORGANISATIONAL SERVICES

**Branch:** FINANCE

**Policy objective:** To alleviate the financial impact of the rates and charges to pensioners by providing financial assistance in accordance with section 120 (1)(a) (Criteria for granting concession) of the Local Government Regulation 2012.

**Policy scope:**

1. This policy is to take effect from 1 July 2011 for rates and waste charge/s raised from this date.
2. Upon receipt of an enquiry or application for pensioner concessions.

**Definitions:**

Not applicable.

**Policy statement:**

The following procedure is to be undertaken for this policy:

1. Eligibility definitions
  - (a) An approved pensioner is a person who:
    - (i) is and remains an eligible holder of a Queensland "Pensioner Concession Card" issued by Centrelink or the Department of Veterans' Affairs, or a Gold Card or a Queensland "Repatriation Health Card - For All Conditions" issued by the Department of Veterans' Affairs
    - (ii) is the owner or life tenant (either solely or jointly) of the property which is his or her principal place of residence
    - (iii) has, either solely or jointly with a co-owner, the legal responsibility for the payment of rates and charges which are levied in respect of the subject property.
  - (b) The following criteria will apply in determining eligible co-ownership:
    - (i) In cases of co-ownership, the Council concession will apply only to the approved pensioner's proportionate share of the gross rates and charges. For the purposes of determining proportionate share, the Council shall have regard to conveyancing practice that requires the nature and extent of co-ownership to be recorded on the transfer lodged in the Titles Office.
    - (ii) The method of determining an approved pensioner's proportionate share shall apply except where the co-owners are:

- a. an approved pensioner and his or her spouse (including defacto relationships as recognised by the Commonwealth Departments of Centrelink and Veterans' Affairs); or
- b. an approved pensioner and a bank, other financial institution, or government department where the latter holds joint title for debt security purposes and has no responsibility for rates, charges or other costs of maintaining the property.

In either of these situations, the tenure may be treated as sole ownership and the concession approved in full.

- (iii) It is not a requirement for the spouse or defacto spouse to also reside at the property but it must be established in these cases that the approved pensioner is wholly responsible for the payment of all rates and charges in this circumstance and must be established to the satisfaction of the Council by sighting and placing on file a copy of a court order or statutory declaration completed by the applicant.
- (iv) Under no circumstances is a pensioner to be regarded as an owner or co-owner unless:
  - a. his or her name appears as such on the certificate of title of the property; or
  - b. it can be clearly established that the title to the property is held in the name of a bank, other financial institution or government department for debt security reasons and the pensioner has not been relieved of the responsibility to pay all rates and charges levied in respect of the property.

- (c) The following criteria will apply for determining eligible life tenants:
  - (i) the property in respect of which the rates and charges are levied must be the principal place of residence of the pensioner and the pensioner must actually reside on the property (ie. a life tenant cannot reside in a nursing home and claim the concession, as may occur with ordinary home ownership)
  - (ii) the pensioner must not have a major interest in any other residential property
  - (iii) the life tenancy must be created by a valid Will which applies to the property in question, or by a Supreme Court or Family Court order
  - (iv) there must be no provision in the will or Court order which would relieve the life tenant of the obligation to pay the rates and charges levied in respect of the property.
- (d) The question of whether a particular property is a person's "principal place of residence" is one of fact, taking into account all the circumstances of the particular case. Each case should be considered on its own merits. The words "principal" and "residence" are to be given their normal meaning. The principal place of residence must be located in Logan City.

## 2. Application for the Council's pensioner concession

- (a) A concession on the Council's general rate and waste charge/s will be extended to approved pensioners upon application to the Council.
- (b) Where late applications are accepted, the concession should be provided for the current billing period only and not applied retrospectively to previous billing periods. In special circumstances and acting on the advice of the Department of Communities the provisions of this section may be waived in order to allow for the concession to be applied retrospectively to previous billing periods.

- (c) An approved pensioner purchasing a property or acquiring approved pensioner status after the commencement of the billing period will not be entitled to a concession for that billing period. In these cases eligibility for the concession will commence from the first day of the next billing period.
- (d) Where an approved pensioner dies, or sells the property during the current billing period, the concession ceases from the date of death or sale.
3. Maximum Council concession
- (a) A maximum Council concession will be provided to those approved pensioners (refer to section 1 of this policy) who are also in receipt of a basic maximum rate income and assets tested payment payable under either the Commonwealth *Social Security Act 1991* or the Commonwealth *Veterans' Entitlements Act 1986*.
- (b) The 2ineligible pensioner properties remaining from February 1993 will continue to be provided with the maximum pensioner Council concession in accordance with the Council's Policy.
- (c) The maximum Council concession amount of general rate will be determined annually by the Council at its budget meeting and formalised in Council's Revenue Statement.
- (d) The maximum Council concession percentage of waste charge/s will be determined annually by the Council at its budget meeting and formalised in Council's Revenue Statement.
4. Partial Council concession
- (a) A partial concession will be provided by the Council to those approved pensioners not eligible to receive a full Council concession under section 3 of this policy.
- (b) The partial concession amount of general rate will be determined annually by the Council at its budget meeting and formalised Council's revenue statement.
- (c) The partial concession percentage of waste charge/s will be determined annually by the Council at its budget meeting and formalised in Council's revenue statement.

**Related policies/legislation/other documents:**

DOC ID	DOCUMENT TYPE	DOCUMENT NAME
-	Legislation	Local Government Regulation 2012
-	Legislation	<i>Social Security Act 1991</i>
-	Legislation	<i>Veterans' Entitlements Act 1986</i>