

# Pensioner Concession Policy

Statutory

Council

Administrative

|                             |  |
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| <b>Policy Owner:</b>        | Director – Organisational Services                         |
| <b>Effective Date:</b>      | 1 July 2023  |
| <b>Strategic Alignment:</b> | Chapter 4, Part 10 <i>Local Government Regulation 2012</i> |

## 1. Purpose

To provide financial relief to eligible pensioners from general rates and waste charges.

## 2. Scope

This policy applies to all councillors, employees and contractors working for Council regardless of whether they are permanent, temporary, full-time, part-time or casual. For the purposes of this policy, the term contractor includes on-hired temporary labour services (agency staff) and sub-contractors.

## 3. Policy statement

Council is committed to providing an equitable, consistent and transparent process for customers requesting a concession on general rates and waste collection charges.

## 4. Principles

Council understands the financial impact its rates and charges can have on cost-of-living expenses for pensioners and is committed to minimising that impact where possible.

The general rates and waste charges concessions available to pensioners will be set as part of Council's annual budget process.

## 5. Application of this policy

### Eligibility criteria

- (a) The applicant must be a pensioner.
- (b) The applicant must:
  - (i) be the owner (either solely or jointly) of the property, which is their principal place of residence
  - (ii) be a life tenant (either solely or jointly) of the property which is their principal place of residence.
- (c) The applicant must have, either solely or jointly with a co-owner, the legal responsibility for payment of rates and charges which are levied in respect of the property.
- (d) The name and address on the concession card held by the applicant must match the name and address on the relevant rate notice.

## Applying for a concession

- (a) An application can be made by the pensioner or their authorised agent, by either:
- (i) completing the Application for Pensioner Concessions Form available on Council's website, and returning that by email, post or in person
  - (ii) visiting one of Council's customer service centres.
- (b) Where late applications are accepted, the concession will 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, Housing and Digital Economy, this provision may be waived to allow the concession to be applied retrospectively to previous billing periods.

## Calculation and payment of concessions

- (a) Subject to the additional conditions outlined in clauses (b) to (e) of this section, the following concessions are available to pensioners:

|               |  |
|---------------|--|
| General rates | <ul style="list-style-type: none"><li>• The maximum concession will be provided to eligible pensioners who receive the basic maximum rate (income and assets tested) payment from the Commonwealth Government.</li><li>• The partial concession will be provided to eligible pensioners who are not eligible for the maximum concession.</li></ul>       |
| Waste charges | <ul style="list-style-type: none"><li>• The maximum concession will be provided to eligible pensioners who receive the basic maximum rate (income and assets tested) payment payable by the Commonwealth Government.</li><li>• The partial concession will be provided to eligible pensioners who are not eligible for the maximum concession.</li></ul> |

- (b) Where a pensioner holds the property as a co-owner:
- (i) the concession of an eligible pensioner will only apply to their share of gross rates and charges
  - (ii) if the property is owned jointly by 2 eligible pensioners, there will be no reduction in the concession available to each.
- (c) An eligible pensioner purchasing a property or gaining approved pensioner status after the billing period has started, will not be entitled to a concession for that billing period. In these cases, eligibility for the concession will start from the first day of the next billing period.
- (d) Where a pensioner dies, or sells the property during the current billing period, the concession ceases from the date of death or sale.
- (e) Two ineligible pensioner properties remain from February 1993. These will continue to be provided with the maximum pensioner concession.

## 6. Roles and responsibilities

The applicant must provide all required information at the time of application, to ensure it can be promptly processed.

An authorised officer of Council will consider each application based on the criteria set out in this policy to determine concession eligibility.

## 7. Reporting

This policy acknowledges that the concession offered to pensioners by way of waste charges are a community service obligation and will be reported as revenue by the Waste and Recycling Program and in Council's annual report.

## 8. Human rights

Under the *Human Rights Act 2019*, Council must not make a decision without considering and assessing the potential impact to human rights, and giving consideration to any impacts. Council does not consider that any human rights are impacted by this policy.

## 9. Definitions

The following definitions apply to this policy.

| TERM                         | DEFINITION  |
|------------------------------|---|
| Community service obligation | An obligation the local government imposes on a Council-owned business entity to do something not in the commercial interests of that business entity (as defined in section 24 of the <i>Local Government Regulation 2012</i> ).   |
| Co-owner                     | <p>The individual holds the property jointly with one or more other individuals, in the percentages recorded on the transfer lodged in the Titles Office.</p> <p>It is not a requirement for the spouse or de facto 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.</p> |
| Life tenant                  | <p>An individual who:</p> <ul style="list-style-type: none"><li>• is a life tenant created by a valid will or a court that applies to the property in question and from which there is no relief of the individual to pay the rates and charges in respect of the property</li><li>• resides in the property (for example, not in an aged care facility)</li><li>• does not have a major interest in any other residential property.</li></ul>  |

|                              |   |
|------------------------------|---|
| Pensioner                    | A person who is the holder of a pensioner concession card issued by the department of the Commonwealth responsible for administering the <i>Social Security Act 1991</i> or the <i>Veterans' Entitlements Act 1986</i> .  |
| Principal place of residence | The property the eligible person occupies as their home. This fact is determined by taking into account all the relevant circumstances. Each case should be considered on its own merits.<br>The property must be located within the City of Logan local government area.   |
| Maximum concession           | The maximum Council pensioner concession payable in respect of: <ul style="list-style-type: none"> <li>• the differential general rate</li> <li>• waste charges</li> </ul> These are included in Council's Revenue Statement which is adopted annually by Council as part of its annual budget (either as a percentage or amount per year).   |
| Partial concession           | The non-maximum Council pensioner concession payable in respect of: <ul style="list-style-type: none"> <li>• the differential general rate</li> <li>• waste charges,</li> </ul> These are included in Council's Revenue Statement which is adopted annually by Council as part of its annual budget (either as a percentage or amount per year).  |
| Property owner               | An individual who: <ul style="list-style-type: none"> <li>• is the registered owner of the property, as evidenced by a current title search from the Queensland Government</li> <li>• can clearly establish that the title to the property is held in the name of a bank, other financial institution or government department for debt security reasons however the individual is responsible for paying all property rates and charges</li> </ul> |

## 10. Document Control

| Version Number | Description of Change | Author / Branch | Effective Date |
|----------------|-----------------------|-----------------|----------------|
| 1.0            | Original              | Finance         | 20 April 2010  |
| 2.0            | Review                | Finance         | 31 May 2011    |
| 3.0            | Review                | Finance         | 30 May 2017    |
| 4.0            | Review                | Finance         | 1 July 2023    |