

### Purpose

The purpose of this Policy is to offer a benefit to Pensioners by way of a concession on the annual Rates and Charges in recognition of the financial constraints that are endured by Pensioners.

### Scope

This Policy is applicable to all Pensioners within the Council area who meet the required criteria for the Queensland Government Pensioner Rate Subsidy Scheme for a subsidy of Rates and Charges.

### Applicable Legislation

*Local Government Act 2009 (Qld) (Act)*

*Local Government Regulations 2012 (Qld) (Regulation)*

### Policy Statement

1. The State Government of Queensland grants a subsidy of Rates and Charges to those persons who meet the required criteria and hold an Approved Pensioner Card. In line with this concession, Council recognises the financial constraints for Pensioners and extends a concession of its own.
2. In accordance with sections 120(1)(a) and 121(1)(a) of the Local Government Regulation, Council will grant Pensioner property owners a rebate on Rates and Charges as detailed in the Revenue Statement for the applicable period.
3. To be eligible for the rebate, the following criteria applies:
  - 3.1. the Pensioner must hold an Approved Pensioner Card.
  - 3.2. the Pensioner must be the registered owner or Life Tenant of the property.
  - 3.3. the Pensioner must occupy the property as their Principal Place of Residence.
  - 3.4. the Pensioner must be legally responsible for the payment of the Rates and Charges levied on the property.
4. Applications must be made by the Pensioner using the Application for Rates Assistance for Eligible Pensioners Form. An Approved Pensioner Card shall be accepted by Council as sufficient evidence that the person applying is an approved Pensioner, or if no card is presented, through confirmation by the Commonwealth Department of Human Services and/or the Commonwealth Department of Veterans Affairs in keeping with the Queensland Government Pensioner Rate Subsidy Scheme Guidelines.
5. The amount of pensioner rates rebate available to the Pensioner will be calculated by reference to the proportion of a full pension that the Pensioner receives, that is:
  - 5.1. the Pensioner will be eligible for the maximum pensioner rates rebate where they receive a full pension; and

- 5.2. the Pensioner will only be eligible for a pro-rata portion of the maximum Pensioner rates rebate where they receive a part pension, equivalent to the percentage of a full pension that they receive in the form of a part-pension, excluding any additional benefit or allowance.
6. In cases where the applicant Pensioner is a joint owner of a property with a person other than their Spouse, or where the Pensioner's Spouse is not listed on the Pensioner's Approved Pensioner Card, a pro-rata rebate shall be granted.
7. Where a Pensioner has been granted a Council rebate in accordance with a commensurate policy in a previous financial year, and where the applicant's pension and residential details have not altered, confirmation by the Commonwealth Department of Human Services and the Commonwealth Department of Veterans Affairs that he or she is an approved pensioner, will be accepted in lieu of a written application.
8. The Rates Coordinator is responsible for the administration of the Policy and for processing applications in accordance with the requirements of the Act, Regulation and Council's policies.
9. The Rates Coordinator shall ensure that public notifications are made in a timely manner each year advising of the terms of this Policy.

### Other Forms of Assistance Available to Pensioners

10. If a Pensioner wishes to apply for an agreement to defer payment of the Rates and Charges, they are required to submit an application in accordance with Council's Rates Concessions for Pensioners – Deferral Arrangement Policy.
11. Where a Pensioner receives a Pension Supplement and/or requires an extension of time to make full payment of their Rates and Charges (due to the time of payment of this supplement or reasons of Hardship), a written request and evidence from the Pensioner is required and Council shall give consideration on a case-by-case basis in keeping with Council's Rates Relief Policy. The extension of time may also include an extension to the availability of the prompt payment discount (in accordance with the Prompt Payment Discount – Special Circumstances Policy).

## Definitions

**Approved Pensioner Card** refers to:

- (a) Queensland Pensioner Concession Card issued by Centrelink or Department of Veterans' Affairs ("QPCC Card"); or
- (b) Department of Veterans' Affairs Health Card for all conditions ("Gold Card").

**Council** refers to the Whitsunday Regional Council.

**Form** refers to Application for Pensioner Rates Rebate form.

**Hardship** refers to when, if full payment of Rates and Charges were made, the Pensioner would be left unable to provide for themselves, their family or other dependents, with food, accommodation, clothing, medical treatment, education, or any other basic necessities as determined by Council and the Pensioner has no other practical sources of financial support.

**Life Tenant** refers to the circumstances where a life tenancy has been created under the terms of a valid will (after the death of the property owner) or by a Supreme or Family Court Order. The will or court order

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must clearly demonstrate that the Pensioner has not been relieved of the responsibility to pay all rates and charges levied in respect of the property.

**Pensioner** refers to a person who is the holder of an Approved Pensioner Card.

**Pension Supplement** means pension supplement rate as defined under section 20A of the *Social Security Act 1991* (Cth).

**Principal Place of Residence** refers to a single dwelling where the registered owner (ratepayer) resides for more than 60% of the relevant financial year, as evidenced through the electoral roll, taxation, pension records or other document acceptable to Council.

**Rates and Charges** refers to levies imposed on land and for a service, facility or activity that is supplied or undertaken by the local government or someone on behalf of the local government, including:

- (a) General Rates (including differential rates); and
- (b) Special Rates and Charges; and
- (c) Utility Charges; and
- (d) Separate Rates and Charges.

**Rates Coordinator** refers to the Rates Coordinator of the Council appointed in accordance with the Act, or any person acting in that role.

**Spouse** refers to the person's partner in marriage or a de facto partner as recognised by the *Acts Interpretation Act 1954* (Qld) section 32DA.

## Related Documents

Application for Pensioner Rates Rebate Form  
Rates Concession for Pensioners - Deferral Arrangement Policy  
Rate Relief Policy  
Prompt Payment Discount – Special Circumstances Policy

## Human Rights Compatibility Statement

This Policy has been assessed as compatible with the Human Rights protected under the *Human Rights Act 2019*.

COUNCIL POLICY			
Date Adopted by Council	30 June 2023	Council Resolution	
Effective Date	01 July 2023	Next Review Date	30 June 2024
Responsible Officer(s)	Manager Financial Services	Revokes	LSP_CORP_54