

## PENSIONER POLICY

### OBJECTIVE:

To provide assistance in accordance with the Local Government Act 1993 NSW, the Local Government (General) Regulation 2021 NSW and Debt Management and Hardship Guidelines to eligible pensioners with regards to their ordinary rates, annual and/or user charges on their principal place of living.

### LEGISLATIVE REQUIREMENTS:

- *Local Government Act 1993.*
- *Local Government (General) Regulation 2021 (NSW).*
- *Valuation of Land Act 1916*
- *Debt Management and Hardship Guidelines November 2018*
- *Social Security Act*
- *Veteran Affairs Act*

### RELATED POLICIES AND PLANS:

- Debt Recovery Policy
- Privacy Management Plan
- Ratepayers Hardship Policy

### DEFINITIONS AND ABBREVIATIONS:

|                              |  |
|------------------------------|--|
| Act                          | <i>Local Government Act 1993 NSW</i>   |
| Council                      | <i>Tamworth Regional Council</i>   |
| Rate / Rates                 | Ordinary Rates and Annual Charges (excluding Stormwater Management Charge)   |
| Eligible Pensioner           | An eligible pensioner as defined in Division 4 Pensioners of the <i>Local Government (General) Regulation 2021 (NSW)</i> .<br><i>In general if you are the holder of a Pensioner Concession Card or a Veterans Affairs Card you are an eligible pensioner.</i> |
| Principal place of residence | The property that the ratepayer occupies as their sole or dominant residence   |
| DSS                          | Department of Social Security/Centrelink   |
| DVA                          | Department of Veterans Affairs   |

## INTENTION:

The intention of this policy is to recognise that additional options for support and flexibility are required for pensioners who may be experiencing financial hardship or difficulties in meeting the rates and charges associated with their principal place of living.

Council will achieve this by:

- providing clear and accessible communication
- being flexible with its payment options and processes to meet the needs and special circumstances of all eligible pensioners
- working to achieve payment through informal means
- providing fair, equitable and respectful treatment
- being consistent in the application of debt management
- undertaking an individual assessment of all pensioner rebate applications to ensure maximum allowable concessions are afforded to successful applicants
- apply where possible retrospective application of pensioner statutory rebates
- annually assess the feasibility of providing a voluntary pensioner rebate to eligible pensioners as part of its annual budget process
- disclosing all pensioner rebate amounts annually in Council's Statement of Revenue Policy
- not undertake legal action against a pensioner with regards to their principal place of living except for exceptional circumstances and only after having been endorsed by Council's senior management team
- continue to apply pensioner rebates even when an eligible pensioner enters an aged care facility so long as their rateable property was considered to be their sole or principal place of living prior to entering aged care, and the property is not being rented while they are in aged care
- allow pensioners to defer their rates and charges against their eventual estate when the value of that estate exceeds the outstanding debt but only after providing documentary evidence of having obtained recent independent financial advice
- waiving interest due by any person prescribed by the regulations as an eligible pensioner if they do not have:
  - outstanding charges older than one year
  - have adhered to their payment plan for a period of twelve weeks and continue to adhere to their payment plan
- considering individual circumstances of pensioners

### **PRIVACY AND CONFIDENTIALITY**

Council Officers will conduct themselves with courtesy and respect when dealing with ratepayers and shall maintain the privacy and confidentiality of all ratepayers' personal circumstances as per Council's Privacy Management Plan. Personal information collected as a result of this policy will only be used for the purpose of assessing eligibility under the policy, and will not be used for any other purpose, or disclosed to any other person, unless required by law to do so, or authorised to do so by the person to whom that personal information relates.

### **COMMUNICATION**

The policy will be posted on Council's web site for public access.

### **POLICY REVIEW**

This policy may be amended or revoked at any time and must be reviewed on an annual basis to ensure continuing compliance with all relevant legislation and related regulations.