

### PENSIONER CONCESSION POLICY

- Intent** In accordance with the *Local Government Regulation 2012* Council will provide a pensioner rate concession to eligible pensioners. This policy describes the eligibility criteria and the administrative processes used to deal with applications for the granting of pensioner concession.
- Scope** This policy applies to eligible pensioners who are the owner of the land, or in specific circumstances, are the occupier of the land within the Cairns Regional Council local government area.

#### PROVISIONS

In considering the application for pensioner rate concession, Council will be guided by the following principles:

- The same treatment for ratepayers with similar circumstances; and
- Transparency by making clear the requirements necessary to receive concessions.

#### DEFINITIONS

##### Applicant(s)

Means an eligible pensioner(s) who makes an application for a concession of rates.

##### Eligible pensioner(s)

Means a ratepayer who:

- is and remains an eligible holder of either a Queensland Pensioner Concession Card issued by Centrelink or Department of Veterans' Affairs or a Repatriation Health Card for All Conditions (also known as a Gold Card) issued by the Department of Veterans' Affairs; and
- is the registered owner or life tenant (either solely or jointly) of the property which is his/her principal place of residence; and
- 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 relevant property.
- A resident of a retirement facility which has entered into an agreement with Council for a concession for occupancy by pensioners.

##### Complying retirement facilities

A retirement facility which meets the following criteria:

- registered as a retirement village scheme under section 28 of the *Retirement Villages Act 1999* with a differential rating category of Residential R3-R380 and a land use code of 21; or
- registered with Department of Housing on the Residential Parks (Manufactured Homes) Register under section 18C of the *Manufactured Homes (Residential Parks) Act 2003* with a differential rating category of Residential R and a land use code of 21; and
- the retirement facility comprises premises conducted or promoted as suitable for use (exclusively or primarily) by elderly or retired persons; and
- has entered into an agreement with Council; and
- the residents of the retirement facility hold occupancy under a lease, or site agreement; and

- one or more residents of the retirement facility is a pensioner who is and during the course of the financial year to which the pensioner rate concession relates remains an eligible holder of either a Pensioner Concession Card issued by Centrelink or the Department of Veterans' Affairs or a Repatriation Health Card for All Conditions (also known as a Gold Card) issued by the Department of Veterans' Affairs.

### **Life tenant**

The criteria for determining an eligible life tenant will be that:

- the property in respect of which the rates are levied must be the principal place of residence of the pensioner and the pensioner must reside on the property (i.e., a life tenant cannot reside in a nursing home and claim the subsidy, as may occur with ordinary home ownership); and
- the pensioner must not have a major interest in any other residential property; and
- the life tenancy must be created by a valid Will which applies to the property in question; and there must be no provision in the Will, which would relieve the life tenant of the obligation to pay the rates and charges, levied in respect of the property.

### **Principal place of residence**

Is a single **dwelling house, strata title unit, or independent living unit (ILU)** that is the place of residence at which the **owner(s)** of the land predominantly resides.

### **Registered Owner**

Means:

- the 'registered proprietor' of the land; or
- a resident Life Tenant, nominated as such by the terms of a valid Will which applies to the property in question; and there must be no provision in the Will, which would relieve the life tenant of the obligation to pay the rates and charges, levied in respect of the property.

### **Spouse**

A person's partner in marriage or a de facto relationship as recognised by the Acts Interpretation Act 1954 section 32DA (1) and (5) (a) that is to say "...a reference to a "de facto partner" is a reference to either 1 of 2 persons who are living together as a couple on a genuine domestic basis but who are not married to each other or related by family..." and "the gender of the persons is not relevant..."

## **1. ELIGIBILITY CRITERIA**

To qualify for council's Pensioner Rate Concession the ratepayer(s) must qualify for the Queensland Government Pensioner Rate Subsidy and meet the following eligibility criteria.

- a) Council's pensioner concession will apply if the following eligibility criteria are met.
- b) Applicant(s) MUST be a primary holder(s) of one of the following Queensland cards:
  - (i) Pensioner Concession Card issued by Centrelink or the Department of Veterans' Affairs, OR,
  - (ii) Repatriation Health (Gold) Card - (full Conditions only) issued by the Department of Veterans' Affairs; and
- c) Must be the owner (either solely or jointly), or a life tenant(s) under a will, of property within the Cairns Regional Council local government area which is their principal place of residence; and
- d) Must have (either solely or jointly with a co-owner/s) the legal responsibility for payment of all rates and charges Council levies in respect of the property; and
- e) There is an approved habitable dwelling house on the land which complies with the *Building Act 1975*; and
- f) The property is not occupied on a paid tenancy basis; and
- g) There must be no outstanding rates balance or in the case of arrears there must be an agreed payment plan in place; or
- h) Is a resident of a complying retirement facility which has entered into an agreement with Council for a concession for occupancy by pensioners.

Under no circumstances is an approved pensioner to receive a pensioner rate concession in respect of the same period for more than one property.

## **2. QUANTUM OF CONCESSION**

### **2.1. APPLICATIONS FOR COUNCIL'S PENSIONER CONCESSION**

A concession of the general rate and charges up to \$350 per annum will be granted on one property, provided the applicant(s) meet the eligibility criteria in section 1.

- 2.1.1** In cases of co-ownership the Council pensioner rates concession will apply only to the approved pensioner's proportionate share of the general rates as recorded on the title for the property as registered at the Titles Office and advised to Council on the property transfer information for change of ownership and rates purposes. For example, if the pensioner's proportionate share of property ownership is 70%, they will be granted 70% of the maximum amount of Council's rates and charges pensioner concession.

This method of determining an approved pensioner's proportionate share will apply except when the co-owners are:

- an approved pensioner and their spouse;
- or 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 is to be treated as sole ownership and the full Council pensioner concession will be applied.

### **2.2. APPLICATIONS APPROVED PRIOR TO 01/07/2022 FOR COUNCIL'S PENSIONER CONCESSION.**

For existing recipients (e.g., approved prior to 01/07/2022) of Council's Pensioner Concession the following will apply:

- The concession will be up to 40% of the General Rate to a maximum of \$1,350 per annum.
- The upper limit of total concession will not exceed 5% of Council's total net general rates at which point the 40% concession is to be reduced on a pro rata basis.

### **2.3. COMPLYING RETIREMENT FACILITIES**

A Council concession will be extended to complying **retirement facilities** where a legal entity separate to the residents is the owner and:

- the **retirement facility** has entered into an agreement with Council for a concession for occupancy by pensioners; and
- one or more residents of the **retirement facility** is a pensioner who is and during the financial year to which the pensioner rate concession relates and meets the eligibility criteria in section 1a; and
- the pensioner is responsible for payment of rates and charges.
- for existing recipients (e.g. approved prior to 01/07/2022) a pensioner concession of 40% of the general rate to a maximum of \$1,350 per annum per ILU will apply based on the number of ILUs occupied by eligible pensioners in the retirement facility.
- A concession of the general rate up to \$175 will apply in 2026/27 per ILU for applications approved from 01/07/2025 - provided the applicant(s) meet the eligibility criteria in section 1a.

### **2.4. STATE SUBSIDY**

Applicants may be entitled to a State Government subsidy (currently 20% to a maximum of \$200 per property per annum) if the eligibility criteria in accordance with the guidelines for the Queensland Government Pensioner Rate Subsidy are satisfied. Where the State Government subsidy applies, Council will remit the appropriate amount off the rate notice and claim reimbursement from the State Government.

### 3. CONDITIONS OF APPLICATION

All applications for Council's Pensioner Concession/ State Government Pensioner Subsidy must be in writing on the prescribed form, available on Council's [website](#).

- a) Applications in respect of a new financial year should be submitted before the commencement of each rating period.
- b) Applications received after the commencement of a rating period will be accepted for consideration provided the applicant meets all the criteria at the time of the application and such concession will be effective from the date of the application on a pro rata basis and not applied retrospectively to previous rating periods.
- c) Once an application for concession is approved it shall remain in force from year to year without further renewal providing the applicant(s) continues to meet the eligibility criteria in section 1.

#### 3.1. CONDITIONS OF APPLICATION - COMPLYING RETIREMENT FACILITIES

- a) The retirement facility (landowner) must make an application to Council using the prescribed form.
- b) An undertaking that the benefit of the concession will be extended to each approved pensioner in the complying retirement facility.
- c) An individual application using the prescribed form, Retirement Facility Residence Application, must be completed for each eligible resident prior to the commencement of each rating period (i.e. Received prior to 1 July or 1 January). Applications received after the commencement of each rating period will take effect from the following rating period and will not be applied retrospectively or on a pro rata basis.
- d) Once an application for concession is approved it shall remain in force from year to year without further renewal providing the applicant(s) continues to meet the eligibility criteria in section 1.

### 4. ADMINISTRATION

- a) Where an owner has multiple properties, concession will be granted to the principal place of residence only.
- b) Council will conduct twice yearly audits to verify current entitlements, using records obtained from Services Australia.
- c) Where applicant(s) circumstances change e.g., property is no longer principal place of residence or no longer a primary cardholder the concession will be revoked on a pro rata basis.
- d) In the case of a sale of property:
  - the concession will continue until settlement date.
  - The applicant(s) must make a new application on the acquisition of a replacement property within the Cairns Regional Council local government area, or if required by Council.
- e) Where the rates have not been paid or an attempt to pay (shown by reasonable regular part payments) has not occurred in a financial year, the concession already granted for that year will be revoked.
- f) Where the sole registered owner dies, and at the time of death, is an approved pensioner in receipt of the subsidy the concession will cease at the end of the rating period. If the property title is transferred to a beneficiary of a will who is eligible for Council pensioner concession, a new application must be made to Council. The concession will be granted retrospectively to the beginning of the rating period, providing the beneficiary met the eligibility criteria at the commencement of the rating period.
- g) A recipient must notify Council of any change in circumstances which may affect the recipient's eligibility to receive the concession under this policy.
- h) Where an approved pensioner, for reasons of ill health or infirmity resides some or all of the time in alternative accommodation, such as a nursing home or similar type accommodation (where personal care is available on site and provided as required) or with family or friends, the concession will cease at the end of the rating period.

**5. ADMINISTRATION – COMPLYING RETIREMENT FACILITES**

To remain eligible the retirement facility must provide the following supporting documentation at least thirty days prior to the rating period:

- a) Evidence that the benefit of the concession, for the prior rating period, has been extended to each approved pensioner in the retirement facility.
- b) A current list of all residents in the facility who are eligible to receive the Council concession and their pension number.
- c) Failure to supply evidence of payment will result in non-eligibility for further concessions.

**Delegated Authority**

The administration of this policy shall occur through the Chief Executive Officer delegated to the Chief Financial Officer.



**This policy is to remain in force until otherwise determined by Council.**

**Director Responsible for Review:**

**Chief Financial Officer**

**ORIGINALLY ADOPTED:** 24/05/2023  
**CURRENT ADOPTION:** 17/06/2026  
**DUE FOR REVISION:** 17/06/2030  
**REVOKED/SUPERSEDED:**

**Ken Gouldthorp**  
**Chief Executive Officer**