

Purpose

The purpose of this Policy is to establish a policy framework to allow for assessment and acceptance of applications for relief from Rates and Charges from Pensioners who are experiencing serious Hardship and as a result are unable to pay.

Scope

This policy is applicable to Pensioners within the Council area that are experiencing Hardship and as a result are unable to pay their Rates and Charges.

Guiding Principles

1. General

- 1.1 Council has resolved pursuant to sections 120(1)(a), 120(1)(c) and 121(b) of the Local Government Regulation to offer Pensioners who are experiencing Hardship a concession for deferred payment of that portion of their General Rate that is over and above the Minimum General Rate set for the rating category in which their property is included.

2. Eligibility

- 2.1 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/s applying is/are an approved Pensioner.
- 2.2 Pensioners requesting assistance with the payment of their Rates and Charges account must be able to show, to the satisfaction of Council, that the payment of the full amount owed would entail Hardship because of the following:
 - 2.2.3 recent adverse change in their financial position that has left them unable to meet their basic needs; and
 - 2.2.4 the quantum of the annual rate levy.
- 2.3 Applications will only be accepted for properties that are single unit dwellings. The property also must be the Pensioner's Principal Place of Residence.
- 2.4 Council will not grant any relief under this Policy where the Pensioner co-owns the property with other persons who are not eligible Pensioners.
- 2.5 The General Rate levy must be higher than the Minimum General Rate.
- 2.6 The financial standing of other family members, who are residing at the property, will be taken into account when determining eligibility for assistance.

3. Extent of Relief

- 3.1 In accordance with section 125 of the Regulation, the relief will take the form of a deferral of a portion of the General Rate, thereby reducing the General Rate levy payable immediately, to an amount equivalent to the Minimum General Rate.
- 3.2 This Minimum General Rate amount and all other Charges appearing on the rates notice must be paid in full by the due date for the deferral arrangement to remain current.
- 3.3 In cases where arrears occur following commencement of the agreement, the continuation of the deferral arrangement will be by negotiation. Where the applicant has existing arrears of rates, entry into the deferral arrangement is also by negotiation. Such arrears may be deferred, or an instalment schedule commenced.
- 3.4 The amount of General Rate in excess of the Minimum General Rate, will be deferred for the life of the Pensioner, or until the property is sold or otherwise transferred from the name of the Pensioner or to some other agreed date.
- 3.5 In accordance with section 125(3) of the Regulation, a premium applies to any deferred rates equal to an amount of interest calculated at a rate equivalent to 50% of the current interest charged on rates (in accordance with the Interest on Overdue Rates, Charges & General Debts Policy), from the date that the deferred rates would have been due, until the full amount (including any deferred portion and interest accrued) has been paid in full.
- 3.6 The amount of the premium will also be deferred on the same basis as the deferred General Rates.
- 3.7 On default of any of the deferral arrangement conditions, all unpaid Rates and Charges become overdue and will be registered as a charge on the land in accordance with section 95(2) of the Act.

4. Application Process

- 4.1 Pensioners must complete the Form providing information regarding their financial position under a statutory declaration and provide any additional supporting documentation (including certified copies of Income Tax Assessments or statements from Centrelink verifying the financial position of the Pensioner) to substantiate the information supplied.
- 4.2 If insufficient information is received to enable an assessment or the information supplied is unclear, the applicant will be contacted to obtain additional information and/or clarification prior to a decision being made.
- 4.3 Following an initial assessment by a Council officer, a meeting may occur with the Pensioner and/or a member of their family, next of kin or representative prior to the application being referred to the CEO, or delegate of the CEO, for determination.
- 4.4 The discretion to provide assistance for Pensioners experiencing Hardship is ultimately a decision of Council and if a decision is made by Council resolution, that decision will be final.
- 4.5 Notification of the decision will be provided to the Pensioner.

- 4.6 In the event of a Pensioner being dissatisfied with an initial decision of a Council officer, they may access rights of review in accordance with Council's Administrative Action Complaints Policy.

5. Methodology of Deferral

- 5.1 Payment of the deferred amount will become immediately due and payable from the estate of the Pensioner, at an agreed date, or upon cancellation of the deferral arrangement by either party, or upon sale or transfer of any part or interest in the property, except in the following circumstances:
- 5.1.3 If the property is transferred into the name of a spouse who continues to reside on the property and is eligible for deferral of the General Rate in their own name, then an application can be made to Council to continue the deferral arrangement begun under the previous owner's name; or
- 5.1.4 If the property is transferred into the name of any progeny (including an adult step-child or adopted child of the Pensioner) who is a Pensioner who has resided on the property for a minimum of the preceding five years and will continue to do so, an application can be made to Council to continue the deferral arrangement begun under the previous owner's name where the progeny is solely responsible for payment of all Rates and Charges and completes a financial statement to demonstrate that payment of the rates will cause Hardship.
- 5.2 Where a Pensioner (who is approved for a deferral arrangement) is required, due to reasons of ill health or infirmity, to reside some or all of the time in alternative accommodation such as a nursing home or with a relative, the property shall continue to be regarded as the Pensioner's Principal Place of Residence as long as it is not tenanted on a paid tenancy basis during the absence of the Pensioner. If the property is tenanted, the deferred arrangement shall be cancelled, and the amount deferred will become due and payable from the date of tenancy.
- 5.3 Once a deferral arrangement is entered into, the approved Pensioner shall be eligible for a discount on prompt payment of the Minimum General Rate and all other rates and charges appearing on the rates notice in accordance with Council's Revenue Policy.

Related Polices and Legislation

Local Government Act 2009 (Qld) (Act) Chapter 4 Part 1
 Local Government Regulation 2012 (Qld) (Regulation) Chapter 4 Part 10
 Application for Rate Assistance for Eligible Pensioners Form
 Revenue Statement
 Pensioner Rates Rebate Policy
 Rate Relief Policy
 Rates and Charges Recovery Policy
 Interest on Overdue Rates, Charges and General Debts Policy
 Administrative Action Complaints 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").

CEO refers to the Chief Executive Officer of Council appointed in accordance with the Act, or any person acting in that role.

Charges refer to all other amounts included in the rates notice, other than General Rates.

Council refers to the Whitsunday Regional Council.

Form refers to the "Application for Rates Assistance for Eligible Pensioners" form.

General Rate refers to general rates as defined under s 92(2) of the Act.

Hardship refers to when, in the reasonable opinion of Council, the property is the ratepayer's Principal Place of Residence, if payment of Rates and Charges was made, the ratepayer would be left unable to provide Necessities for themselves, their family or other dependents, and the ratepayer has no other practical sources of Financial Support.

Minimum General Rate means the minimum general rates levy of the first (lowest) bank of the Residential Owner Occupier category in the relevant rating period, pursuant to section 77 of the Regulation and Council's Revenue Statement.

Necessities includes food, accommodation, clothing, medical treatment, education or any other basic necessities.

Pensioner refers to a holder of an Approved Pensioner Card.

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:

1. General Rates (including differential rates); and
2. Special Rates and Charges; and
3. Utility Charges; and
4. Separate Rates and Charges.

COUNCIL POLICY

Date Adopted by Council	18 June 2025	Council Resolution	SM2025/06/12
Effective Date	01 July 2025	Next Review Date	30 June 2026
Responsible Officer(s)	Manager Financial Services	Revokes	