



FP7 – CONCESSIONS ON FARMING PROPERTIES OCCUPIED BY PENSIONERS AND SENIORS POLICY

MANAGEMENT PRACTICE: N/A

DELEGATION: N/A

OBJECTIVE

To provide guidelines that will ensure a fair and equitable process for calculating rate concessions on farming properties where there is curtilage, or dual/common use occupied by seniors or pensioners.

SCOPE

This policy applies to all Shire of Jerramungup residential and small business ratepayers who are experiencing financial hardship.

DEFINITIONS

“Curtilage” In law, the curtilage of a house or dwelling is the land immediately surrounding it, including any closely associated buildings and structures, but excluding any associated “open fields beyond” and also excluding any closely associated buildings, structures, or divisions that contain separate intimate activities of their own respective occupants with those occupying residents being persons other than those residents of the house or dwelling of which the building is associated.

POLICY STATEMENT

Introduction

Section 28(2) of the *Rates and Charges (Rebates and Deferments) Act 1992* provides that:

“Where although land is used as the ordinary place of residence of an applicant or registered person it is not the sole use of that land, the administrative authority may apportion the prescribed charge, and any rebate allowable, according to —

- a. the extent to which the land is so used as a place of residence; and
- b. any other use,

on a basis proportionate to the respective uses.”

This provision enables an administrative authority (the Shire of Jerramungup) to allow a concession, in an equitable way, to the part of the rates levied relating to the residential use of a commercial property, if the circumstances warrant. For example, if a pensioner resides in a house that is on land also used for commercial farming practices.

This policy was created to identify the method that the Shire of Jerramungup will use to calculate the pensioner rebate on curtilage/dual use properties.

Principles

Concessional rebates are applied in a fair and equitable manner for all concessional ratepayers.

Provision of a Proportionate Rebate

A rebate shall only be applied if the resident has demonstrated they are entitled to such rebate by completing the appropriate application form, including provision of their concession details.

The Rates Officer is to verify the concession entitlement using the Centrelink Confirmation eServices for businesses, and the ratepayer's ownership of the property using a Landgate title search.

Method

Where an owner occupier of a rural property claims a pensioner concession, the applicable rebate will be based on applying the rebate (in accordance with the appropriate legislation) against the minimum charge for property rates and the Emergency Services Levy (ESL), irrespective of property size.

Relevant Legislation:	<i>Local Government Act 1995</i> <i>Rates and Charges (Rates and Deferments) Act 1992</i>
Related Documents:	Pensioner Declaration Form
Related Local Law:	N/A
Related Policies:	FP2 – Debt Recovery Policy
Adopted:	17 September 2014 OC140911
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