



Burwood Council

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BACKDATING OF CLAIMS FOR PENSIONER REBATES POLICY

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Purpose

The objective of this policy is to fix the number of previous year's pensioner rebates which can be retrospectively granted.

Scope

The policy applies to the granting of reduction of Rates and Charges for eligible pensioners where a claim for a previous year(s) has been made.

Policy wording

That the backdating of pensioner rebate claims pursuant to Section 579 of the *Local Government Act 1993* be limited to up to three previous rating years only, or part thereof and only where adequate substantiation can be provided to satisfy the essential criteria of the granting of a rates and charges pensioner concession.

Further to that, claims made beyond three previous rating years are to be referred to Council for determination.

That applications be dealt with administratively in accordance with this policy.

Related Information/Glossary

The Office of Local Government (OLG) gives the following direction:

Backdating of Claims

Section 579 of the Act prescribes that the rebate for pensioner concessions can be limited by regulation. As there is no regulation that puts a time limit on the backdating of the pensioner concession, the time limit is required to be set by way of council resolution. It is open to a council to adopt a policy of allowing pensioner rates reductions in respect of previous year's rates.

The OLG considers that discretion in regard to the backdating of claims should only be exercised where there are substantive reasons provided for the pensioner not submitting a proper application at the time each previous year's rates were levied. Furthermore, the council should take all reasonable steps to ensure that the application is a bona-fide one (eg insist upon conclusive proof that the person did in fact permanently reside in the subject premises at the relevant time).

Reference: DLG Circular to Councils 07-50 Pensioner Concession Rebates Procedural Changes – 5 October 2007

For the purpose of this policy *conclusive proof* may include:

- a notice or bill from a utility bearing the applicants name and mailing address consistent with the property address for which the pensioner concession is applied and the relevant time period

Contact

The Financial Operations Accountant or Financial Operations Officer can be contacted for further information.

Review

This policy will be reviewed every four years or as legislation changes.