

South Australia

Cost of Living Concessions Regulations 2020

under the *Cost of Living Concessions Act 1986*

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Legislative history

1—Short title

These regulations may be cited as the *Cost of Living Concessions Regulations 2020*.

3—Interpretation

- (1) In these regulations—

Act means the *Cost of Living Concessions Act 1986*;

concessions website means the part of www.sa.gov.au that relates to concessions;

CPI means the Consumer Price Index (All groups index for Adelaide) published by the Australian Bureau of Statistics;

domestic partner means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

low income earner, for a financial year, means a person who, during that financial year, earned income that was less than the amount determined by the Minister for that class of person in relation to that financial year by notice published on the concessions website (and if, during the course of the financial year, the Minister, by subsequent notice published on the concessions website, revises any amount so determined, then the amount as so revised will be taken to be the amount determined for the purposes of this definition);

prescribed capacity—see subregulation (2);

prescribed card means—

- (a) a Pensioner Concession Card issued by the Commonwealth Government; or
- (b) a Low Income Health Care Card issued by the Commonwealth Government; or
- (c) a TPI Gold Repatriation Health Card issued by the Commonwealth Government; or

- (d) a War Widows Gold Repatriation Health Card issued by the Commonwealth Government; or
- (e) a Gold Repatriation Health Card (EDA) issued by the Commonwealth Government; or
- (f) a Gold Repatriation Health Card issued by the Commonwealth Government to a person with 80 or more overall impairment points under the *Military Rehabilitation and Compensation Act 2004* of the Commonwealth; or

prescribed payments means—

- (a) any of the following payments under the *Social Security Act 1991* of the Commonwealth:
 - (i) an Austudy payment;
 - (ii) a JobSeeker payment;
 - (iii) a parenting payment;
 - (vi) a special benefit;
 - (viii) a youth allowance; or
- (b) Abstudy payments from the Commonwealth Government; or
- (c) payments under the Community Development Employment Project or Remote Jobs and Economic Development Program established by the Commonwealth Government; or
- (d) Self-Employment Assistance allowance payments from the Commonwealth Government; or
- (e) a pension as a war widow under legislation of the United Kingdom or New Zealand; or
- (f) farm household allowance payments under the *Farm Household Support Act 2014* of the Commonwealth;

relevant asylum seeker means a person who is seeking recognition as a refugee who—

- (a) holds a bridging visa granted under the *Migration Act 1958* of the Commonwealth that is classified as Bridging E under the *Migration Regulations 1994* of the Commonwealth (a **bridging visa E**); or
- (b) has applied for a bridging visa E but whose application has not yet been determined; or
- (c) has held a bridging visa E but no longer holds such a visa or any other class of visa under the *Migration Act 1958* of the Commonwealth; or
- (d) is receiving support through the Status Resolution Support Service program delivered by, or on behalf of, the Australian Government;

resident contract has the same meaning as in the *Supported Residential Facilities Act 1992*;

residential park site agreement has the same meaning as in the *Residential Parks Act 2007*;

residential park tenancy agreement has the same meaning as in the *Residential Parks Act 2007*;

rooming house agreement has the same meaning as in the *Residential Tenancies Act 1995*;

rooming house resident has the same meaning as in the *Residential Tenancies Act 1995*;

spouse—a person is the spouse of another if they are legally married;

supported residential facility has the same meaning as in the *Supported Residential Facilities Act 1992*;

water rates means—

- (a) rates under the *Irrigation Act 2009*; or
 - (b) rates under the *Renmark Irrigation Trust Act 2009*.
- (2) For the purposes of these regulations, a person will be taken to **occupy land as the person's principal place of residence in a prescribed capacity** only if the person occupies the land as the person's principal place of residence—
- (a) as sole or joint proprietor of an estate in freehold in possession; or
 - (b) as sole or joint proprietor of a Crown lease or Crown under lease; or
 - (c) as the purchaser of an estate in fee simple under an agreement for sale and purchase where the purchase price is payable in more than 2 instalments; or
 - (d) as the occupier under an agreement to occupy provided that—
 - (i) no rent is payable; and
 - (ii) the tenure is for the life of the occupier and not subject to earlier determination except by the occupier; and
 - (iii) the occupier is liable for all rates and taxes; or
 - (e) as—
 - (i) joint proprietor with other persons who own; or
 - (ii) a shareholder in a body corporate that owns,
a block of home units or other group residential premises (the person to be regarded for the purposes of this paragraph as being the sole or joint proprietor of the home unit or residential premises the person occupies); or
 - (f) as a lessee or licensee of land other than Crown land under a lease or licence that extends for 5 or more years and under which the dwelling occupied by the person on that land remains the property of that person; or
 - (g) as the occupier of a house or residential unit in an approved aged persons housing scheme; or
 - (h) as the spouse or domestic partner of any of the persons referred to in paragraphs (a) to (g); or
 - (i) as a beneficiary under an estate entitling the person to occupy the property in 1 of the capacities referred to in paragraphs (a) to (g).

- (3) In these regulations, if a monetary amount is followed by the word (indexed), the amount is, subject to subregulation (4), to be adjusted on 1 July of each year beginning on 1 July 2021, by multiplying the stated amount by a multiplier obtained by dividing the CPI for the December quarter of the immediately preceding year by the CPI for the December quarter of 2023 (with the amount so adjusted being rounded up to the nearest multiple of 10 cents).
- (4) If an amount to be remitted or paid in a financial year is, when adjusted in accordance with subregulation (3), less than the amount remitted or paid in the immediately preceding financial year, the amount to be remitted or paid will not be the amount as adjusted in accordance with subregulation (3), but will instead be an amount equal to the amount remitted or paid in the immediately preceding financial year.

4—Prescribed classes of person (section 2(2) and (3))

- (1) For the purposes of section 2(2)(b)(ix) of the Act, the following classes of person are prescribed:
 - (a) spouses and domestic partners of any of the persons referred to in subparagraphs (i) to (vii) of section 2(2)(b) of the Act;
 - (b) persons who are granted a right of occupancy under a residential park site agreement;
 - (c) spouses and domestic partners of persons who are granted a right of occupancy under a residential park site agreement.
- (2) For the purposes of section 2(3)(b)(ii) of the Act, the following classes of person are prescribed:
 - (a) persons who are granted a right of occupancy under a residential park tenancy agreement;
 - (b) persons who are rooming house residents under a rooming house agreement;
 - (c) persons who are residents under a resident contract relating to a supported residential facility;
 - (d) persons who are granted a right of occupancy of premises, or part of premises, under a written agreement (other than as a tenant specified in a residential tenancy agreement or under an agreement or contract referred to in a preceding paragraph) that is approved by the Minister.

5—Remission of water rates

- (1) Subject to subregulation (2), a ratepayer is entitled under the Act to a remission of water rates for land if—
 - (a) on the relevant date—
 - (i) the ratepayer holds a prescribed card or is in receipt of prescribed payments; and
 - (ii) the ratepayer occupies the land as the ratepayer's principal place of residence in a prescribed capacity; or
 - (b) on the relevant date—
 - (i) the spouse or domestic partner of the ratepayer holds a prescribed card or is in receipt of prescribed payments; and

- (ii) the ratepayer and the ratepayer's spouse or domestic partner occupy the land as their principal place of residence in a prescribed capacity; or
- (c) at the time of recovery of the rates—
 - (i) the ratepayer satisfies the Minister, by submitting to a means test determined by the Minister, that the ratepayer is suffering exceptional circumstances of hardship; and
 - (ii) the ratepayer occupies the land as the ratepayer's principal place of residence in a prescribed capacity.
- (2) A ratepayer who satisfies the conditions set out in subregulation (1)(a) or (b) on the date on which the rates are payable by the ratepayer but not on the date on which the ratepayer is billed with the rates must, in addition, have been entitled to a remission of water rates for the preceding rating period in respect of the same or different land.
- (3) If 2 or more persons own land jointly or as tenants in common, each of them who is entitled to a remission of water rates for the land is entitled to a proportion of the amount of the remission equal to the proportion of the person's interest in the land.
- (4) The amount of the remission of water rates for land for a financial year is 30% of the amount of the rates, subject to the prescribed minimum remission and the prescribed maximum remission for that year.
- (5) In this regulation—
 - prescribed maximum remission* for a financial year means—\$377.00 (indexed);
 - prescribed minimum remission* for a financial year means—\$236.40 (indexed);
 - relevant date* means—
 - (a) the date on which the person is billed with the rates; or
 - (b) the date on which the rates are payable by the person.

6—Eligible person (section 3(1))

The following classes of person are prescribed for the purposes of section 3(1) of the Act:

- (a) holders of a prescribed card;
- (b) holders of a Commonwealth Seniors Health Card issued by the Commonwealth Government;
- (c) persons in receipt of prescribed payments;
- (d) low income earners;
- (e) relevant asylum seekers;
- (f) persons eligible for a support package for persons fleeing international conflict provided by the South Australian Government.

7—Concession eligibility requirements (section 3(2)(b))

- (1) For the purposes of section 3(2)(b) of the Act, the following eligibility requirements are prescribed:
 - (a) subject to subregulation (2), it is a requirement that the eligible person must have, before 31 December in that financial year, applied to the Minister in a manner and form determined by the Minister (and the application must have been accompanied by any documents or information required by the Minister in connection with the application);
 - (b) it is a requirement that the Minister has been provided with ADI account details which will allow the payment under section 3(2) of the Act for that financial year to be made to the person by electronic funds transfer;
 - (c) subject to subregulations (3) and (3aa), it is a requirement that no other eligible person has been given a payment under section 3(2) of the Act for that financial year in respect of the same residential premises.
- (2) The eligibility requirement set out in subregulation (1)(a) does not apply to an eligible person if the person received a payment under section 3(2) of the Act for the previous financial year in respect of the same residential premises.
- (3) The eligibility requirement set out in subregulation (1)(c) does not apply to an eligible person who is a person referred to in regulation 4(2)(b) or (c) (the *relevant person*) unless the other eligible person referred to in subregulation (1)(c) is a resident in the same room as the relevant person.
- (3aa) Despite the requirement set out in subregulation (1)(c), the Minister may, if the Minister considers that it is appropriate in the circumstances, approve that payment of a concession to an eligible person be split, in the manner determined by the Minister, between the eligible person and 1 or more other eligible persons who reside at the same residential premises.
- (3a) Subject to subregulations (3b) and (3c), a person who, in a financial year (the *relevant financial year*), enters into the Switch for Solar program administered by the State Government for the installation of solar panels is not eligible for a payment under section 3(2) of the Act—
 - (a) for the relevant financial year; and
 - (b) —
 - (i) in the case of a person who receives or received a payment for the relevant financial year (despite not being eligible for the payment under paragraph (a))—for each of the 10 financial years following the relevant financial year; or
 - (ii) in any other case—for each of the 9 financial years following the relevant financial year.
- (3b) Despite subregulation (3a)(a), a person who has already received a payment under section 3(2) of the Act for the relevant financial year is not required to return the payment.
- (3c) The Minister may determine that subregulation (3a) does not apply to a person in relation to a particular financial year if satisfied that exceptional circumstances exist.

8—Concession payment amount (section 3(2))

The amount to be paid to an eligible person in respect of a financial year in accordance with section 3(2) of the Act is determined to be \$255.60 (indexed).

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Legislation revoked by principal regulations

The *Cost of Living Concessions Regulations 2020* revoked the following:

Cost of Living Concessions Regulations 2009

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2020	268	<i>Gazette 17.9.2020 p4620</i>	30.9.2020: r 2
2021	22	<i>Gazette 4.3.2021 p830</i>	4.3.2021: r 2
2024	49	<i>Gazette 6.6.2024 p1349</i>	1.7.2024: r 2
2024	102	<i>Gazette 28.11.2024 p4287</i>	1.1.2025: r 2

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>4.3.2021</i>
r 3		
r 3(1)		
concessions website	inserted by 22/2021 r 4(1)	4.3.2021
low income earner	substituted by 22/2021 r 4(2)	4.3.2021
prescribed payments	(a)(v) deleted by 49/2024 r 3(1)	1.7.2024
	(a)(vii) deleted by 49/2024 r 3(2)	1.7.2024
	amended by 49/2024 r 3(3), (4)	1.7.2024
	(a)(iv) deleted by 102/2024 r 3(1)	1.1.2025
relevant asylum seeker	inserted by 102/2024 r 3(2)	1.1.2025

resident contract	inserted by 102/2024 r 3(2)	1.1.2025
rooming house agreement	inserted by 102/2024 r 3(3)	1.1.2025
rooming house resident	inserted by 102/2024 r 3(3)	1.1.2025
supported residential facility	inserted by 102/2024 r 3(4)	1.1.2025
r 3(3)	amended by 49/2024 r 3(5)	1.7.2024
r 4		
r 4(2)	substituted by 102/2024 r 4	1.1.2025
r 5		
r 5(5)		
prescribed maximum remission	amended by 49/2024 r 4(1)	1.7.2024
prescribed minimum remission	amended by 49/2024 r 4(2)	1.7.2024
r 6	amended by 102/2024 r 5	1.1.2025
r 7		
r 7(1)	varied by 22/2021 r 5(1)	4.3.2021
	amended by 102/2024 r 6(1), (2)	1.1.2025
	(d) deleted by 102/2024 r 6(3)	1.1.2025
r 7(3)	deleted by 49/2024 r 5(1)	1.7.2024
	inserted by 102/2024 r 6(4)	1.1.2025
r 7(3aa)	inserted by 102/2024 r 6(4)	1.1.2025
r 7(3a)—(3c)	inserted by 22/2021 r 5(2)	4.3.2021
r 7(4) before deletion by 49/2024		
<i>designated amount</i>	<i>deleted by 22/2021 r 5(3)</i>	<i>4.3.2021</i>
r 7(4)	<i>deleted by 49/2024 r 5(2)</i>	<i>1.7.2024</i>
r 8	substituted by 49/2024 r 6	1.7.2024
<i>Sch 1</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>4.3.2021</i>

Historical versions

4.3.2021

1.7.2024