

## PENSIONERS (RATES EXEMPTION).

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No. 58 of 1966.

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**AN ACT to exempt Pensioners under certain Commonwealth Acts from liability for the payment of Rates or Charges under the Metropolitan Water Supply, Sewerage, and Drainage Act, 1909-1965, and other Acts; to repeal the Pensioners (Rates Exemption) Act, 1922-1943; and for incidental and other purposes.**

*[Assented to 12th December, 1966.]*

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Pensioners (Rates Exemption) Act, 1966.* Short title.

Repeals and  
savings.

2. (1) The Acts mentioned in the First Schedule to this Act are hereby repealed.

(2) The provisions of sections fifteen and sixteen of the Interpretation Act, 1918, apply in respect of the repeals effected by subsection (1) of this section, but this express inclusion of the application of the provisions of those sections does not exclude the application to this Act of the other provisions of the Interpretation Act, 1918.

Interpre-  
tation.

3. (1) In this Act unless the contrary intention appears—

“administrative authority” means the body upon which power to levy and receive payment of rates or charges is conferred by the Act under which those rates or charges are levied and payable;

“owner”, in relation to any land, means the person other than the Crown who for the time being is entitled to receive the rent of the land or who would be entitled to receive the rent if the land were let at a rent;

“pensioner” means a person who—

- (a) is in receipt of an age pension, an invalid pension or a widow’s pension under the provisions of the Social Services Act, 1947 of the Parliament of the Commonwealth;
- (b) is or was a member of the Forces within the meaning of Part III of the Repatriation Act, 1920 of the Parliament of the Commonwealth and is a service pensioner within the meaning of Division 5 of Part III of that Act; or
- (c) is the wife or widow of such member of the Forces if she is a service pensioner as so defined.

(2) A reference in this Act to an Act of the Parliament of the Commonwealth includes any Act amending that Act of the Parliament of the Commonwealth or any Act in substitution for it.

4. A pensioner may claim to be exempt from liability for the payment of rates, or charges in lieu of rates, levied under any of the Acts specified in the Second Schedule to this Act in respect of land of which the pensioner is in occupation as owner, but not including charges for water supplied other than water allowed in return for rates or charges in lieu of rates.

Pensioner  
may claim  
exemption  
from rates.

5. On receipt of a claim pursuant to section four of this Act the administrative authority shall defer the payment of the rates or charges in respect of which the claim is made until the sale or transfer of the land by the pensioner, or the death of the pensioner, whichever event first occurs, or until the pensioner ceases to be entitled to be exempt from liability for the payment of rates or charges levied in respect of his land.

Deferment of  
payment of  
rates.

6. Where the payment of any rates or charges is deferred pursuant to section five of this Act, nothing contained in the Limitation Act, 1935, prevents the administrative authority from recovering the amount of any of those rates or charges which but for this section the administrative authority would by that Act have been prevented from so doing.

Recovery of  
deferred  
rates not  
prevented by  
Limitation  
Act.

7. While any rates or charges of which payment is deferred under this Act remain unpaid, those rates or charges are by force of this Act a charge on the land of the pensioner and subject to sections eight and nine of this Act, rank equally with any other charge on that land created by any Act and before any other charge on that land.

Deferred  
rates  
charged on  
land of  
pensioner.

Priority in respect of payments due to State Housing Commission.

8. If the land in respect of which exemption from rates or charges is claimed under this Act is subject to the provisions of the State Housing Act, 1946, or of any scheme entered into between the Commonwealth and the State in relation to housing and administered under that Act, or of any other scheme in relation to housing administered or managed by the State Housing Commission constituted under that Act, any amount owing or payable to the Commission under such provisions has priority over any amount owing for rates or charges charged on the land pursuant to section seven of this Act.

Consent of Director of War Service Homes required to charge.

9. If the land in respect of which exemption from rates or charges is claimed under this Act is subject to the provisions of the War Service Homes Act, 1918 of the Parliament of the Commonwealth, the consent of the Director of War Service Homes appointed under that Act to the charge referred to in section seven of this Act shall be first obtained before that exemption may be granted by the administrative authority, but any amount owing to that Director of War Service Homes in respect of the land has priority over any amount owing for rates or charges charged on the land pursuant to section seven of this Act.

Section 2.

#### FIRST SCHEDULE.

Pensioners (Rates Exemption) Act, 1922 (Act No. 18 of 1923).  
Pensioners (Rates Exemption) Act Amendment Act, 1936 (Act No. 26 of 1936).  
Pensioners (Rates Exemption) Act Amendment Act, 1938 (Act No. 5 of 1938).  
Pensioners (Rates Exemption) Act Amendment Act, 1943 (Act No. 7 of 1943).

Section 4.

#### SECOND SCHEDULE.

Metropolitan Water Supply, Sewerage, and Drainage Act, 1909.  
Country Areas Water Supply Act, 1947.  
Country Towns Sewerage Act, 1948.  
Water Boards Act, 1904.  
Land Drainage Act, 1925.  
Rights in Water and Irrigation Act, 1914.