

PENSIONERS (RATES REBATES AND DEFERMENTS).

No. 39 of 1984.

**AN ACT to amend the Pensioners (Rates Rebates
and Deferments) Act 1966-1982.**

[Assented to 20 June 1984.]

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. (1) This Act may be cited as the *Pensioners (Rates Rebates and Deferments) Amendment Act 1984*.

Short title
and citation.

(2) In this Act the Pensioners (Rates Rebates and Deferments) Act 1966-1982 is referred to as the principal Act.

Reprinted as
approved 22
October 1980
and
amended by
Act No. 42
of 1982.

(3) The principal Act as amended by this Act may be cited as the Pensioners (Rates Rebates and Deferments) Act 1966-1984.

Commence-
ment.

2. (1) Sections 1, 2, 6 and 7 of this Act shall come into operation on a day to be fixed by proclamation.

(2) Sections 3 and 4 of this Act shall come into operation on 1 July 1984.

(3) Section 5 of this Act shall be deemed to have come into operation on 1 July 1977.

Section 3
amended.

3. Section 3 of the principal Act is amended—

(a) by deleting the definition “owner”; and

(b) by adding the subsections following—

“ (3) For the purposes of this Act in relation to any payment, a person shall be deemed to be the owner of land—

(a) in the case of land vested in the Crown, if the person is authorized by the Crown to occupy that land pursuant to a lease, licence, concession or any other arrangement;

(b) in the case of land of which a corporation is the registered proprietor in fee simple, if the person is entitled to the use, occupation and enjoyment of that land, or the specific part of that land to which the payment relates, by virtue of a shareholding in that corporation held by that person expressly conferring that entitlement;

(c) in any other case, if the person is entitled to—

(i) receive the rent of the land;

(ii) receive the rent of the land if the land were let at a rent; or

(iii) possession of the land for the time being as a beneficiary or a life tenant, under a deceased estate;

or

(d) where the person would in all other respects be taken to be an entitled pensioner, notwithstanding that title to that land has not passed to that person from the vendor, if the person has agreed to purchase the land under a contract of sale.

(4) A pensioner shall, for the purposes of this Act, be deemed to be in actual occupation as owner of the land where—

(a) the land is solely owned by the pensioner and was formerly in actual occupation by the pensioner as the residence of the pensioner;

(b) the residence is unoccupied, or is occupied by—

(i) another pensioner; or

(ii) a dependant of the pensioner,

who was in residence there with the pensioner before the time the pensioner ceased to be in actual occupation;

(c) chattels or personal effects of the pensioner remain in the residence; and

- (d) actual residential occupation by the pensioner ceased by reason of ill-health, frailty or other cause not within the control of the pensioner. ”.

Section 4
amended.

4. Section 4 of the principal Act is amended—

- (a) in subsection (1), by deleting “or deferments of the payment of” and substituting the following—

“ or, in the case of the holder of an estate in fee simple deferment of the payment of ”;

- (b) in subsection (1a), by deleting “Where” and substituting the following—

“ Subject to subsection (1b) of this section, where ”; and

- (c) by inserting after subsection (1a) the subsection following—

“ (1b) Where an entitled pensioner ceases to be in actual occupation of a residence leaving a dependant who is a pensioner liable as occupier of that residence for the payment of any amount to which this Act applies, an administrative authority shall allow to that dependant—

- (a) on payment, as occupier, of the amount, any rebate; or

- (b) on an application for deferment of payment, any entitlement,

which the entitled pensioner would have been allowed had the payment or application been made by the entitled pensioner. ”.

5. Section 4 of the principal Act is amended by adding the subsections following— Section 4
amended.

“ (6) Where, by reason only of any increase in the assets or income of that person, a person ceases to be an entitled pensioner in relation to any land in respect of which a payment by that person of any amount to which this Act applies is deferred, that person shall be deemed to remain eligible to any entitlement to a rebate or deferment under this Act to which he had previously been entitled, unless the circumstances are such that the Minister is of the opinion that the person should cease to be taken to be and to have been an entitled pensioner, until such time as a liability for payment of the full amount under this Act otherwise arises.

(7) Where the payment by any entitled pensioner of any amount to which this Act applies is deferred in relation to any land and upon the death of that pensioner—

- (a) the land continues in the actual occupation of the spouse of that pensioner; and
- (b) that spouse is an entitled pensioner, or is a person who will on production of evidence approved by the Minister thereby become an entitled pensioner,

an administrative authority shall allow the payment of the amount payable by the deceased to continue to be deferred during the entitlement of the spouse under this Act. ”.

6. Section 10 of the principal Act is amended— Section 10
amended.

- (a) by inserting after the section designation “10.” the subsection designation “(1)”;

(b) in subsection (1), by deleting paragraphs (a) and (b) and substituting the paragraphs following—

“ (a) shall pay to the Water Board or municipality which levied the rates or charges amounts equal to the rebates allowed by the Water Board or municipality concerned pursuant to this Act; and

(b) shall provide to the Water Board or municipality which levied the rates or charges financial assistance in respect of deferments allowed pursuant to this Act. ”; and

(c) by adding the subsection following—

“ (2) In subsection (1)—

“Water Board” means a Water Board established under the Water Boards Act 1904; and

“municipality” means a municipality within the meaning of the Local Government Act 1960 ”.

Second
Schedule
amended.

7. The Second Schedule to the principal Act is amended by adding thereto the following—

“ Metropolitan Water Authority Act 1982.

Water Authority Act 1984. ”.
