

ACTS AMENDMENT (PENSIONERS RATES REBATES AND DEFERMENTS).

No. 5 of 1977.

AN ACT to amend the Local Government Act, 1960-1976 and the Pensioners (Rates Exemption) Act, 1966.

[Assented to 30th September, 1977.]

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 *Acts Amendment (Pensioners Rates Rebates and Deferments) Act, 1977.* Short title.

2. This Act shall be deemed to have come into Commencement. operation on the 1st July, 1977.

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PART I.

Citation.

3. (1) In this Part the Local Government Act, 1960-1976 is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Local Government Act, 1960-1977.

Section 560
amended.

4. Subsection (1) of section 560 of the principal Act is amended by deleting the words "section five hundred and sixty-one", in lines one and two, and inserting in lieu thereof the passage "the Pensioners (Rates Rebates and Deferments) Act, 1966,".

Section 561
repealed.

5. The principal Act is amended by repealing section 561 thereof.

PART II.

Citation.

6. (1) In this Part the Pensioners (Rates Exemption) Act, 1966 is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Pensioners (Rates Rebates and Deferments) Act, 1966-1977.

Long title
substituted.

7. The principal Act is amended by deleting the long title and inserting in lieu thereof a long title as follows—

An Act to entitle certain pensioners to Rebates of, or Deferments of payment of, amounts payable for Rates or Charges under the Metropolitan Water Supply, Sewerage, and Drainage Act, 1909, as amended from time to time, and other Acts, as so amended; to repeal the Pensioners (Rates Exemption) Act, 1922-1943; and for incidental and other purposes. .

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8. Subsection (1) of section 3 of the principal <sup>Section 3
amended.</sup> Act is amended—

- (a) by inserting immediately before the interpretation “owner” interpretations as follows—

“child”, in relation to a pensioner, includes an adopted child, a step-child, or an ex-nuptial child of that pensioner, and also includes a child to whom that pensioner stands *in loco parentis*;

“deferment” means a deferment pursuant to this Act of the payment of amounts of rates, or charges in lieu of rates;

“dependant”, in relation to a pensioner, means—

(a) the spouse of that pensioner;

(b) a child of that pensioner being a child—

(i) who is less than eighteen years of age; or

(ii) who is eighteen years of age or more but less than twenty-five years of age, and who is receiving full time education at a school, college, or university; and

(c) a person who is wholly engaged—

(i) in housekeeping for that pensioner; and

(ii) where there are any other dependants of that pensioner, in caring for those dependants;

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“entitled pensioner” means a pensioner who is entitled to a rebate or deferment, as the case may be, pursuant to sections four and five of this Act; ;

- (b) by adding after the word “rent”, being the last word in the interpretation “owner”, the passage “, and, in relation to any land vested in the Crown, includes a person who is authorised by the Crown to occupy the land pursuant to a lease, licence, concession, or any other arrangement ”;
- (c) by deleting the interpretation “pensioner” and inserting in lieu thereof an interpretation as follows—

“pensioner” means a pensioner as defined under the National Health Act 1953 of the Parliament of the Commonwealth; ; and

- (d) by adding at the end thereof interpretations as follows—

“rebate” means a rebate pursuant to this Act of amounts of rates, or charges in lieu of rates;

“rebated amount” means the balance of the amount of rates or charges payable by an entitled pensioner pursuant to this Act after deduction of a rebate. .

Section 4
repealed
and
re-enacted.

9. Section 4 of the principal Act is repealed and re-enacted as follows—

Rebates or
deferments
to certain
pensioners.

4. (1) Subject to this Act an administrative authority shall allow to pensioners, who have been registered as entitled pensioners pursuant to this Act, rebates of twenty-five per cent of, or deferments of the payment of, amounts payable for rates, or charges in lieu of rates,

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levied under any of the Acts specified in the Second Schedule to this Act and as amended from time to time in respect of land of which the pensioner is in actual occupation as owner, but not including charges for water supplied other than water in return for rates or charges in lieu of rates.

(2) Where, apart from this Act, an administrative authority allows, subject to specified conditions, a discount of an amount of a rate, or a charge in lieu of rate, levied under any of the Acts specified in the Second Schedule to this Act and as amended from time to time, the rebate allowed to an entitled pensioner pursuant to this Act shall be twenty-five per cent of the amount of those rates or charges after the deduction of the discount allowed apart from this Act (that amount after that deduction being hereinafter referred to as the discounted amount) and the administrative authority shall allow the discount apart from this Act if the entitled pensioner pays seventy-five per cent of the discounted amount but otherwise complies with those specified conditions.

(3) A pensioner is not, in respect of any land, entitled to a rebate or deferment if—

(a) the land is occupied by that pensioner and a person who is neither a pensioner nor a dependant of the pensioner occupying the land; or

(b) the land is partly owned by that pensioner and partly owned by a person who is neither a pensioner nor a dependant of that pensioner who partly owns the land.

(4) A pensioner is not, in respect of any land, entitled pursuant to this Act to a rebate of amounts payable for rates, or charges in lieu of rates if—

(a) the rates or charges were levied in respect of a period that commenced before the 1st July, 1977; or

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- (b) the rates or charges were paid before the pensioner became an entitled pensioner. .

Section 5
repealed and
re-enacted.

10. Section 5 of the principal Act is repealed and re-enacted as follows—

Effect of
payment or
non-pay-
ment of
rebated
amount.

5. (1) Where an entitled pensioner pays the rebated amount of rates or charges within the period for which they were levied—

(a) the pensioner shall not be liable for any further amount for those rates or charges; and

(b) the administrative authority shall, subject to section ten of this Act, have no further claim in respect of those rates or charges.

(2) Where an entitled pensioner does not pay the rebated amount of rates or charges within the period for which they were levied, the pensioner is liable for the full amount of those rates or charges without any rebate, but the administrative authority shall defer the payment of that full amount 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 an entitled pensioner. .

Section 6
amended.

11. Section 6 of the principal Act is amended by deleting the words “section five of”, in line two.

Section 8
amended.

12. Section 8 of the principal Act is amended by deleting the words “exemption from rates or charges is claimed”, in lines one and two, and inserting in lieu thereof the words “rates or charges are deferred”.

Section 9
amended.

13. Section 9 of the principal Act is amended—

(a) by deleting the words “exemption from rates or charges is claimed”, in lines one and two, and inserting in lieu thereof the words “rates or charges are deferred”; and

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- (b) by deleting the words "that exemption may be granted", in line eight, and inserting in lieu thereof the words "the rates or charges are deferred".

14. The principal Act is amended by adding a new section as follows—

Section 10 added.

10. In respect of rates or charges levied pursuant to the Water Boards Act, 1904, as amended from time to time, and the Local Government Act, 1960, as amended from time to time, the Treasurer of the State—

Subsidy and assistance to certain administrative authorities.

- (a) shall pay to the administrative authority which levied the rates or charges amounts equal to rebates allowed by that authority pursuant to this Act; and
- (b) shall provide to the administrative authority which levied the rates or charges financial assistance in respect of deferments allowed by that authority pursuant to this Act.

15. The principal Act is amended by adding a new section as follows—

Section 11 added.

11. (1) A person who wishes to be registered as an entitled pensioner shall make an application to the relevant administrative authority and the application—

Applications to be registered as entitled pensioners.

- (a) shall be substantially in a form approved by the Minister responsible for the administration of the Act pursuant to which the rates or charges are levied; and
- (b) shall furnish as accurately as possible the information requested on the form.

(2) Where, on an application made pursuant to subsection (1) of this section, an administrative authority is satisfied that the person by

Authority to register entitled pensioners.

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whom the application was made is an entitled pensioner, the administrative authority shall register him as such.

(3) Where a person who is registered as an entitled pensioner pursuant to subsection (2) of this section ceases to be an entitled pensioner, that person shall give notice thereof to the administrative authority and thereupon the administrative authority shall cancel the registration.

(4) Any person—

- (a) who makes a wilfully false statement in an application made pursuant to this section; or
- (b) who remains registered as an entitled pensioner knowing that he is not qualified to be so registered,

is guilty of an offence.

Penalty: \$200. .

Section 12
added.

16. The principal Act is amended by adding a new section as follows—

Non-entitled
persons
receiving
rebates or
deferments.

12. Where, in purported pursuance of this Act, a person other than an entitled pensioner receives a rebate of, or deferment of the payment of, amounts of rates or charges in lieu of rates—

- (a) the amount of the rebate or the amount deferred is payable to the relevant administrative authority on demand and is recoverable in any court of competent jurisdiction and, in addition, that person is liable to any penalty in respect of arrears of rates or charges that may apply apart from this Act; and
- (b) where the rebate or deferment was received as a result of a wilfully false statement of that person in an application made for the purposes of this Act,

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or as a result of that person remaining registered as an entitled pensioner knowing that he was not qualified to be so registered, the provisions of paragraph (a) of this section are in addition to the provisions of subsection (4) of section eleven of this Act. .

17. The principal Act is amended by adding a new section as follows— Section 13 added.

13. (1) Notwithstanding any other provision of this Act or any provision of the Local Government Act, 1960, where the payment by a person of rates or charges levied in respect of periods that commenced before the 1st July, 1977, was immediately before that date deferred pursuant to section five of this Act as then in force or postponed pursuant to section five hundred and sixty-one of the Local Government Act, 1960 as then in force, such payment shall, subject respectively to the other provisions of those Acts as then in force, continue to be deferred or postponed until the sale or transfer by the person of the land concerned, or his death, whichever first occurs, or until the person ceases to hold the qualifications which entitled him to have that payment deferred or postponed pursuant to the provisions of section five of this Act, or section five hundred and sixty-one of the Local Government Act, 1960 as the case may be, as then in force. . Saving.

(2) Rates or charges that continue to be deferred or postponed pursuant to subsection (1) of this section shall be deemed to be deferred pursuant to this Act as amended by the Acts Amendment (Pensioners Rates Rebates and Deferments) Act, 1977. .

18. The Second Schedule to the principal Act is amended by adding at the bottom thereof a passage as follows—

Local Government Act, 1960. .

Second Schedule amended.