

**PENSIONERS (RATES REBATES AND
DEFERMENTS) ACT 1966-1979.**

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Approved for Reprint 22 October, 1980.

WESTERN AUSTRALIA.

PENSIONERS (RATES REBATES AND DEFERMENTS).

No. 58 of 1966.

[As amended by Acts:

No. 5 of 1977¹, assented to 30th September, 1977;

No. 99 of 1978², assented to 17th November, 1978;

No. 41 of 1979³, assented to 25th October, 1979;

and reprinted pursuant to the Amendments Incorporation Act 1938.]

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.

Long title.
Substituted
by No. 5
of 1977, s. 7.

[Assented to 12th December, 1966.]

BE it enacted—

1. This Act may be cited as the *Pensioners (Rates Rebates and Deferments) Act 1966-1979*.

Short title.
Amended by
No. 41 of
1979, s. 1.

¹ Came into operation on 1st July, 1977, see section 2 of Act 5/77.

² Came into operation on 1st July, 1978, see section 2 of Act 99/78.

³ Section 4 came into operation on 1st July, 1980 and the balance on 1st July, 1979, see section 2 of Act 41/79.

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 (1) The Acts mentioned in the First Schedule to this Act are hereby repealed.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.
Amended by
No. 5 of
1977, s. 8;
No. 99 of 1978,
s. 3.

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;

“child”, in relation to a pensioner, includes an adopted child, stepchild, 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;

“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;

“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, and includes a person entitled to possession of the land as a beneficiary or life tenant under a deceased estate, and, in relation to any land vested in the Crown, includes a person who is authorized by the Crown to occupy the land pursuant to a lease, licence, concession, or any other arrangement;

“pensioner” means—

- (a) a pensioner as defined under the National Health Act 1953 of the Parliament of the Commonwealth;
- (b) a person who is in receipt of a pension under Part III of the Repatriation Act 1920 of the Parliament of the Commonwealth as—
 - (i) the widow of a member of the Forces;
 - (ii) the unmarried mother of a deceased unmarried member of the Forces;

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or

- (iii) the widowed mother of a deceased unmarried member of the Forces,

and either—

- (iv) who is the holder of a pensioner health benefits card issued by the Commonwealth Department of Social Security; or

- (v) whose assets and income are such as, if that person were a pensioner of the kind referred to in paragraph (a) of this definition, would, in the opinion of the Director of the Department for Community Welfare of the State or his nominee, entitle that person to be the holder of a pensioner health benefits card issued by the Commonwealth Department of Social Security; and

- (c) a person who, under Part III of the Repatriation Act 1920 of the Parliament of the Commonwealth, is in receipt of a special pension referred to in the Second Schedule to that Act,

and has evidence thereof in a form approved by the Minister.

“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.

(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. (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 fifty per cent of, or deferments of the payment of, amounts payable for rates, or charges in lieu of rates, 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 such quantity as is prescribed by way of allowance which the owner is entitled to receive in respect of rates or charges in lieu of rates, notwithstanding that such charges for water supplied comprise a component of a water rate or charge in lieu of rates.

Rebates or
deferments
to certain
pensioners.
Repealed and
re-enacted by
No. 5 of 1977,
s. 9.
Amended by
No. 99 of
1978, s. 4;
No. 41 of 1979,
s. 3 and 4.

(1a) Where, apart from this subsection, a person would be an entitled pensioner in any rating year in respect of two or more separately rated parcels of land, he shall be an entitled pensioner in that rating year in respect of one only of those parcels which he shall specify in writing to every administrative authority concerned with all or any of the parcels.

(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

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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, save where the land is owned by persons as tenants in common of undivided shares in that land and that rebate or deferment relates to an assessment made in respect only of the portion of that land of which that pensioner is the actual occupier,

unless the circumstances of the occupation or the ownership of the land are such that the Minister is of the opinion that a pensioner should be so entitled.

(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;
- (b) being a pensioner within the meaning of the provisions of this Act by reason of the amendments thereto which came into force on the 1st July, 1978, the rates or charges were levied in respect of a period that commenced before the 1st July, 1978; or
- (c) the rates or charges were paid before the pensioner became an entitled pensioner.

(5) Where, pursuant to paragraph (b) of subsection (3) of this section, rates or charges are deferred in respect of any land the title to which is

held by tenants in common in undivided shares then notwithstanding the provisions of any other Act the liability for the payment of the rates or charges so deferred attaches only to the portion of that land in relation to which the deferment was allowed and shall not be taken to extend to any other portion of that land.

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 pensioner ceases to be the owner of the land concerned, the pensioner ceases to be in actual occupation of the land concerned and another person becomes entitled to the occupation of that land, or the pensioner dies, whichever event first occurs.

6. Where the payment of any rates or charges is deferred pursuant to 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.

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

Effect of payment or non-payment of rebated amount.

Repealed and re-enacted by No. 5 of 1977, s. 10.

Amended by No. 99 of 1978, s. 5.

Recovery of deferred rates not prevented by Limitation Act.

Amended by No. 5 of 1977, s. 11.

Deferred rates charged on land of pensioner.

other charge on that land created by any Act and before any other charge on that land.

Priority in respect of payments due to State Housing Commission. Amended by No. 5 of 1977, s. 12.

8. If the land in respect of which rates or charges are deferred 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. Amended by No. 5 of 1977, s. 13.

9. If the land in respect of which rates or charges are deferred 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 the rates or charges are deferred 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.

Subsidy and assistance to certain administrative authorities. Added by No. 5 of 1977, s. 14.

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—

- (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.

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. Added by No. 5 of 1977, s. 15.

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

Authority to register entitled pensioners.

(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.

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—

Non-entitled persons receiving rebates or deferments. Added by No. 5 of 1977, s. 16.

- (a) the amount of the rebate or the amount deferred is payable to the relevant administrative authority on demand and

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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, 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.

Saving.
Added by
No. 5 of
1977, s. 17.
Amended by
No. 99 of
1978, s. 6.

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 person ceases to be the owner of the land concerned, the person ceases to be in actual occupation of the land concerned and another person becomes entitled to the occupation of that land, or the person dies, whichever event first occurs.

(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.

Notification.
Added by
No. 99 of
1978, s. 7.

14. For the purposes of sections five and thirteen of this Act, where a pensioner or person ceases to be in actual occupation of the land concerned and

another person becomes entitled to occupation of that land the pensioner or person shall give notice thereof to the administrative authority.

Penalty: \$200.

FIRST SCHEDULE.

Section 2.

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).

SECOND SCHEDULE.

Section 4.
Second
Schedule.
Amended by
No. 5 of
1977, s. 18.

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.

Local Government Act 1960.