

PENSIONERS (RATES REBATES AND DEFERMENTS).

No. 99 of 1978.

AN ACT to amend the Pensioners (Rates Rebates
and Deferments) Act, 1966-1977.

[Assented to 17th November, 1978.]

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) Act Amendment Act, 1978.* Short title and citation.

(2) In this Act the Pensioners (Rates Rebates and Deferments) Act, 1966-1977 is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Pensioners (Rates Rebates and Deferments) Act, 1966-1978.

Commence-
ment.

2. This Act shall be deemed to have come into operation on the 1st July, 1978.

Section 3
amended.

3. Subsection (1) of section 3 of the principal Act is amended—

(a) as to the interpretation “owner”, by inserting after the passage “rent,” in line six, the passage “and includes a person entitled to possession of the land as a beneficiary or life tenant under a deceased estate,”; and

(b) by deleting the interpretation “pensioner” and inserting in lieu thereof an interpretation as follows—

“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;

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.

4. Section 4 of the principal Act is amended—

Section 4
amended.

- (a) by inserting a new subsection to stand as subsection (1a) as follows—

(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. ;

- (b) as to subsection (3), by deleting the passage "land.", in the last line, and inserting in lieu thereof a passage as follows—

land,

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. ; and

- (c) by repealing and re-enacting subsection (4) as follows—

(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. Subsection (2) of section 5 of the principal Act is amended by deleting all that appears in the subsection after the word "until", in line seven, and inserting in lieu thereof the passage "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."

Section 5
amended.

6. Subsection (1) of section 13 of the principal Act is amended by deleting all that appears in the subsection after the word "until", in line thirteen, and inserting in lieu thereof the passage "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."

Section 13
amended.

7. The principal Act is amended by inserting a new section to stand as section 14 as follows—

Section 14
added.

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.

Notification.

Penalty: \$200. .
