

**Rates and Charges (Rebates and Deferments)
Amendment Bill 2013**

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Western Australia

LEGISLATIVE ASSEMBLY

**Rates and Charges (Rebates and Deferments)
Amendment Bill 2013**

A Bill for

**An Act to amend the *Rates and Charges (Rebates and Deferments)
Act 1992*.**

The Parliament of Western Australia enacts as follows:

s. 1

1 **1. Short title**

2 This is the *Rates and Charges (Rebates and Deferments)*
3 *Amendment Act 2013*.

4 **2. Commencement**

5 This Act comes into operation as follows —

- 6 (a) sections 1 and 2 — on the day on which this Act
7 receives the Royal Assent (*assent day*);
- 8 (b) the rest of the Act, other than section 4(3) and (4) —
- 9 (i) if this Act receives the Royal Assent on or before
10 1 July 2013 — on 1 July 2013;
- 11 (ii) otherwise — on assent day;
- 12 (c) section 4(3) —
- 13 (i) if the *Water Services Legislation Amendment and*
14 *Repeal Act 2012* section 112 (*section 112*) comes
15 into operation on or before the day on which
16 section 4(1) of this Act comes into operation —
17 immediately after section 4(1) of this Act comes
18 into operation;
- 19 (ii) otherwise — when section 112 comes into
20 operation;
- 21 (d) section 4(4) —
- 22 (i) if the *Water Services Legislation Amendment and*
23 *Repeal Act 2012* section 226(3) (*section 226(3)*)
24 comes into operation on or before the day on
25 which section 4(1) of this Act comes into
26 operation — immediately after section 4(1) of
27 this Act comes into operation;
- 28 (ii) otherwise — when section 226(3) comes into
29 operation.

1 **3. Act amended**

2 This Act amends the *Rates and Charges (Rebates and*
3 *Deferments) Act 1992*.

4 **4. Section 3 amended**

5 (1) In section 3(1) insert in alphabetical order:

6
7 ***final payment day*** for a Water Corporation charge, in
8 relation to a person, means —

- 9 (a) the 50th day after the date of the notice
10 requiring payment for that charge; or
11 (b) a day, determined by the Water Corporation in
12 relation to the person, that is after the day
13 referred to in paragraph (a) but not more than
14 70 days after that day;

15 ***Water Corporation*** means the Water Corporation
16 established by the *Water Corporation Act 1995*
17 section 4(1);

18 ***Water Corporation charge*** means a charge referred to
19 in paragraph (b)(ii) of the definition of ***prescribed***
20 ***charge***, made by the Water Corporation;

21
22 (2) In section 3(1) in the definition of ***entitlement*** delete “Act
23 throughout the charged period;” and insert:

24
25 Act;

26
27 (3) In section 3(1) in the definition of ***Water Corporation*** delete
28 “*Water Corporation Act 1995*” and insert:

29
30 *Water Corporations Act 1995*
31

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1 (4) In section 3(1) in the definition of *Water Corporation charge*
2 delete “paragraph (b)(ii)” and insert:

3

4 paragraph (b)(i)

5

6 **5. Section 7 amended**

7 In section 7(2) delete “The” and insert:

8

9 In relation to a prescribed charge that is not a Water Corporation
10 charge, the

11

12 **6. Section 32 amended**

13 (1) In section 32(5) delete “as at the commencement of the rating
14 year.” and insert:

15

16 as at —

17 (a) in the case of a Water Corporation charge —
18 the day on which the application is made; or

19 (b) in the case of any other prescribed charge —
20 the commencement of the rating year.

21

22 (2) After section 32(5) insert:

23

24 (6A) If, in the case of a Water Corporation charge, the Water
25 Corporation registers the entitlement of the applicant,
26 the registration has effect on and from the day on
27 which the application was made.

28

1 **7. Section 32A amended**

2 (1) In section 32A(1) in the definition of *surviving partner's land*
3 delete “subsection (2)(b).” and insert:

4
5 subsection (2)(b) or (4A)(b).
6

7 (2) After section 32A(1) insert:

8
9 (2A) Subsection (2) applies in relation to prescribed charges
10 that are not Water Corporation charges.
11

12 (3) After section 32A(3) insert:

13
14 (4A) Subsection (4B) applies in relation to Water
15 Corporation charges if —

16 (a) immediately before the death of a spouse or
17 de facto partner of a surviving partner, the
18 deceased partner had a registered entitlement in
19 respect of land; and

20 (b) that land, following the death of the spouse or
21 de facto partner —

22 (i) belongs to the surviving partner as a
23 former joint tenant or tenant in common
24 with the deceased partner; or

25 (ii) belongs to the surviving partner as a
26 beneficiary under the will or intestacy of
27 the deceased partner; or

28 (iii) is occupied by the surviving partner in
29 the circumstances described in
30 section 29(1)(b)(ii);

31 and

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- 1 (c) following the death of the spouse or de facto
2 partner the surviving partner became liable for
3 the payment of a Water Corporation charge in
4 respect of that land (the *first payment*); and
- 5 (d) at the time that the surviving partner became
6 liable for the first payment he or she was
7 eligible under this Act to apply to the Water
8 Corporation to have an entitlement in respect of
9 that land registered; and
- 10 (e) upon application by the surviving partner an
11 entitlement in respect of that land is registered
12 within 2 years of the death of the spouse or
13 de facto partner.
- 14 (4B) The surviving partner is taken to have had a registered
15 entitlement on and from the day on which he or she
16 became liable for the first payment until the earlier
17 of —
- 18 (a) the day before the day on which the entitlement
19 in respect of that land is registered; or
- 20 (b) the day before the first day (after he or she
21 became liable for the first payment) on which
22 he or she ceased to be eligible to have the
23 entitlement registered,
- 24 and is to be treated accordingly for the purposes of this
25 Act.
- 26 (4C) If —
- 27 (a) subsection (4A)(a) and (b) apply in relation to a
28 deceased partner and the surviving partner; and
- 29 (b) the surviving partner —
- 30 (i) was liable for the payment of a Water
31 Corporation charge in respect of the
32 surviving partner's land for more than

1 **8. Section 33 amended**

2 In section 33(2) delete “registered,” and insert:

3

4 registered in respect of a prescribed charge that is not a Water
5 Corporation charge,

6

7 **9. Section 37 amended**

8 (1) In section 37(1) delete “determine, with effect in relation to the
9 succeeding rating year, to amend or cancel the registration, as
10 the case requires.” and insert:

11

12 determine to amend or cancel the registration, as the
13 case requires, with effect from —

14 (c) in the case of a Water Corporation charge —
15 the day on which the change in the person’s
16 circumstances occurred; or

17 (d) in the case of any other prescribed charge —
18 the commencement of the rating year following
19 the determination.

20

21 (2) In section 37(2) delete “An administrative authority” and insert:

22

23 An administrative authority, other than the Water Corporation,

24

25 **10. Section 40 amended**

26 (1) Before section 40(1) insert:

27

28 (1A) A reference in this section to the liability of a person
29 for the payment of a rebated amount of a prescribed
30 charge includes, in respect of a prescribed charge that

1 is apportioned under section 28, a reference to the
2 liability of a person for the proportion of the prescribed
3 charge that relates to the extent of the entitlement of
4 the person.
5

6 (2) Delete section 40(1)(a) and insert:
7

8 (a) is liable for the payment of a prescribed charge
9 on any land used by that person as their
10 ordinary place of residence; and
11

12 (3) Delete section 40(2) and (2a) and insert:
13

14 (2) The liability of a person to whom this section applies
15 for payment of a prescribed charge may, subject to this
16 Act, be satisfied by the payment of a rebated
17 amount —

18 (a) in the case of a Water Corporation charge — by
19 the final payment day or, if that person has
20 been allowed an extended period under
21 subsection (3A), before the end of that period;
22 or

23 (b) in the case of any other prescribed charge —
24 before the end of the charged period or, if that
25 person has been allowed an extended period
26 under subsection (3A), before the end of that
27 period.

28 (3A) If the Minister is satisfied that a person to whom this
29 section applies has, because of exceptional
30 circumstances, failed to pay the rebated amount by —

31 (a) in the case of a Water Corporation charge —
32 the final payment day; or

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1 (b) in the case of any other prescribed charge —
2 the end of the charged period,
3 the Minister may allow that person an extended period
4 within which the payment may be made.
5

6 **11. Section 41 amended**

7 (1) At the beginning of section 41 insert:
8

9 (1) A reference in this section to a rebated amount in
10 relation to a person includes, in respect of a rebated
11 amount that is apportioned in accordance with
12 section 28, a reference to the proportion of the rebated
13 amount that relates to the extent of the entitlement of
14 the person.
15

16 (2) In section 41:

17 (a) delete “Where the rebated amount, or if the amount of
18 the rebate is apportioned under section 28 the relevant
19 proportion to which the particular entitlement related, of
20 a prescribed charge” and insert:
21

22 (2) If the rebated amount of a prescribed charge that is not
23 a Water Corporation charge

24 (b) delete “section 40(2a),” and insert:

25 section 40(3A),
26
27
28

29 (3) At the end of section 41 insert:
30

31 (3) If the rebated amount of a Water Corporation charge is
32 paid by or on behalf of a registered person by the final
33 payment day or, if that person has been allowed an

1 extended period under section 40(3A), before the end
2 of that period then, subject to this Act —

- 3 (a) the person is not liable to pay any further
4 amount for the prescribed charge; and
5 (b) the Water Corporation has no further claim
6 against the person for the prescribed charge.
7

8 **12. Section 42 amended**

9 (1) In section 42(1) after “authority” insert:

10

11 other than the Water Corporation
12

13 (2) After section 42(1) insert:

14

15 (2A) If —

- 16 (a) the Water Corporation makes a prescribed
17 charge in respect of a period (the *relevant*
18 *period*), some of which precedes the date of
19 issue of the notice requiring payment of the
20 prescribed charge; and
21 (b) the relevant period is longer than the standard
22 charged period for a charge of that kind; and
23 (c) an entitlement, of the person liable for the
24 charge, as regards the land is registered after
25 the date of issue of the notice and before the
26 final payment day,

27 the person may, subject to subsection (2), be allowed a
28 rebate on the prescribed charge, for any part of the
29 relevant period during which the person was both liable
30 to pay the charge and entitled to apply for the
31 registration of an entitlement as regards the land.
32

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- 1 (3) In section 42(2) after “subsection (1)” insert:
2
- 3 or (2A)
4
- 5 (4) Delete section 42(2a) and insert:
6
- 7 (3A) If a rebate is allowed under this section, the
8 administrative authority must, when necessary, refund,
9 or give credit for, the amount of the rebate.
10
- 11 **13. Section 44 amended**
- 12 (1) In section 44(1) delete “before the end of a period prescribed
13 under subsection (1a)” and insert:
14
- 15 by the day determined in accordance with subsection (2A)
16
- 17 (2) Delete section 44(1a) and insert:
18
- 19 (2A) For the purposes of subsection (1) the day is —
20 (a) if paragraphs (b) or (c) do not apply —
21 (i) if the charge is a Water Corporation
22 charge — the final payment day; or
23 (ii) if the charge is not a Water Corporation
24 charge — the last day of the charged
25 period;
26 or
27 (b) if the person has been allowed an extended
28 period under section 40(3A) — the last day of
29 that period; or

- 1 (c) if a period has been specified under
2 section 42(2) — the last day of that period.
3

4 **14. Schedule 1 Division 2 inserted**

- 5 (1) If this Act receives the Royal Assent on or before 1 July 2013,
6 subsection (2) does not have effect.
7 (2) At the end of Schedule 1 insert:
8

9 **Division 2 — Provision for Rates and Charges (Rebates and**
10 **Deferments) Amendment Act 2013**

11 **2. If the Amendment Act commences after 1 July 2013**

- 12 (1) In this clause —
13 *Amendment Act* means the *Rates and Charges (Rebates and*
14 *Deferments) Amendment Act 2013*;
15 *commencement day* means the day on which the
16 Amendment Act section 3 comes into operation;
17 *interim period* means the period commencing on
18 1 July 2013 and ending immediately before commencement
19 day.
20 (2) Subject to subclauses (4) to (6), the Water Corporation is to
21 give effect to this Act as if the Amendment Act had come
22 into operation on 1 July 2013.
23 (3) Without limiting subclause (2), the Water Corporation
24 may —
25 (a) treat an application for registration made on or after
26 commencement day, but not after
27 31 December 2013, as if made on a day that is
28 before commencement day, but not before
29 1 July 2013; and
30 (b) in relation to an application referred to in
31 paragraph (a), treat the entitlement of the applicant
32 as regards land as having been registered on a day

