

Western Australia

LEGISLATIVE ASSEMBLY

*(Introduced by Hon. P. G. Pendal, MLA)*

**Rates and Charges (Rebates and Deferments)  
Amendment Bill 2000**

**A Bill for**

**An Act to amend the *Rates and Charges (Rebates and Deferments) Act 1992* to permit administrative authorities to allow rebates on certain amounts payable by way of rates or charges by low income self-funded retirees and residents of privately-owned retirement villages.**

The Parliament of Western Australia enacts as follows:

**1. Short title**

This Act may be cited as the *Rates and Charges (Rebates and Deferments) Amendment Act 2000*.

**s. 2**

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**2. Commencement**

This Act comes into operation on the day on which it receives the Royal Assent.

**3. Principal Act**

5 In this Act the Rates and Charges (Rebates and Deferments) Act 1992\* is referred to as the principal Act.

[\* Act No. 31 of 1992.

*For subsequent amendments see 1998 Index to Legislation of Western Australia, p. 210.]*

10 **4. Section 3 amended**

Section 3 (1) of the principal Act is amended —

- (a) by inserting in the definition of “**eligibility**” after subparagraph (i) of paragraph (a) the following —

“

15 (ia) a seniors health card;

”;

- (b) by inserting after the definition of “**eligibility**” the following —

“

20 “**eligible low-income self-funded retiree**”  
means a person to whom section 23A applies;

”;

- (c) by inserting in the definition of “**eligible person**” after “pensioner” the following —

“

25 , eligible low-income self-funded retiree

”;

- (d) by inserting after the definition “**entitlement**” the following —

“

“**holder of a seniors health card**” has the meaning given to it under —

- (a) section 6A of the *Social Security Act 1991* of the Commonwealth; or  
(b) section 5PB of the *Veterans’ Entitlements Act 1986*;

”; and

- (e) by inserting after the definition of “**relevant interest**” the following —

“

“**seniors health card**” means a currently valid card, known by that name, issued on behalf of the Commonwealth to the holder;

”.

**5. New section 23A**

The principal Act is amended by inserting after section 23 the following —

“

**23A. Low-income self-funded retirees eligible**

- (1) Notwithstanding any other provision of this Act, or any other written law, any person who is a low-income self-funded retiree is eligible to apply to the administrative authority to have their entitlements as regards any land registered if a prescribed charge is payable on that land, on production to the administrative authority of a relevant seniors health card.

**s. 6**

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(2) For the purposes of this section —

“

**“low income self-funded retiree”** means a person who is the holder of a seniors health card.

”.

**6. New section 23B**

The principal Act is amended by inserting after section 23 the following —

“

**23B. Residents of privately-owned retirement villages eligible**

(1) A resident of a privately-owned retirement village who, in relation to land that is registered and on which a prescribed charge is payable, may apply to the administrative authority for the purpose of obtaining any entitlement under this Act.

(2) For the purposes of this Act —

**“eligible resident”** means a resident who holds a seniors health care card;

**“resident”**, in relation to a retirement village, means a person who has been admitted to occupation of residential premises in accordance with a retirement village scheme and includes a spouse of such a person who —

(a) is residing with that person; or

(b) was residing with that person at the time of his or her death;

**“privately-owned retirement village”** means a complex of residential premises, whether or not including hostel units, and appurtenant land,

occupied or intended for occupation under a retirement village scheme or used or intended to be used for or in connection with a retirement village scheme;

- 5                   **“retirement village scheme”** means a scheme established for retired persons or predominantly for retired persons, under which —
- 10                   (a) residential premises are occupied in pursuance of a residential tenancy agreement or any other lease or licence;
- 15                   (b) a right to occupation of residential premises is conferred by ownership of shares;
- (c) residential premises are purchased from the administering body subject to a right or option of repurchase;
- 20                   (d) residential premises are purchased subject to conditions restricting the subsequent disposal of the premises; or
- (e) residential premises are occupied under any other scheme or arrangement prescribed for the purposes of this definition,

25                   but does not include any such scheme under which no resident or prospective resident of residential premises pays a premium in consideration for, or in contemplation of, admission as a resident under the scheme.

- 30                   (3) A person who receives a subsidy under the *Aged Care Act 1975* is not eligible to apply under this Act to the administrative authority for any entitlement regarding any land.

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**s. 7**

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**7. Section 26 amended**

Section 26(1) of the principal Act is amended by inserting after paragraph (d) the following —

“

- 5                   (e)   production of a seniors health card issued to that person as the holder, as sufficient evidence that the person is a person to whom section 23A applies.

”.

10   **8. Section 29 amended**

Section 29(1) of the principal Act is amended by inserting after paragraph (c) the following —

“

- 15                   (ca)   is a resident who participates in a retirement village scheme which confers the right of occupation;

”.

**9. Section 32 amended**

20                   Section 32(4)(b) of the principal Act is amended by inserting after the word “pensioner” the following —

“   or a low-income self-funded retiree   ”.

**10. Section 33 amended**

Section 33(1)(b) of the principal Act is amended by inserting before the word “to” the following —

- 25                   “   if that person is an eligible pensioner,   ”.

**11. Section 40 amended**

Section 40(5)(b) of the principal Act is amended by inserting after “eligible pensioner” the following —

“ or eligible low-income self-funded retiree ”.

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