



LOCAL GOVERNMENT AMENDMENT (RATES AND CHARGES REMISSIONS) ACT 1982

No. 100 of 1982

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AN ACT to amend the Local Government (Rates and Charges Remissions) Act 1977 for the purposes of removing certain anomalies relating to the remission under that Act of rates and certain charges payable by certain pensioners under the Local Government Act 1962 and of increasing the amount of the compulsory remissions of those rates and charges under the first-mentioned Act.

[Royal Assent 18 January 1983]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Local Government Amendment* Short title. *(Rates and Charges Remissions) Act 1982.*

Commencement.

2—(1) Except as provided in subsection (2), this Act shall be deemed to have commenced on 1st July 1982.

(2) Section 7 shall commence on 1st July 1983.

Principal Act.

3—In this Act, the *Local Government (Rates and Charges Remissions) Act 1977** is referred to as the Principal Act.

Amendment of section 3 of Principal Act (Interpretation).

4—(1) Section 3 (1) of the Principal Act is amended as follows:—

(a) by omitting “ unless the contrary intention appears— ” and substituting “ except in so far as the context or subject-matter otherwise indicates or requires— ”;

(b) by inserting the following definition after the definition of “ prescribed conditions ”:—

“ prescribed institution ” means—

(a) a public hospital within the meaning of the *Hospitals Act 1918*;

(b) a private medical establishment within the meaning of the *Hospitals Act 1918*;

(c) any institution declared under section 6 of the *Mental Health Act 1963* to be a hospital for the purposes of that Act; or

(d) an institution within the meaning of the *Public Welfare Institutions Act 1935*;

* No. 100 of 1977. For this Act, as amended up to and including 1st July 1980, see the continuing Reprint of Statutes.

(2) Section 3 of the Principal Act is further amended by omitting subsection (3) and substituting the following subsections:—

(3) For the purposes of this Act, where a prescribed pensioner is an inmate of a prescribed institution—

- (a) occupation by his spouse of land in respect of which the prescribed pensioner is liable to pay rates or prescribed charges or both shall be deemed to be occupation of that land by the prescribed pensioner, in the case of land that was occupied, but not owned, by him immediately before the date on which he became an inmate of the prescribed institution;
- (b) occupation by his spouse of land in respect of which the prescribed pensioner is liable to pay rates or prescribed charges or both shall be deemed to be occupation of that land by the prescribed pensioner, in the case of land that was occupied and owned by him immediately before the date on which he became an inmate of the prescribed institution and that continues to be owned by him on and after that date; or
- (c) occupation by his spouse as the spouse's principal dwelling-house of land in respect of which the prescribed pensioner is liable to pay rates or prescribed charges or both shall be deemed to be occupation of that land as his principal dwelling-house by the prescribed pensioner, in the case of land that belonged to him within the meaning of this Act, and that was occupied by him, as his principal dwelling-house immediately before the date on which he became an inmate of the prescribed institution and that continues so to belong to him on and after that date.

(4) In subsection (3) (c), "prescribed pensioner" includes a person to whom section 6 (2) (b) applies.

(5) For the purposes of this Act, where a prescribed pensioner who is entitled to make an application under this Act in respect of the remission of rates or prescribed charges or both that are payable by him in a financial year in respect of land owned by him or belonging to him within the meaning of this Act dies before making the application or dies after making the application but before the relevant remission is made and the widow or widower of the deceased prescribed pensioner becomes entitled to an estate or interest in the land, the land shall be deemed to be owned by, or to belong to, that widow or widower at the time when—

- (a) the rates in respect of that land are made;
- (b) the prescribed charges in respect of that land are made; or
- (c) those rates and those prescribed charges are made,

as the case requires.

Amendment of section 4 of Principal Act (Power to remit rates payable by prescribed pensioners).

5—Section 4 (1) of the Principal Act is amended by omitting “levied” and substituting “made”.

Amendment of section 5 of Principal Act (Power to remit certain charges payable by prescribed pensioners who are also special pensioners).

6—(1) Section 5 (1) of the Principal Act is amended by omitting “levied or payable” and substituting “made”.

(2) Section 5 (2) (a) of the Principal Act is amended by omitting “levied or payable” and substituting “made”.

Amendment of section 6 of Principal Act (Compulsory remissions in certain cases).

7—Section 6 (1) of the Principal Act is amended by omitting “25”, where twice occurring, and substituting “30”.

Insertion in Principal Act of new section 6A.

8—After section 6 of the Principal Act, the following section is inserted:—

Special provisions relating to applications on behalf of prescribed pensioners or their estates.

6A—(1) Where a prescribed pensioner who is entitled to make an application under this Act in respect of the remission of rates and prescribed charges or both that are payable by him in a financial year in respect of land is an inmate of a prescribed institution and is unable to make the application, the spouse of the prescribed pensioner may, subject to subsection (3), make the application on his behalf.

(2) Where a prescribed pensioner who is entitled to make an application under this Act in respect of the remission of rates and prescribed charges or both that are payable by him in a financial year in respect of land dies before making the application or dies after making the application but before the relevant remission is made leaving a widow or widower surviving him, the widow or widower may, subject to subsection (3), make an application on behalf of the prescribed pensioner's estate.

(3) An application may not be made under section 5 (1) or 6 (1) by the spouse of a prescribed pensioner on behalf of that pensioner or by the widow or widower of a deceased prescribed pensioner on behalf of that pensioner's estate unless the spouse, widow, or widower—

- (a) is a prescribed pensioner who is also a special pensioner;
- (b) occupies the relevant land as his or her principal dwelling-house; and
- (c) satisfies one of the prescribed conditions.

