

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 2 December, 1971.*

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. , 1971.

An Act to require water and sewerage rates payable by certain classes of pensioners to be reduced; for these and other purposes to amend the Broken Hill Water and Sewerage Act, 1938; and for purposes connected therewith.

BE

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Broken Hill Water and Sewerage (Payment of Rates) Amendment Act, 1971".

2. The Broken Hill Water and Sewerage Act, 1938, is amended by inserting next after section eighty-seven the following new section :—

87A. (1) In this section—

"dwelling" means a building or part of a building used as a place of abode, but does not include a flat;

"eligible pensioner", in relation to a rate levied on land on which a dwelling, or on land on which a residential flat building containing a flat, is situated means—

(a) (i) a person who is in receipt of a pension under Part III or Part IV of the Social Services Consolidation Act 1947, as amended by subsequent Acts, of the Parliament of the Commonwealth; or

(ii) a person who is in receipt of a service pension under Division 5 of Part III of the Repatriation Act 1920, as amended by subsequent Acts, of the Parliament of the Commonwealth,

and who is the holder of a pensioner medical service entitlement card issued by the Commonwealth Department of Social Services;

(b)

Amendment
of Act No.
20, 1938.

New sec.
87A.

Reduction
of rates
payable by
certain
classes of
pensioners.

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- 5 (b) a person who is in receipt of a pension
under Part III of the Repatriation Act
1920, as amended by subsequent Acts, of
the Parliament of the Commonwealth
as—
- (i) the widow of a member of the
Forces;
- 10 (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—
- 15 (iv) who is the holder of a pensioner
medical service entitlement card
issued by the Commonwealth
Department of Social Services; or
- 20 (v) where assets and income are such
as, if that person were a pensioner
of the kind referred to in subpara-
graph (i) of paragraph (a) of
this definition, would entitle that
25 person to be the holder of a
pensioner medical service entitle-
ment card issued by the
Commonwealth Department of
Social Services; and
- 30 (c) a person who, under Part III of the
Repatriation Act 1920, as amended by
subsequent Acts, of the Parliament of the
Commonwealth, is in receipt of a special
pension referred to in the Second
Schedule to that Act,
- 35 being a person who occupies that dwelling or
flat as his or her sole or principal place of abode;
“flat”

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5 “flat” means a part of a residential flat building used as a place of abode and situated on land in respect of which a company is the ratable person, but does not include a lot under the Conveyancing (Strata Titles) Act, 1961;

“ratable person” and “person ratable” mean a person liable under this Act to pay a rate;

10 “rating contribution”, in relation to a flat, means the contribution to a rate which, under the articles of association of the company which is the ratable person in respect of the land on which the residential flat building containing that flat is situated, is required to be paid under those articles of association by the person entitled to possession of that flat;

15

“rating year” in relation to a rate means the period of twelve months commencing on the first day of January in any year for which that rate is levied;

20 “residential flat building” means a building containing two or more flats, but does not include a row of two or more dwellings attached to each other such as are commonly known as semi-detached or terrace buildings;

25 “water rate” means a rate levied under section seventy-seven of this Act or loan rate levied under section seventy-nine of this Act in connection with works of water supply operated or to be operated by the board.

30 (2) A reference in this section to a jointly eligible occupier is, in relation to a rate in respect of which an eligible pensioner is jointly ratable or in relation

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relation to a rating contribution in respect of which an eligible pensioner is jointly liable, a reference to a person who—

- (a) is the spouse of that eligible pensioner;
- 5 (b) is another eligible pensioner; or
- (c) where another eligible pensioner and his or her spouse have the same sole or principal place of abode, is the spouse of that other eligible pensioner,

10 and whose sole or principal place of abode is the same as that of that firstmentioned eligible pensioner.

(3) Where, on the day on which a rate is for the year commencing on the first day of January in the year one thousand nine hundred and seventy-two or in
15 any subsequent year, levied on land on which is situated a dwelling, the board is satisfied that an eligible pensioner is the person solely ratable, or a person jointly ratable with one or more other persons, in respect of that rate, that rate shall, upon application being made to the board
20 in respect of that rate and upon production to the board of evidence sufficient to enable it to calculate the amount of the reduction, be reduced in accordance with subsection four of this section.

(4) The amount by which a rate is required
25 to be reduced by subsection three of this section is—

(a) where the person making the application under that subsection is, on the date on which he makes the application, an eligible pensioner and, in respect of that rate, solely ratable or jointly
30 ratable with one or more jointly eligible occupiers but with no other person and—

(i) the applicant is in respect of another rate leviable in the same rating year in respect of the same land solely ratable
35 or so jointly ratable—one-half of the

aggregate

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aggregate of that rate and the other rate or eighty dollars, whichever is the lesser; or

5 (ii) the applicant is solely ratable or so jointly ratable in respect only of a water rate—one-half of that water rate or forty dollars, whichever is the lesser; or

10 (b) where the person making the application under that subsection is, on the date on which he makes the application, an eligible pensioner and, in respect of that rate, jointly ratable with one other person who is not a jointly eligible occupier, or with two or more other persons, any of whom is not a jointly eligible occupier and—

15 (i) the applicant is in respect of another rate leviable in the same rating year in respect of the same land so jointly ratable—an amount that bears to one-half of the sum of those rates the same proportion as the part of those rates for which, as between all persons liable to pay those rates, the applicant and any jointly eligible occupier are liable bears to the sum of those rates or eighty dollars, whichever is the lesser; or

20 (ii) the applicant is so jointly ratable in respect only of a water rate—an amount that bears to one-half of that rate the same proportion as the part of that rate for which, as between all persons liable to pay that rate, the applicant and any jointly eligible occupier are liable bears to that rate or forty dollars, whichever is the lesser.

35

(5)

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5 (5) Where, on the day on which a rate is, for the year commencing on the first day of January in the year one thousand nine hundred and seventy-two or in any subsequent year, levied on land on which is situated a residential flat building containing a flat—

(a) a company is the ratable person in respect of that rate; and

(b) the board is satisfied—

10 (i) that an eligible pensioner is, by reason of his holding, alone or with other persons, shares in that company, entitled to possession of that flat; and

15 (ii) that that eligible pensioner is solely liable, or jointly liable with another shareholder or other shareholders so entitled, to make, in respect of that flat, a rating contribution towards the payment of that rate,

20 that rate shall, upon application being made to the board in respect of that rate and upon production to the board of evidence sufficient to enable it to calculate the amount of the reduction, be reduced in accordance with subsection six of this section.

25 (6) The amount by which a rate is required to be reduced by subsection five of this section is—

30 (a) where the person making the application under that subsection is, on the date on which he makes the application, an eligible pensioner and, in respect of the rating contribution, solely liable or jointly liable with one or more jointly eligible occupiers but with no other person and—

35 (i) the applicant is in respect of another rate leviable in the same rating year in respect of the same land solely liable or so jointly liable in respect of a rating

contribution

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- contribution relating to that other rate—
one-half of the rating contribution in
respect of that and that other rate or
eighty dollars, whichever is the lesser; or
- 5 (ii) the rating contribution is in respect only
of a water rate—one-half of the rating
contribution in respect of that water rate
or forty dollars, whichever is the lesser;
or
- 10 (b) where the person making the application under
that subsection is, on the date on which he makes
the application, an eligible pensioner and, in
respect of the rating contribution, jointly liable
with one other person who is not a jointly eligible
15 occupier or with two or more other persons, any
of whom is not a jointly eligible occupier and—
- (i) the applicant is in respect of another rate
leviable in the same rating year in
respect of the same land so jointly liable
20 in respect of a rating contribution relat-
ing to that other rate—an amount that
bears to one-half of the sum of those
rates the same proportion as the part of
those rating contributions for which, as
25 between all persons liable to pay those
rating contributions, the applicant and
any jointly eligible occupier are liable
bears to the sum of those rates or eighty
dollars, whichever is the lesser; or
- 30 (ii) the rating contribution is in respect only
of a water rate—an amount that bears to
one-half of that rate the same proportion
as the part of that rating contribution for
which, as between all persons liable to
35 pay that rating contribution, the appli-
cant and any jointly eligible occupier
are liable bears to that rate or forty
dollars, whichever is the lesser.

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(7) A person who is an eligible pensioner or a jointly eligible occupier is—

- 5 (a) to the extent to which any rate that, but for this section, would be payable by him is reduced under subsection three of this section, discharged from liability as between that person and any other person jointly liable to pay that rate; and
- 10 (b) to the extent to which any rate in respect of which he would, but for this section, be liable to pay a rating contribution is reduced under subsection five of this section, discharged from liability—
 - 15 (i) as between that person and any other person jointly liable to pay that rating contribution; and
 - (ii) for the payment of that rating contribution.

(8) Where the Minister deems it proper to do so to avoid hardship, he may, by order, direct that—

- 20 (a) a person specified in the order—
 - (i) who occupies a dwelling or flat as his sole or principal place of abode, which dwelling or flat is the sole or principal place of abode of an eligible pensioner;
 - 25 (ii) who is jointly ratable with that eligible pensioner or with that eligible pensioner and one or more other persons in respect of the land on which that dwelling is situated or is jointly liable with that eligible pensioner or with that eligible pensioner and one or more other persons to pay a rating contribution in respect of that flat; and
 - 30 (iii) in respect of whom a reduction of rates would not, if that person were solely ratable in respect of that land or solely
 - 35

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liable in respect of that rating contribution, be required to be made under subsection three or five of this section; or

- 5 (b) any person belonging to a class of persons specified in the order, being persons referred to in paragraph (a) of this subsection,

shall, on and from the effective date of the order, be deemed, for the purposes of this section, to be or to
10 have been an eligible pensioner, and any such order shall have effect according to its tenor.

(9) Where the Minister deems it proper to do so to avoid hardship, he may, by order, direct that—

(a) a person specified in the order—

- 15 (i) who occupies a dwelling or flat as his sole or principal place of abode;
(ii) who, although not liable, or although liable jointly with one or more other persons, to do so, has, for such period as,
20 in the opinion of the Minister, warrants the making of an order under this subsection in respect of that person, paid the whole of the rates in respect of the land on which that dwelling is situated
25 or the whole of the rating contributions in respect of that flat or is, in the opinion of the Minister, likely to pay the whole of those rates or the whole of those rating contributions in circumstances that
30 in the opinion of the Minister warrant the making of an order under this subsection; and

(iii) who is an eligible pensioner; or

- 35 (b) any person belonging to a class of persons specified in the order being persons referred to in paragraph (a) of this subsection,

shall,

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shall, on and from the effective date of the order, be deemed, for the purposes of this section—

- 5 (c) in the case of rates—to be or to have been the person solely ratable in respect of the land on which the dwelling is situated; or
- 10 (d) in the case of rating contributions—to be or to have been the person solely liable, under the articles of association of the company which is the ratable person in respect of the land on which is situated the residential flat building containing the flat occupied by him, for the rating contributions in respect of that flat,

and any such order shall have effect according to its tenor.

- 15 (10) An order under subsection eight or nine of this section shall take effect or be deemed to have taken effect on such date (in this section referred to as the “effective date”) as is specified in the order, being a date in the rating year during which the order
- 20 is made, whether or not that date is before or after the date on which the order is made.

- 25 (11) Where the Minister makes an order under subsection eight or nine of this section that is deemed to have taken effect on a date that is before the date of the making of the order, he may, in that order or in a subsequent order, give such directions as to refunding any rates or rating contributions that have been paid and as to such other matters as he thinks fit
- 30 and any such order shall have effect according to its tenor.

- 35 (12) The board shall write off the amount by which rates are reduced pursuant to this section and, notwithstanding anything in this Act or in any by-laws, shall not, except where such amount has been written off as a result of any wilfully false statement in an application

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application made under this section, at any time thereafter take proceedings for the recovery of the amount written off pursuant to this section.

5 (13) The Minister shall, out of moneys provided by Parliament, pay to the board an amount equal to that written off by the board pursuant to this section.

10 (14) Any person who makes a wilfully false statement in an application made under this section is guilty of an offence under this Act and liable to a penalty not exceeding two hundred dollars.

15 (15) Any application under this section shall be made within the time and in the manner prescribed by the by-laws, but if no such by-laws are in force then the application shall be made within the time and in the manner fixed by resolution of the board, and where an application is made for an order referred to in subsection eight or nine of this section, as the Minister may require.

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

[10c]

No. , 1971.

A BILL

To require water and sewerage rates payable by certain classes of pensioners to be reduced; for these and other purposes to amend the Broken Hill Water and Sewerage Act, 1938; and for purposes connected therewith.

[MR HUGHES—1 December, 1971.]

BE

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Broken Hill Water and Sewerage (Payment of Rates) Amendment Act, 1971".

2. The Broken Hill Water and Sewerage Act, 1938, is amended by inserting next after section eighty-seven the following new section :—

87A. (1) In this section—

"dwelling" means a building or part of a building used as a place of abode, but does not include a flat;

"eligible pensioner", in relation to a rate levied on land on which a dwelling, or on land on which a residential flat building containing a flat, is situated means—

(a) (i) a person who is in receipt of a pension under Part III or Part IV of the Social Services Consolidation Act 1947, as amended by subsequent Acts, of the Parliament of the Commonwealth; or

(ii) a person who is in receipt of a service pension under Division 5 of Part III of the Repatriation Act 1920, as amended by subsequent Acts, of the Parliament of the Commonwealth,

and who is the holder of a pensioner medical service entitlement card issued by the Commonwealth Department of Social Services;

(b)

Amendment
of Act No.
20, 1938.

New sec.
87A.

Reduction
of rates
payable by
certain
classes of
pensioners.

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- 5 (b) a person who is in receipt of a pension under Part III of the Repatriation Act 1920, as amended by subsequent Acts, of the Parliament of the Commonwealth as—
- 10 (i) the widow of a member of the Forces;
- (ii) the unmarried mother of a deceased unmarried member of the Forces; or
- 15 (iii) the widowed mother of a deceased unmarried member of the Forces,
- and either—
- 20 (iv) who is the holder of a pensioner medical service entitlement card issued by the Commonwealth Department of Social Services; or
- 25 (v) where assets and income are such as, if that person were a pensioner of the kind referred to in subparagraph (i) of paragraph (a) of this definition, would entitle that person to be the holder of a pensioner medical service entitlement card issued by the Commonwealth Department of Social Services; and
- 30 (c) a person who, under Part III of the Repatriation Act 1920, as amended by subsequent Acts, of the Parliament of the Commonwealth, is in receipt of a special pension referred to in the Second Schedule to that Act,
- 35 being a person who occupies that dwelling or flat as his or her sole or principal place of abode;
- “flat”

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5 “flat” means a part of a residential flat building used
as a place of abode and situated on land in
respect of which a company is the ratable
person, but does not include a lot under the
Conveyancing (Strata Titles) Act, 1961;

“ratable person” and “person ratable” mean a person
liable under this Act to pay a rate;

10 “rating contribution”, in relation to a flat, means the
contribution to a rate which, under the articles
of association of the company which is the
ratable person in respect of the land on which
the residential flat building containing that flat
is situated, is required to be paid under those
15 articles of association by the person entitled to
possession of that flat;

“rating year” in relation to a rate means the period of
twelve months commencing on the first day of
January in any year for which that rate is levied;

20 “residential flat building” means a building containing
two or more flats, but does not include a row of
two or more dwellings attached to each other
such as are commonly known as semi-detached
or terrace buildings;

25 “water rate” means a rate levied under section seventy-
seven of this Act or loan rate levied under section
seventy-nine of this Act in connection with works
of water supply operated or to be operated by the
board.

30 (2) A reference in this section to a jointly
eligible occupier is, in relation to a rate in respect of
which an eligible pensioner is jointly ratable or in
relation

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relation to a rating contribution in respect of which an eligible pensioner is jointly liable, a reference to a person who—

- (a) is the spouse of that eligible pensioner;
- 5 (b) is another eligible pensioner; or
- (c) where another eligible pensioner and his or her spouse have the same sole or principal place of abode, is the spouse of that other eligible pensioner,

10 and whose sole or principal place of abode is the same as that of that firstmentioned eligible pensioner.

(3) Where, on the day on which a rate is for the year commencing on the first day of January in the year one thousand nine hundred and seventy-two or in
15 any subsequent year, levied on land on which is situated a dwelling, the board is satisfied that an eligible pensioner is the person solely ratable, or a person jointly ratable with one or more other persons, in respect of that rate, that rate shall, upon application being made to the board
20 in respect of that rate and upon production to the board of evidence sufficient to enable it to calculate the amount of the reduction, be reduced in accordance with subsection four of this section.

(4) The amount by which a rate is required
25 to be reduced by subsection three of this section is—

- (a) where the person making the application under that subsection is, on the date on which he makes the application, an eligible pensioner and, in respect of that rate, solely ratable or jointly
30 ratable with one or more jointly eligible occupiers but with no other person and—

- (i) the applicant is in respect of another rate leviable in the same rating year in respect of the same land solely ratable
35 or so jointly ratable—one-half of the

aggregate

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aggregate of that rate and the other rate
or eighty dollars, whichever is the lesser;
or

5 (ii) the applicant is solely ratable or so
jointly ratable in respect only of a water
rate—one-half of that water rate or forty
dollars, whichever is the lesser; or

10 (b) where the person making the application under
that subsection is, on the date on which he makes
the application, an eligible pensioner and, in
respect of that rate, jointly ratable with one
other person who is not a jointly eligible
occupier, or with two or more other persons,
any of whom is not a jointly eligible occupier
and—
15

(i) the applicant is in respect of another rate
leviable in the same rating year in respect
of the same land so jointly ratable—an
amount that bears to one-half of the sum
20 of those rates the same proportion as the
part of those rates for which, as between
all persons liable to pay those rates, the
applicant and any jointly eligible occupier
are liable bears to the sum of those rates
25 or eighty dollars, whichever is the lesser;
or

(ii) the applicant is so jointly ratable in res-
pect only of a water rate—an amount that
bears to one-half of that rate the same
30 proportion as the part of that rate for
which, as between all persons liable to
pay that rate, the applicant and any
jointly eligible occupier are liable bears
to that rate or forty dollars, whichever is
35 the lesser.

(5)

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5 (5) Where, on the day on which a rate is, for
the year commencing on the first day of January in the
year one thousand nine hundred and seventy-two or in
any subsequent year, levied on land on which is situated
a residential flat building containing a flat—

(a) a company is the ratable person in respect of that
rate; and

(b) the board is satisfied—

10 (i) that an eligible pensioner is, by reason of
his holding, alone or with other persons,
shares in that company, entitled to
possession of that flat; and

15 (ii) that that eligible pensioner is solely
liable, or jointly liable with another
shareholder or other shareholders so
entitled, to make, in respect of that flat,
a rating contribution towards the
payment of that rate,

20 that rate shall, upon application being made to the
board in respect of that rate and upon production to
the board of evidence sufficient to enable it to calculate
the amount of the reduction, be reduced in accordance
with subsection six of this section.

25 (6) The amount by which a rate is required
to be reduced by subsection five of this section is—

30 (a) where the person making the application under
that subsection is, on the date on which he makes
the application, an eligible pensioner and, in
respect of the rating contribution, solely liable
or jointly liable with one or more jointly eligible
occupiers but with no other person and—

35 (i) the applicant is in respect of another
rate leviable in the same rating year in
respect of the same land solely liable or
so jointly liable in respect of a rating

contribution

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contribution relating to that other rate—
one-half of the rating contribution in
respect of that and that other rate or
eighty dollars, whichever is the lesser; or

5 (ii) the rating contribution is in respect only
of a water rate—one-half of the rating
contribution in respect of that water rate
or forty dollars, whichever is the lesser;
or

10 (b) where the person making the application under
that subsection is, on the date on which he makes
the application, an eligible pensioner and, in
respect of the rating contribution, jointly liable
15 with one other person who is not a jointly eligible
occupier or with two or more other persons, any
of whom is not a jointly eligible occupier and—

(i) the applicant is in respect of another rate
leviable in the same rating year in
respect of the same land so jointly liable
20 in respect of a rating contribution relat-
ing to that other rate—an amount that
bears to one-half of the sum of those
rates the same proportion as the part of
those rating contributions for which, as
25 between all persons liable to pay those
rating contributions, the applicant and
any jointly eligible occupier are liable
bears to the sum of those rates or eighty
dollars, whichever is the lesser; or

30 (ii) the rating contribution is in respect only
of a water rate—an amount that bears to
one-half of that rate the same proportion
as the part of that rating contribution for
which, as between all persons liable to
35 pay that rating contribution, the appli-
cant and any jointly eligible occupier
are liable bears to that rate or forty
dollars, whichever is the lesser.

(7)

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

(7) A person who is an eligible pensioner or a jointly eligible occupier is—

- 5 (a) to the extent to which any rate that, but for this section, would be payable by him is reduced under subsection three of this section, discharged from liability as between that person and any other person jointly liable to pay that rate; and
- 10 (b) to the extent to which any rate in respect of which he would, but for this section, be liable to pay a rating contribution is reduced under subsection five of this section, discharged from liability—
 - 15 (i) as between that person and any other person jointly liable to pay that rating contribution; and
 - (ii) for the payment of that rating contribution.

(8) Where the Minister deems it proper to do so to avoid hardship, he may, by order, direct that—

- 20 (a) a person specified in the order—
 - (i) who occupies a dwelling or flat as his sole or principal place of abode, which dwelling or flat is the sole or principal place of abode of an eligible pensioner;
 - 25 (ii) who is jointly ratable with that eligible pensioner or with that eligible pensioner and one or more other persons in respect of the land on which that dwelling is situated or is jointly liable with that eligible pensioner or with that eligible pensioner and one or more other persons to pay a rating contribution in respect of that flat; and
 - 30 (iii) in respect of whom a reduction of rates would not, if that person were solely ratable in respect of that land or solely
 - 35

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liable in respect of that rating contribution, be required to be made under subsection three or five of this section; or

- 5 (b) any person belonging to a class of persons specified in the order, being persons referred to in paragraph (a) of this subsection,

shall, on and from the effective date of the order, be deemed, for the purposes of this section, to be or to
10 have been an eligible pensioner, and any such order shall have effect according to its tenor.

(9) Where the Minister deems it proper to do so to avoid hardship, he may, by order, direct that—

(a) a person specified in the order—

- 15 (i) who occupies a dwelling or flat as his sole or principal place of abode;
(ii) who, although not liable, or although liable jointly with one or more other persons, to do so, has, for such period as,
20 in the opinion of the Minister, warrants the making of an order under this subsection in respect of that person, paid the whole of the rates in respect of the land on which that dwelling is situated or the whole of the rating contributions in respect of that flat or is, in the opinion of the Minister, likely to pay the whole of those rates or the whole of those rating contributions in circumstances that
25 in the opinion of the Minister warrant the making of an order under this subsection; and

(iii) who is an eligible pensioner; or

- 30 (b) any person belonging to a class of persons specified in the order being persons referred to in paragraph (a) of this subsection,
35

shall,

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shall, on and from the effective date of the order, be deemed, for the purposes of this section—

- 5 (c) in the case of rates—to be or to have been the person solely ratable in respect of the land on which the dwelling is situated; or
- 10 (d) in the case of rating contributions—to be or to have been the person solely liable, under the articles of association of the company which is the ratable person in respect of the land on which is situated the residential flat building containing the flat occupied by him, for the rating contributions in respect of that flat,

and any such order shall have effect according to its tenor.

- 15 (10) An order under subsection eight or nine of this section shall take effect or be deemed to have taken effect on such date (in this section referred to as the “effective date”) as is specified in the order, being a date in the rating year during which the order
- 20 is made, whether or not that date is before or after the date on which the order is made.

- 25 (11) Where the Minister makes an order under subsection eight or nine of this section that is deemed to have taken effect on a date that is before the date of the making of the order, he may, in that order or in a subsequent order, give such directions as to refunding any rates or rating contributions that have been paid and as to such other matters as he thinks fit
- 30 and any such order shall have effect according to its tenor.

- 35 (12) The board shall write off the amount by which rates are reduced pursuant to this section and, notwithstanding anything in this Act or in any by-laws, shall not, except where such amount has been written off as a result of any wilfully false statement in an application

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

application made under this section, at any time thereafter take proceedings for the recovery of the amount written off pursuant to this section.

5 (13) The Minister shall, out of moneys provided by Parliament, pay to the board an amount equal to that written off by the board pursuant to this section.

10 (14) Any person who makes a wilfully false statement in an application made under this section is guilty of an offence under this Act and liable to a penalty not exceeding two hundred dollars.

15 (15) Any application under this section shall be made within the time and in the manner prescribed by the by-laws, but if no such by-laws are in force then the application shall be made within the time and in the manner fixed by resolution of the board, and where an application is made for an order referred to in subsection eight or nine of this section, as the Minister may require.

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

[10c]

**BROKEN HILL WATER AND SEWERAGE (PAYMENT OF RATES)
AMENDMENT BILL, 1971**

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to provide that the Broken Hill Water and Sewerage Board shall reduce by one-half or eighty dollars, whichever is the lesser, the combined total of water and sewerage rates payable by certain classes of pensioners and persons in respect of whom the Minister has, on account of hardship, given a direction referred to in paragraph (c) below;
- (b) to provide that the board shall reduce by one-half or forty dollars, whichever is the lesser, water rates payable by certain classes of pensioners and other persons referred to in paragraph (a) above;
- (c) to empower the Minister for Public Works, in cases of hardship, to give a direction that certain persons or certain classes of persons shall be eligible to receive a reduction of rates;
- (d) to provide that the Minister for Public Works shall, out of moneys provided by Parliament, reimburse the board for the amounts by which rates are reduced in accordance with the provisions referred to above; and
- (e) to make other provisions of a consequential or ancilliary nature.

1904

THE NATIONAL BUREAU OF STANDARDS
WASHINGTON, D. C.

REPORT OF THE

COMMISSIONER OF THE BUREAU

FOR THE YEAR 1904

CONTAINING THE

ANNUAL REPORT OF THE

COMMISSIONER OF THE BUREAU

FOR THE YEAR 1904

AND THE

ANNUAL REPORT OF THE

COMMISSIONER OF THE BUREAU

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ANNUAL REPORT OF THE

COMMISSIONER OF THE BUREAU

FOR THE YEAR 1904

PROOF

No. , 1971.

A BILL

To require water and sewerage rates payable by certain classes of pensioners to be reduced; for these and other purposes to amend the Broken Hill Water and Sewerage Act, 1938; and for purposes connected therewith.

[MR HUGHES—1 December, 1971.]

BE

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Broken Hill Water and Sewerage (Payment of Rates) Amendment Act, 1971".

2. The Broken Hill Water and Sewerage Act, 1938, is amended by inserting next after section eighty-seven the following new section :—

87A. (1) In this section—

"dwelling" means a building or part of a building used as a place of abode, but does not include a flat;

"eligible pensioner", in relation to a rate levied on land on which a dwelling, or on land on which a residential flat building containing a flat, is situated means—

(a) (i) a person who is in receipt of a pension under Part III or Part IV of the Social Services Consolidation Act 1947, as amended by subsequent Acts, of the Parliament of the Commonwealth; or

(ii) a person who is in receipt of a service pension under Division 5 of Part III of the Repatriation Act 1920, as amended by subsequent Acts, of the Parliament of the Commonwealth,

and who is the holder of a pensioner medical service entitlement card issued by the Commonwealth Department of Social Services;

(b)

Amendment
of Act No.
20, 1938.
New sec.
87A.

Reduction
of rates
payable by
certain
classes of
pensioners.

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

- 5 (b) a person who is in receipt of a pension under Part III of the Repatriation Act 1920, as amended by subsequent Acts, of the Parliament of the Commonwealth as—
- (i) the widow of a member of the Forces;
- 10 (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—
- 15 (iv) who is the holder of a pensioner medical service entitlement card issued by the Commonwealth Department of Social Services; or
- 20 (v) where assets and income are such as, if that person were a pensioner of the kind referred to in subparagraph (i) of paragraph (a) of this definition, would entitle that person to be the holder of a pensioner medical service entitlement card issued by the Commonwealth Department of Social Services; and
- 25
- 30 (c) a person who, under Part III of the Repatriation Act 1920, as amended by subsequent Acts, of the Parliament of the Commonwealth, is in receipt of a special pension referred to in the Second Schedule to that Act,
- 35 being a person who occupies that dwelling or flat as his or her sole or principal place of abode;
- “flat”

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

5 “flat” means a part of a residential flat building used
as a place of abode and situated on land in
respect of which a company is the ratable
person, but does not include a lot under the
Conveyancing (Strata Titles) Act, 1961;

 “ratable person” and “person ratable” mean a person
liable under this Act to pay a rate;

10 “rating contribution”, in relation to a flat, means the
contribution to a rate which, under the articles
of association of the company which is the
ratable person in respect of the land on which
the residential flat building containing that flat
is situated, is required to be paid under those
15 articles of association by the person entitled to
possession of that flat;

 “rating year” in relation to a rate means the period of
twelve months commencing on the first day of
January in any year for which that rate is levied;

20 “residential flat building” means a building containing
two or more flats, but does not include a row of
two or more dwellings attached to each other
such as one commonly known as semi-detached
or terrace buildings;

25 “water rate” means a rate levied under section seventy-
seven of this Act or loan rate levied under section
seventy-nine of this Act in connection with works
of water supply operated or to be operated by the
board.

30 (2) A reference in this section to a jointly
eligible occupier is, in relation to a rate in respect of
which an eligible pensioner is jointly ratable or in
relation

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

relation to a rating contribution in respect of which an eligible pensioner is jointly liable, a reference to a person who—

- (a) is the spouse of that eligible pensioner;
- 5 (b) is another eligible pensioner; or
- (c) where another eligible pensioner and his or her spouse have the same sole or principal place of abode, is the spouse of that other eligible pensioner,
- 10 and whose sole or principal place of abode is the same as that of that firstmentioned eligible pensioner.

(3) Where, on the day on which a rate is for the year commencing on the first day of January in the year one thousand nine hundred and seventy-two or in
 15 any subsequent year, levied on land on which is situated a dwelling, the board is satisfied that an eligible pensioner is the person solely ratable, or a person jointly ratable with one or more other persons, in respect of that rate, that rate shall, upon application being made to the board
 20 in respect of that rate and upon production to the board of evidence sufficient to enable it to calculate the amount of the reduction, be reduced in accordance with subsection four of this section.

(4) The amount by which a rate is required
 25 to be reduced by subsection three of this section is—

- (a) where the person making the application under that subsection is, on the date on which he makes the application, an eligible pensioner and, in respect of that rate, solely ratable or jointly
 30 ratable with one or more jointly eligible occupiers but with no other person and—
- (i) the applicant is in respect of another rate leviable in the same rating year in respect of the same land solely ratable
 35 or so jointly ratable—one-half of the

aggregate

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

aggregate of that rate and the other rate or eighty dollars, whichever is the lesser; or

5 (ii) the applicant is solely ratable or so jointly ratable in respect only of a water rate—one-half of that water rate or forty dollars, whichever is the lesser; or

10 (b) where the person making the application under that subsection is on the date on which he makes the application, an eligible pensioner and, in respect of that rate, jointly ratable with one other person who is not a jointly eligible occupier, or with two or more other persons, any of whom is not a jointly eligible occupier and—
15

(i) the applicant is in respect of another rate leviable in the same rating year in respect of the same land so jointly ratable—an amount that bears to one-half of the sum of those rates the same proportion as the part of those rates for which, as between all persons liable to pay those rates, the applicant and any jointly eligible occupier are liable bears to the sum of those rates or eighty dollars, whichever is the lesser; or
20
25

(ii) the applicant is so jointly ratable in respect only of a water rate—an amount that bears to one-half of that rate the same proportion as the part of that rate for which, as between all persons liable to pay that rate, the applicant and any jointly eligible occupier are liable bears to that rate or forty dollars, whichever is the lesser.
30
35

(5)

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

5 (5) Where, on the day on which a rate is, for the year commencing on the first day of January in the year one thousand nine hundred and seventy-two or in any subsequent year, levied on land on which is situated a residential flat building containing a flat—

(a) a company is the ratable person in respect of that rate; and

(b) the board is satisfied—

10 (i) that an eligible pensioner is, by reason of his holding, alone or with other persons, shares in that company, entitled to possession of that flat; and

15 (ii) that that eligible pensioner is solely liable, or jointly liable with another shareholder or other shareholders so entitled, to make, in respect of that flat, a rating contribution towards the payment of that rate,

20 that rate shall, upon application being made to the board in respect of that rate and upon production to the board of evidence sufficient to enable it to calculate the amount of the reduction, be reduced in accordance with subsection six of this section.

25 (6) The amount by which a rate is required to be reduced by subsection five of this section is—

30 (a) where the person making the application under that subsection is, on the date on which he makes the application, an eligible pensioner and in respect of the rating contribution, solely liable or jointly liable with one or more jointly eligible occupiers but with no other person and—

35 (i) the applicant is in respect of another rate leviable in the same rating year in respect of the same land solely liable or so jointly liable in respect of a rating

contribution

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

contribution relating to that other rate—
one-half of the rating contribution in
respect of that and that other rate or
eighty dollars, whichever is the lesser; or

5 (ii) the rating contribution is in respect only
of a water rate—one-half of the rating
contribution in respect of that water rate
or forty dollars, whichever is the lesser;
or

10 (b) where the person making the application under
that subsection is, on the date on which he makes
the application, an eligible pensioner and in
respect of the rating contribution, jointly liable
15 with one other person who is not a jointly eligible
occupier or with two or more other persons, any
of whom is not a jointly eligible occupier and—

(i) the applicant is in respect of another rate
leviable in the same rating year in
respect of the same land so jointly liable
20 in respect of a rating contribution relat-
ing to that other rate—an amount that
bears to one-half of the sum of those
rates the same proportion as the part of
those rating contributions for which, as
25 between all persons liable to pay those
rating contributions, the applicant and
any jointly eligible occupier are liable
bears to the sum of those rates or eighty
dollars, whichever is the lesser; or

30 (ii) the rating contribution is in respect only
of a water rate—an amount that bears to
one-half of that rate the same proportion
as the part of that rating contribution for
which, as between all persons liable to
35 pay that rating contribution, the appli-
cant and any jointly eligible occupier
are liable bears to that rate or forty
dollars, whichever is the lesser.

(7)

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

(7) A person who is an eligible pensioner or a jointly eligible occupier is—

- 5 (a) to the extent to which any rate that, but for this section, would be payable by him is reduced under subsection three of this section, discharged from liability as between that person and any other person jointly liable to pay that rate; and
- 10 (b) to the extent to which any rate in respect of which he would, but for this section, be liable to pay a rating contribution is reduced under subsection five of this section, discharged from liability—
 - 15 (i) as between that person and any other person jointly liable to pay that rating contribution; and
 - (ii) for the payment of that rating contribution.

(8) Where the Minister deems it proper to do so to avoid hardship, he may, by order, direct that—

- 20 (a) a person specified in the order—
 - (i) who occupies a dwelling or flat as his sole or principal place of abode, which dwelling or flat is the sole or principal place of abode of an eligible pensioner;
 - 25 (ii) who is jointly ratable with that eligible pensioner or with that eligible pensioner and one or more other persons in respect of the land on which that dwelling is situated or is jointly liable with that eligible pensioner or with that eligible pensioner and one or more other persons to pay a rating contribution in respect of that flat; and
 - 30 (iii) in respect of whom a reduction of rates would not, if that person were solely ratable in respect of that land or solely
 - 35

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

liable in respect of that rating contribution, be required to be made under subsection three or five of this section; or

- 5 (b) any person belonging to a class of persons specified in the order, being persons referred to in paragraph (a) of this subsection,

shall, on and from the effective date of the order, be deemed, for the purposes of this section, to be or to have been an eligible pensioner, and any such order shall have effect according to its tenor.

10

(9) Where the Minister deems it proper to do so to avoid hardship, he may, by order, direct that—

(a) a person specified in the order—

- 15 (i) who occupies a dwelling or flat as his sole or principal place of abode;

(ii) who, although not liable, or although liable jointly with one or more other persons, to do so, has, for such period as, in the opinion of the Minister, warrants the making of an order under this subsection in respect of that person, paid the whole of the rates in respect of the land on which that dwelling is situated or the whole of the rating contributions in respect of that flat or is, in the opinion of the Minister, likely to pay the whole of those rates or the whole of those rating contributions in circumstances that in the opinion of the Minister warrant the making of an order under this subsection and

20

25

30

(iii) who is an eligible pensioner; or

- 35 (b) any person belonging to a class of persons specified in the order being persons referred to in paragraph (a) of this subsection,

shall,

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

shall, on and from the effective date of the order, be deemed, for the purposes of this section—

5 (c) in the case of rates—to be or to have been the person solely ratable in respect of the land on which the dwelling is situated; or

10 (d) in the case of rating contributions—to be or to have been the person solely liable, under the articles of association of the company which is the ratable person in respect of the land on which is situated the residential flat building containing the flat occupied by him, for the rating contributions in respect of that flat,

and any such order shall have effect according to its tenor.

15 (10) An order under subsection eight or nine of this section shall take effect or be deemed to have taken effect on such date (in this section referred to as the “effective date”) as is specified in the order, being a date in the rating year during which the order
20 is made, whether or not that date is before or after the date on which the order is made.

25 (11) Where the Minister makes an order under subsection eight or nine of this section that is deemed to have taken effect on a date that is before the date of the making of the order, he may, in that order or in a subsequent order, give such directions as to refunding any rates or rating contributions that have been paid and as to such other matters as he thinks fit
30 and any such order shall have effect according to its tenor.

(12) The board shall write off the amount by which rates are reduced pursuant to this section and, notwithstanding anything in this Act or in any by-laws, shall not, except where such amount has been written
35 off as a result of any wilfully false statement in an application

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

application made under this section, at any time thereafter take proceedings for the recovery of the amount written off pursuant to this section.

5 (13) The Minister shall, out of moneys provided by Parliament, pay to the board an amount equal to that written off by the board pursuant to this section.

10 (14) Any person who makes a wilfully false statement in an application made under this section is guilty of an offence under this Act and liable to a penalty not exceeding two hundred dollars.

15 (15) Any application under this section shall be made within the time and in the manner prescribed by the by-laws, but if no such by-laws are in force then the application shall be made within the time and in the manner fixed by resolution of the board, and where an application is made for an order referred to in subsection eight or nine of this section, as the Minister may require.

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. 68, 1971.

An Act to require water and sewerage rates payable by certain classes of pensioners to be reduced; for these and other purposes to amend the Broken Hill Water and Sewerage Act, 1938; and for purposes connected therewith. [Assented to, 21st December, 1971.]

BE

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title. 1. This Act may be cited as the "Broken Hill Water and Sewerage (Payment of Rates) Amendment Act, 1971".

Amendment
of Act No.
20, 1938.
New sec.
87A.

Reduction
of rates
payable by
certain
classes of
pensioners.

2. The Broken Hill Water and Sewerage Act, 1938, is amended by inserting next after section eighty-seven the following new section :—

87A. (1) In this section—

"dwelling" means a building or part of a building used as a place of abode, but does not include a flat;

"eligible pensioner", in relation to a rate levied on land on which a dwelling, or on land on which a residential flat building containing a flat, is situated means—

(a) (i) a person who is in receipt of a pension under Part III or Part IV of the Social Services Consolidation Act 1947, as amended by subsequent Acts, of the Parliament of the Commonwealth; or

(ii) a person who is in receipt of a service pension under Division 5 of Part III of the Repatriation Act 1920, as amended by subsequent Acts, of the Parliament of the Commonwealth,

and who is the holder of a pensioner medical service entitlement card issued by the Commonwealth Department of Social Services;

(b)

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

(b) a person who is in receipt of a pension under Part III of the Repatriation Act 1920, as amended by subsequent Acts, 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 medical service entitlement card issued by the Commonwealth Department of Social Services; or
- (v) where assets and income are such as, if that person were a pensioner of the kind referred to in subparagraph (i) of paragraph (a) of this definition, would entitle that person to be the holder of a pensioner medical service entitlement card issued by the Commonwealth Department of Social Services; and

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

being a person who occupies that dwelling or flat as his or her sole or principal place of abode;
“flat”

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

“flat” means a part of a residential flat building used as a place of abode and situated on land in respect of which a company is the ratable person, but does not include a lot under the Conveyancing (Strata Titles) Act, 1961;

“ratable person” and “person ratable” mean a person liable under this Act to pay a rate;

“rating contribution”, in relation to a flat, means the contribution to a rate which, under the articles of association of the company which is the ratable person in respect of the land on which the residential flat building containing that flat is situated, is required to be paid under those articles of association by the person entitled to possession of that flat;

“rating year” in relation to a rate means the period of twelve months commencing on the first day of January in any year for which that rate is levied;

“residential flat building” means a building containing two or more flats, but does not include a row of two or more dwellings attached to each other such as are commonly known as semi-detached or terrace buildings;

“water rate” means a rate levied under section seventy-seven of this Act or loan rate levied under section seventy-nine of this Act in connection with works of water supply operated or to be operated by the board.

(2) A reference in this section to a jointly eligible occupier is, in relation to a rate in respect of which an eligible pensioner is jointly ratable or in relation

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

relation to a rating contribution in respect of which an eligible pensioner is jointly liable, a reference to a person who—

- (a) is the spouse of that eligible pensioner;
- (b) is another eligible pensioner; or
- (c) where another eligible pensioner and his or her spouse have the same sole or principal place of abode, is the spouse of that other eligible pensioner,

and whose sole or principal place of abode is the same as that of that firstmentioned eligible pensioner.

(3) Where, on the day on which a rate is for the year commencing on the first day of January in the year one thousand nine hundred and seventy-two or in any subsequent year, levied on land on which is situated a dwelling, the board is satisfied that an eligible pensioner is the person solely ratable, or a person jointly ratable with one or more other persons, in respect of that rate, that rate shall, upon application being made to the board in respect of that rate and upon production to the board of evidence sufficient to enable it to calculate the amount of the reduction, be reduced in accordance with subsection four of this section.

(4) The amount by which a rate is required to be reduced by subsection three of this section is—

- (a) where the person making the application under that subsection is, on the date on which he makes the application, an eligible pensioner and, in respect of that rate, solely ratable or jointly ratable with one or more jointly eligible occupiers but with no other person and—
 - (i) the applicant is in respect of another rate leviable in the same rating year in respect of the same land solely ratable or so jointly ratable—one-half of the

aggregate

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

aggregate of that rate and the other rate or eighty dollars, whichever is the lesser; or

- (ii) the applicant is solely ratable or so jointly ratable in respect only of a water rate—one-half of that water rate or forty dollars, whichever is the lesser; or

(b) where the person making the application under that subsection is, on the date on which he makes the application, an eligible pensioner and, in respect of that rate, jointly ratable with one other person who is not a jointly eligible occupier, or with two or more other persons, any of whom is not a jointly eligible occupier and—

- (i) the applicant is in respect of another rate leviable in the same rating year in respect of the same land so jointly ratable—an amount that bears to one-half of the sum of those rates the same proportion as the part of those rates for which, as between all persons liable to pay those rates, the applicant and any jointly eligible occupier are liable bears to the sum of those rates or eighty dollars, whichever is the lesser; or

- (ii) the applicant is so jointly ratable in respect only of a water rate—an amount that bears to one-half of that rate the same proportion as the part of that rate for which, as between all persons liable to pay that rate, the applicant and any jointly eligible occupier are liable bears to that rate or forty dollars, whichever is the lesser.

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

(5) Where, on the day on which a rate is, for the year commencing on the first day of January in the year one thousand nine hundred and seventy-two or in any subsequent year, levied on land on which is situated a residential flat building containing a flat—

- (a) a company is the ratable person in respect of that rate; and
- (b) the board is satisfied—
 - (i) that an eligible pensioner is, by reason of his holding, alone or with other persons, shares in that company, entitled to possession of that flat; and
 - (ii) that that eligible pensioner is solely liable, or jointly liable with another shareholder or other shareholders so entitled, to make, in respect of that flat, a rating contribution towards the payment of that rate,

that rate shall, upon application being made to the board in respect of that rate and upon production to the board of evidence sufficient to enable it to calculate the amount of the reduction, be reduced in accordance with subsection six of this section.

(6) The amount by which a rate is required to be reduced by subsection five of this section is—

- (a) where the person making the application under that subsection is, on the date on which he makes the application, an eligible pensioner and, in respect of the rating contribution, solely liable or jointly liable with one or more jointly eligible occupiers but with no other person and—
 - (i) the applicant is in respect of another rate leviable in the same rating year in respect of the same land solely liable or so jointly liable in respect of a rating

contribution

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

- contribution relating to that other rate—one-half of the rating contribution in respect of that and that other rate or eighty dollars, whichever is the lesser; or
- (ii) the rating contribution is in respect only of a water rate—one-half of the rating contribution in respect of that water rate or forty dollars, whichever is the lesser; or
- (b) where the person making the application under that subsection is, on the date on which he makes the application, an eligible pensioner and, in respect of the rating contribution, jointly liable with one other person who is not a jointly eligible occupier or with two or more other persons, any of whom is not a jointly eligible occupier and—
- (i) the applicant is in respect of another rate leviable in the same rating year in respect of the same land so jointly liable in respect of a rating contribution relating to that other rate—an amount that bears to one-half of the sum of those rates the same proportion as the part of those rating contributions for which, as between all persons liable to pay those rating contributions, the applicant and any jointly eligible occupier are liable bears to the sum of those rates or eighty dollars, whichever is the lesser; or
- (ii) the rating contribution is in respect only of a water rate—an amount that bears to one-half of that rate the same proportion as the part of that rating contribution for which, as between all persons liable to pay that rating contribution, the applicant and any jointly eligible occupier are liable bears to that rate or forty dollars, whichever is the lesser.

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

(7) A person who is an eligible pensioner or a jointly eligible occupier is—

- (a) to the extent to which any rate that, but for this section, would be payable by him is reduced under subsection three of this section, discharged from liability as between that person and any other person jointly liable to pay that rate; and
- (b) to the extent to which any rate in respect of which he would, but for this section, be liable to pay a rating contribution is reduced under subsection five of this section, discharged from liability—
 - (i) as between that person and any other person jointly liable to pay that rating contribution; and
 - (ii) for the payment of that rating contribution.

(8) Where the Minister deems it proper to do so to avoid hardship, he may, by order, direct that—

- (a) a person specified in the order—
 - (i) who occupies a dwelling or flat as his sole or principal place of abode, which dwelling or flat is the sole or principal place of abode of an eligible pensioner;
 - (ii) who is jointly ratable with that eligible pensioner or with that eligible pensioner and one or more other persons in respect of the land on which that dwelling is situated or is jointly liable with that eligible pensioner or with that eligible pensioner and one or more other persons to pay a rating contribution in respect of that flat; and
 - (iii) in respect of whom a reduction of rates would not, if that person were solely ratable in respect of that land or solely

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

liable in respect of that rating contribution, be required to be made under subsection three or five of this section; or

- (b) any person belonging to a class of persons specified in the order, being persons referred to in paragraph (a) of this subsection,

shall, on and from the effective date of the order, be deemed, for the purposes of this section, to be or to have been an eligible pensioner, and any such order shall have effect according to its tenor.

(9) Where the Minister deems it proper to do so to avoid hardship, he may, by order, direct that—

- (a) a person specified in the order—

- (i) who occupies a dwelling or flat as his sole or principal place of abode;
 - (ii) who, although not liable, or although liable jointly with one or more other persons, to do so, has, for such period as, in the opinion of the Minister, warrants the making of an order under this subsection in respect of that person, paid the whole of the rates in respect of the land on which that dwelling is situated or the whole of the rating contributions in respect of that flat or is, in the opinion of the Minister, likely to pay the whole of those rates or the whole of those rating contributions in circumstances that in the opinion of the Minister warrant the making of an order under this subsection; and

- (iii) who is an eligible pensioner; or

- (b) any person belonging to a class of persons specified in the order being persons referred to in paragraph (a) of this subsection,

shall,

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

shall, on and from the effective date of the order, be deemed, for the purposes of this section—

- (c) in the case of rates—to be or to have been the person solely ratable in respect of the land on which the dwelling is situated; or
- (d) in the case of rating contributions—to be or to have been the person solely liable, under the articles of association of the company which is the ratable person in respect of the land on which is situated the residential flat building containing the flat occupied by him, for the rating contributions in respect of that flat,

and any such order shall have effect according to its tenor.

(10) An order under subsection eight or nine of this section shall take effect or be deemed to have taken effect on such date (in this section referred to as the “effective date”) as is specified in the order, being a date in the rating year during which the order is made, whether or not that date is before or after the date on which the order is made.

(11) Where the Minister makes an order under subsection eight or nine of this section that is deemed to have taken effect on a date that is before the date of the making of the order, he may, in that order or in a subsequent order, give such directions as to refunding any rates or rating contributions that have been paid and as to such other matters as he thinks fit and any such order shall have effect according to its tenor.

(12) The board shall write off the amount by which rates are reduced pursuant to this section and, notwithstanding anything in this Act or in any by-laws, shall not, except where such amount has been written off as a result of any wilfully false statement in an application

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

application made under this section, at any time thereafter take proceedings for the recovery of the amount written off pursuant to this section.

(13) The Minister shall, out of moneys provided by Parliament, pay to the board an amount equal to that written off by the board pursuant to this section.

(14) Any person who makes a wilfully false statement in an application made under this section is guilty of an offence under this Act and liable to a penalty not exceeding two hundred dollars.

(15) Any application under this section shall be made within the time and in the manner prescribed by the by-laws, but if no such by-laws are in force then the application shall be made within the time and in the manner fixed by resolution of the board, and where an application is made for an order referred to in subsection eight or nine of this section, as the Minister may require.

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of New South Wales.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 7 December, 1971.*

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. 68, 1971.

An Act to require water and sewerage rates payable by certain classes of pensioners to be reduced; for these and other purposes to amend the Broken Hill Water and Sewerage Act, 1938; and for purposes connected therewith. [Assented to, 21st December, 1971.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

L. A. PUNCH,
Chairman of Committees of the Legislative Assembly.

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title. **1.** This Act may be cited as the "Broken Hill Water and Sewerage (Payment of Rates) Amendment Act, 1971".

Amendment
of Act No.
20, 1938.
New sec.
87A.

Reduction
of rates
payable by
certain
classes of
pensioners.

2. The Broken Hill Water and Sewerage Act, 1938, is amended by inserting next after section eighty-seven the following new section :—

87A. (1) In this section—

"dwelling" means a building or part of a building used as a place of abode, but does not include a flat;

"eligible pensioner", in relation to a rate levied on land on which a dwelling, or on land on which a residential flat building containing a flat, is situated means—

(a) (i) a person who is in receipt of a pension under Part III or Part IV of the Social Services Consolidation Act 1947, as amended by subsequent Acts, of the Parliament of the Commonwealth; or

(ii) a person who is in receipt of a service pension under Division 5 of Part III of the Repatriation Act 1920, as amended by subsequent Acts, of the Parliament of the Commonwealth,

and who is the holder of a pensioner medical service entitlement card issued by the Commonwealth Department of Social Services;

(b)

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(b) a person who is in receipt of a pension under Part III of the Repatriation Act 1920, as amended by subsequent Acts, 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 medical service entitlement card issued by the Commonwealth Department of Social Services; or
- (v) where assets and income are such as, if that person were a pensioner of the kind referred to in subparagraph (i) of paragraph (a) of this definition, would entitle that person to be the holder of a pensioner medical service entitlement card issued by the Commonwealth Department of Social Services; and

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

being a person who occupies that dwelling or flat as his or her sole or principal place of abode;
“flat”

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

“flat” means a part of a residential flat building used as a place of abode and situated on land in respect of which a company is the ratable person, but does not include a lot under the Conveyancing (Strata Titles) Act, 1961;

“ratable person” and “person ratable” mean a person liable under this Act to pay a rate;

“rating contribution”, in relation to a flat, means the contribution to a rate which, under the articles of association of the company which is the ratable person in respect of the land on which the residential flat building containing that flat is situated, is required to be paid under those articles of association by the person entitled to possession of that flat;

“rating year” in relation to a rate means the period of twelve months commencing on the first day of January in any year for which that rate is levied;

“residential flat building” means a building containing two or more flats, but does not include a row of two or more dwellings attached to each other such as are commonly known as semi-detached or terrace buildings;

“water rate” means a rate levied under section seventy-seven of this Act or loan rate levied under section seventy-nine of this Act in connection with works of water supply operated or to be operated by the board.

(2) A reference in this section to a jointly eligible occupier is, in relation to a rate in respect of which an eligible pensioner is jointly ratable or in relation

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

relation to a rating contribution in respect of which an eligible pensioner is jointly liable, a reference to a person who—

- (a) is the spouse of that eligible pensioner;
- (b) is another eligible pensioner; or
- (c) where another eligible pensioner and his or her spouse have the same sole or principal place of abode, is the spouse of that other eligible pensioner,

and whose sole or principal place of abode is the same as that of that firstmentioned eligible pensioner.

(3) Where, on the day on which a rate is for the year commencing on the first day of January in the year one thousand nine hundred and seventy-two or in any subsequent year, levied on land on which is situated a dwelling, the board is satisfied that an eligible pensioner is the person solely ratable, or a person jointly ratable with one or more other persons, in respect of that rate, that rate shall, upon application being made to the board in respect of that rate and upon production to the board of evidence sufficient to enable it to calculate the amount of the reduction, be reduced in accordance with subsection four of this section.

(4) The amount by which a rate is required to be reduced by subsection three of this section is—

- (a) where the person making the application under that subsection is, on the date on which he makes the application, an eligible pensioner and, in respect of that rate, solely ratable or jointly ratable with one or more jointly eligible occupiers but with no other person and—
 - (i) the applicant is in respect of another rate leviable in the same rating year in respect of the same land solely ratable or so jointly ratable—one-half of the

aggregate

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

aggregate of that rate and the other rate or eighty dollars, whichever is the lesser; or

- (ii) the applicant is solely ratable or so jointly ratable in respect only of a water rate—one-half of that water rate or forty dollars, whichever is the lesser; or

- (b) where the person making the application under that subsection is, on the date on which he makes the application, an eligible pensioner and, in respect of that rate, jointly ratable with one other person who is not a jointly eligible occupier, or with two or more other persons, any of whom is not a jointly eligible occupier and—

- (i) the applicant is in respect of another rate leviable in the same rating year in respect of the same land so jointly ratable—an amount that bears to one-half of the sum of those rates the same proportion as the part of those rates for which, as between all persons liable to pay those rates, the applicant and any jointly eligible occupier are liable bears to the sum of those rates or eighty dollars, whichever is the lesser; or

- (ii) the applicant is so jointly ratable in respect only of a water rate—an amount that bears to one-half of that rate the same proportion as the part of that rate for which, as between all persons liable to pay that rate, the applicant and any jointly eligible occupier are liable bears to that rate or forty dollars, whichever is the lesser.

(5)

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

(5) Where, on the day on which a rate is, for the year commencing on the first day of January in the year one thousand nine hundred and seventy-two or in any subsequent year, levied on land on which is situated a residential flat building containing a flat—

- (a) a company is the ratable person in respect of that rate; and
- (b) the board is satisfied—
 - (i) that an eligible pensioner is, by reason of his holding, alone or with other persons, shares in that company, entitled to possession of that flat; and
 - (ii) that that eligible pensioner is solely liable, or jointly liable with another shareholder or other shareholders so entitled, to make, in respect of that flat, a rating contribution towards the payment of that rate,

that rate shall, upon application being made to the board in respect of that rate and upon production to the board of evidence sufficient to enable it to calculate the amount of the reduction, be reduced in accordance with subsection six of this section.

(6) The amount by which a rate is required to be reduced by subsection five of this section is—

- (a) where the person making the application under that subsection is, on the date on which he makes the application, an eligible pensioner and, in respect of the rating contribution, solely liable or jointly liable with one or more jointly eligible occupiers but with no other person and—
 - (i) the applicant is in respect of another rate leviable in the same rating year in respect of the same land solely liable or so jointly liable in respect of a rating

contribution

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

contribution relating to that other rate—
one-half of the rating contribution in
respect of that and that other rate or
eighty dollars, whichever is the lesser; or

- (ii) the rating contribution is in respect only
of a water rate—one-half of the rating
contribution in respect of that water rate
or forty dollars, whichever is the lesser;
or

- (b) where the person making the application under
that subsection is, on the date on which he makes
the application, an eligible pensioner and, in
respect of the rating contribution, jointly liable
with one other person who is not a jointly eligible
occupier or with two or more other persons, any
of whom is not a jointly eligible occupier and—

- (i) the applicant is in respect of another rate
leviable in the same rating year in
respect of the same land so jointly liable
in respect of a rating contribution relat-
ing to that other rate—an amount that
bears to one-half of the sum of those
rates the same proportion as the part of
those rating contributions for which, as
between all persons liable to pay those
rating contributions, the applicant and
any jointly eligible occupier are liable
bears to the sum of those rates or eighty
dollars, whichever is the lesser; or
- (ii) the rating contribution is in respect only
of a water rate—an amount that bears to
one-half of that rate the same proportion
as the part of that rating contribution for
which, as between all persons liable to
pay that rating contribution, the appli-
cant and any jointly eligible occupier
are liable bears to that rate or forty
dollars, whichever is the lesser.

(7)

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

(7) A person who is an eligible pensioner or a jointly eligible occupier is—

- (a) to the extent to which any rate that, but for this section, would be payable by him is reduced under subsection three of this section, discharged from liability as between that person and any other person jointly liable to pay that rate; and
- (b) to the extent to which any rate in respect of which he would, but for this section, be liable to pay a rating contribution is reduced under subsection five of this section, discharged from liability—
 - (i) as between that person and any other person jointly liable to pay that rating contribution; and
 - (ii) for the payment of that rating contribution.

(8) Where the Minister deems it proper to do so to avoid hardship, he may, by order, direct that—

(a) a person specified in the order—

- (i) who occupies a dwelling or flat as his sole or principal place of abode, which dwelling or flat is the sole or principal place of abode of an eligible pensioner;
- (ii) who is jointly ratable with that eligible pensioner or with that eligible pensioner and one or more other persons in respect of the land on which that dwelling is situated or is jointly liable with that eligible pensioner or with that eligible pensioner and one or more other persons to pay a rating contribution in respect of that flat; and
- (iii) in respect of whom a reduction of rates would not, if that person were solely ratable in respect of that land or solely

liable

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

liable in respect of that rating contribution, be required to be made under subsection three or five of this section; or

- (b) any person belonging to a class of persons specified in the order, being persons referred to in paragraph (a) of this subsection,

shall, on and from the effective date of the order, be deemed, for the purposes of this section, to be or to have been an eligible pensioner, and any such order shall have effect according to its tenor.

(9) Where the Minister deems it proper to do so to avoid hardship, he may, by order, direct that—

- (a) a person specified in the order—

(i) who occupies a dwelling or flat as his sole or principal place of abode;

(ii) who, although not liable, or although liable jointly with one or more other persons, to do so, has, for such period as, in the opinion of the Minister, warrants the making of an order under this subsection in respect of that person, paid the whole of the rates in respect of the land on which that dwelling is situated or the whole of the rating contributions in respect of that flat or is, in the opinion of the Minister, likely to pay the whole of those rates or the whole of those rating contributions in circumstances that in the opinion of the Minister warrant the making of an order under this subsection; and

(iii) who is an eligible pensioner; or

- (b) any person belonging to a class of persons specified in the order being persons referred to in paragraph (a) of this subsection,

shall,

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shall, on and from the effective date of the order, be deemed, for the purposes of this section—

- (c) in the case of rates—to be or to have been the person solely ratable in respect of the land on which the dwelling is situated; or
- (d) in the case of rating contributions—to be or to have been the person solely liable, under the articles of association of the company which is the ratable person in respect of the land on which is situated the residential flat building containing the flat occupied by him, for the rating contributions in respect of that flat,

and any such order shall have effect according to its tenor.

(10) An order under subsection eight or nine of this section shall take effect or be deemed to have taken effect on such date (in this section referred to as the “effective date”) as is specified in the order, being a date in the rating year during which the order is made, whether or not that date is before or after the date on which the order is made.

(11) Where the Minister makes an order under subsection eight or nine of this section that is deemed to have taken effect on a date that is before the date of the making of the order, he may, in that order or in a subsequent order, give such directions as to refunding any rates or rating contributions that have been paid and as to such other matters as he thinks fit and any such order shall have effect according to its tenor.

(12) The board shall write off the amount by which rates are reduced pursuant to this section and, notwithstanding anything in this Act or in any by-laws, shall not, except where such amount has been written off as a result of any wilfully false statement in an application

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application made under this section, at any time thereafter take proceedings for the recovery of the amount written off pursuant to this section.

(13) The Minister shall, out of moneys provided by Parliament, pay to the board an amount equal to that written off by the board pursuant to this section.

(14) Any person who makes a wilfully false statement in an application made under this section is guilty of an offence under this Act and liable to a penalty not exceeding two hundred dollars.

(15) Any application under this section shall be made within the time and in the manner prescribed by the by-laws, but if no such by-laws are in force then the application shall be made within the time and in the manner fixed by resolution of the board, and where an application is made for an order referred to in subsection eight or nine of this section, as the Minister may require.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 21st December, 1971.*

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of New South Wales.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 7 December, 1971.*

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. 68, 1971.

An Act to require water and sewerage rates payable by certain classes of pensioners to be reduced; for these and other purposes to amend the Broken Hill Water and Sewerage Act, 1938; and for purposes connected therewith. [Assented to, 21st December, 1971.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

L. A. PUNCH,
Chairman of Committees of the Legislative Assembly.

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title. 1. This Act may be cited as the "Broken Hill Water and Sewerage (Payment of Rates) Amendment Act, 1971".

Amendment of Act No. 20, 1938.
New sec. 87A.
Reduction of rates payable by certain classes of pensioners.

2. The Broken Hill Water and Sewerage Act, 1938, is amended by inserting next after section eighty-seven the following new section :—

87A. (1) In this section—

"dwelling" means a building or part of a building used as a place of abode, but does not include a flat;

"eligible pensioner", in relation to a rate levied on land on which a dwelling, or on land on which a residential flat building containing a flat, is situated means—

(a) (i) a person who is in receipt of a pension under Part III or Part IV of the Social Services Consolidation Act 1947, as amended by subsequent Acts, of the Parliament of the Commonwealth; or

(ii) a person who is in receipt of a service pension under Division 5 of Part III of the Repatriation Act 1920, as amended by subsequent Acts, of the Parliament of the Commonwealth,

and who is the holder of a pensioner medical service entitlement card issued by the Commonwealth Department of Social Services;

(b)

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

(b) a person who is in receipt of a pension under Part III of the Repatriation Act 1920, as amended by subsequent Acts, 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 medical service entitlement card issued by the Commonwealth Department of Social Services; or
- (v) where assets and income are such as, if that person were a pensioner of the kind referred to in subparagraph (i) of paragraph (a) of this definition, would entitle that person to be the holder of a pensioner medical service entitlement card issued by the Commonwealth Department of Social Services; and

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

being a person who occupies that dwelling or flat as his or her sole or principal place of abode;

“flat”

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

“flat” means a part of a residential flat building used as a place of abode and situated on land in respect of which a company is the ratable person, but does not include a lot under the Conveyancing (Strata Titles) Act, 1961;

“ratable person” and “person ratable” mean a person liable under this Act to pay a rate;

“rating contribution”, in relation to a flat, means the contribution to a rate which, under the articles of association of the company which is the ratable person in respect of the land on which the residential flat building containing that flat is situated, is required to be paid under those articles of association by the person entitled to possession of that flat;

“rating year” in relation to a rate means the period of twelve months commencing on the first day of January in any year for which that rate is levied;

“residential flat building” means a building containing two or more flats, but does not include a row of two or more dwellings attached to each other such as are commonly known as semi-detached or terrace buildings;

“water rate” means a rate levied under section seventy-seven of this Act or loan rate levied under section seventy-nine of this Act in connection with works of water supply operated or to be operated by the board.

(2) A reference in this section to a jointly eligible occupier is, in relation to a rate in respect of which an eligible pensioner is jointly ratable or in relation

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

relation to a rating contribution in respect of which an eligible pensioner is jointly liable, a reference to a person who—

- (a) is the spouse of that eligible pensioner;
- (b) is another eligible pensioner; or
- (c) where another eligible pensioner and his or her spouse have the same sole or principal place of abode, is the spouse of that other eligible pensioner,

and whose sole or principal place of abode is the same as that of that firstmentioned eligible pensioner.

(3) Where, on the day on which a rate is for the year commencing on the first day of January in the year one thousand nine hundred and seventy-two or in any subsequent year, levied on land on which is situated a dwelling, the board is satisfied that an eligible pensioner is the person solely ratable, or a person jointly ratable with one or more other persons, in respect of that rate, that rate shall, upon application being made to the board in respect of that rate and upon production to the board of evidence sufficient to enable it to calculate the amount of the reduction, be reduced in accordance with subsection four of this section.

(4) The amount by which a rate is required to be reduced by subsection three of this section is—

- (a) where the person making the application under that subsection is, on the date on which he makes the application, an eligible pensioner and, in respect of that rate, solely ratable or jointly ratable with one or more jointly eligible occupiers but with no other person and—
 - (i) the applicant is in respect of another rate leviable in the same rating year in respect of the same land solely ratable or so jointly ratable—one-half of the

aggregate

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

aggregate of that rate and the other rate or eighty dollars, whichever is the lesser; or

- (ii) the applicant is solely ratable or so jointly ratable in respect only of a water rate—one-half of that water rate or forty dollars, whichever is the lesser; or

- (b) where the person making the application under that subsection is, on the date on which he makes the application, an eligible pensioner and, in respect of that rate, jointly ratable with one other person who is not a jointly eligible occupier, or with two or more other persons, any of whom is not a jointly eligible occupier and—

- (i) the applicant is in respect of another rate leviable in the same rating year in respect of the same land so jointly ratable—an amount that bears to one-half of the sum of those rates the same proportion as the part of those rates for which, as between all persons liable to pay those rates, the applicant and any jointly eligible occupier are liable bears to the sum of those rates or eighty dollars, whichever is the lesser; or

- (ii) the applicant is so jointly ratable in respect only of a water rate—an amount that bears to one-half of that rate the same proportion as the part of that rate for which, as between all persons liable to pay that rate, the applicant and any jointly eligible occupier are liable bears to that rate or forty dollars, whichever is the lesser.

(5)

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

(5) Where, on the day on which a rate is, for the year commencing on the first day of January in the year one thousand nine hundred and seventy-two or in any subsequent year, levied on land on which is situated a residential flat building containing a flat—

(a) a company is the ratable person in respect of that rate; and

(b) the board is satisfied—

(i) that an eligible pensioner is, by reason of his holding, alone or with other persons, shares in that company, entitled to possession of that flat; and

(ii) that that eligible pensioner is solely liable, or jointly liable with another shareholder or other shareholders so entitled, to make, in respect of that flat, a rating contribution towards the payment of that rate,

that rate shall, upon application being made to the board in respect of that rate and upon production to the board of evidence sufficient to enable it to calculate the amount of the reduction, be reduced in accordance with subsection six of this section.

(6) The amount by which a rate is required to be reduced by subsection five of this section is—

(a) where the person making the application under that subsection is, on the date on which he makes the application, an eligible pensioner and, in respect of the rating contribution, solely liable or jointly liable with one or more jointly eligible occupiers but with no other person and—

(i) the applicant is in respect of another rate leviable in the same rating year in respect of the same land solely liable or so jointly liable in respect of a rating

contribution

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

contribution relating to that other rate—
one-half of the rating contribution in
respect of that and that other rate or
eighty dollars, whichever is the lesser; or

- (ii) the rating contribution is in respect only
of a water rate—one-half of the rating
contribution in respect of that water rate
or forty dollars, whichever is the lesser;
or

- (b) where the person making the application under
that subsection is, on the date on which he makes
the application, an eligible pensioner and, in
respect of the rating contribution, jointly liable
with one other person who is not a jointly eligible
occupier or with two or more other persons, any
of whom is not a jointly eligible occupier and—

- (i) the applicant is in respect of another rate
leviable in the same rating year in
respect of the same land so jointly liable
in respect of a rating contribution relat-
ing to that other rate—an amount that
bears to one-half of the sum of those
rates the same proportion as the part of
those rating contributions for which, as
between all persons liable to pay those
rating contributions, the applicant and
any jointly eligible occupier are liable
bears to the sum of those rates or eighty
dollars, whichever is the lesser; or

- (ii) the rating contribution is in respect only
of a water rate—an amount that bears to
one-half of that rate the same proportion
as the part of that rating contribution for
which, as between all persons liable to
pay that rating contribution, the appli-
cant and any jointly eligible occupier
are liable bears to that rate or forty
dollars, whichever is the lesser.

(7)

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

(7) A person who is an eligible pensioner or a jointly eligible occupier is—

- (a) to the extent to which any rate that, but for this section, would be payable by him is reduced under subsection three of this section, discharged from liability as between that person and any other person jointly liable to pay that rate; and
- (b) to the extent to which any rate in respect of which he would, but for this section, be liable to pay a rating contribution is reduced under subsection five of this section, discharged from liability—
 - (i) as between that person and any other person jointly liable to pay that rating contribution; and
 - (ii) for the payment of that rating contribution.

(8) Where the Minister deems it proper to do so to avoid hardship, he may, by order, direct that—

- (a) a person specified in the order—
 - (i) who occupies a dwelling or flat as his sole or principal place of abode, which dwelling or flat is the sole or principal place of abode of an eligible pensioner;
 - (ii) who is jointly ratable with that eligible pensioner or with that eligible pensioner and one or more other persons in respect of the land on which that dwelling is situated or is jointly liable with that eligible pensioner or with that eligible pensioner and one or more other persons to pay a rating contribution in respect of that flat; and
 - (iii) in respect of whom a reduction of rates would not, if that person were solely ratable in respect of that land or solely

liable

Broken Hill Water and Sewerage (Payment of Rates) Amendment.

liable in respect of that rating contribution, be required to be made under subsection three or five of this section; or

- (b) any person belonging to a class of persons specified in the order, being persons referred to in paragraph (a) of this subsection,

shall, on and from the effective date of the order, be deemed, for the purposes of this section, to be or to have been an eligible pensioner, and any such order shall have effect according to its tenor.

(9) Where the Minister deems it proper to do so to avoid hardship, he may, by order, direct that—

- (a) a person specified in the order—

(i) who occupies a dwelling or flat as his sole or principal place of abode;

(ii) who, although not liable, or although liable jointly with one or more other persons, to do so, has, for such period as, in the opinion of the Minister, warrants the making of an order under this subsection in respect of that person, paid the whole of the rates in respect of the land on which that dwelling is situated or the whole of the rating contributions in respect of that flat or is, in the opinion of the Minister, likely to pay the whole of those rates or the whole of those rating contributions in circumstances that in the opinion of the Minister warrant the making of an order under this subsection; and

(iii) who is an eligible pensioner; or

- (b) any person belonging to a class of persons specified in the order being persons referred to in paragraph (a) of this subsection,

shall,

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shall, on and from the effective date of the order, be deemed, for the purposes of this section—

- (c) in the case of rates—to be or to have been the person solely ratable in respect of the land on which the dwelling is situated; or
- (d) in the case of rating contributions—to be or to have been the person solely liable, under the articles of association of the company which is the ratable person in respect of the land on which is situated the residential flat building containing the flat occupied by him, for the rating contributions in respect of that flat,

and any such order shall have effect according to its tenor.

(10) An order under subsection eight or nine of this section shall take effect or be deemed to have taken effect on such date (in this section referred to as the “effective date”) as is specified in the order, being a date in the rating year during which the order is made, whether or not that date is before or after the date on which the order is made.

(11) Where the Minister makes an order under subsection eight or nine of this section that is deemed to have taken effect on a date that is before the date of the making of the order, he may, in that order or in a subsequent order, give such directions as to refunding any rates or rating contributions that have been paid and as to such other matters as he thinks fit and any such order shall have effect according to its tenor.

(12) The board shall write off the amount by which rates are reduced pursuant to this section and, notwithstanding anything in this Act or in any by-laws, shall not, except where such amount has been written off as a result of any wilfully false statement in an application

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application made under this section, at any time thereafter take proceedings for the recovery of the amount written off pursuant to this section.

(13) The Minister shall, out of moneys provided by Parliament, pay to the board an amount equal to that written off by the board pursuant to this section.

(14) Any person who makes a wilfully false statement in an application made under this section is guilty of an offence under this Act and liable to a penalty not exceeding two hundred dollars.

(15) Any application under this section shall be made within the time and in the manner prescribed by the by-laws, but if no such by-laws are in force then the application shall be made within the time and in the manner fixed by resolution of the board, and where an application is made for an order referred to in subsection eight or nine of this section, as the Minister may require.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 21st December, 1971.*