

2000

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

RATES AND LAND RENT (RELIEF) AMENDMENT BILL 2000

EXPLANATORY MEMORANDUM

Circulated by the authority of the Chief Minister

Gary Humphries MLA

Rates and Land Rent (Relief) Amendment Bill 2000

Summary

This is a Bill to amend the *Rates and Land Rent (Relief) Act 1970* (the Act).

The Act provides for relief from land, water and sewerage rates in the form of rebates and/or deferral of the obligation to pay rates, to eligible pensioners, specified Social Security payment recipients and persons suffering hardship.

This Bill amends the Act so that persons holding a Gold Card issued by the Commonwealth Department of Veterans' Affairs will receive the land, water and sewerage rates concessions provided in the ACT. This follows the Commonwealth Government's decision to extend eligibility for the issue of a Gold Card to include any veteran with eligible war service in World War 2.

It should be noted that the Utilities (Consequential Provisions) Bill 2000, presently before the Legislative Assembly, proposes amendments to the Act. Should the Utilities Bill be passed first, provisions relating to concessions for water and sewerage rates will be omitted from the Act. The Rates and Land Rent (Relief) Amendment Bill 2000 would then apply to concessions for land rates only.

Revenue/Cost Implications

The estimated cost of extending rebates to all Gold Card holders for land rates is \$98,000 and for water and sewerage rates is \$112,000.

Details of the Bill are attached.



Details of the Rates and Land Rent (Relief) Amendment Bill 2000

Clauses 1, 2 and 3 are formal requirements. They refer to the title of the Act, the commencement date of the Act, and the *Rates and Land Rent (Relief) Act 1970* as the Act being amended. With the exception of sections 4 and 5, the Act commences on the day it is notified in the Gazette. Sections 4 and 5 are taken to have commenced on 1 July 2000.

Clause 4 – Interpretation amends section 2 of the Act:

- (a) subclause (a) omits the heading **Interpretation**, and replaces it with a new heading “**2 Definitions**” to accord with current drafting practice;
- (b) subclauses (b), (c), (d) and (f) redraft the section so that it will accord with current drafting practice, including omitting subsection (2), which is replaced, in clause 5, by a new section, namely section 2AA; and
- (c) subclause (e) amends the definition of “pensioner” so that all Gold Card holders will receive the land, water and sewerage rates concessions provided by the Act.

Clause 5 - Insertion - This clause inserts section 2AA **Persons taken to be pensioners** before section 2A. This clause replaces subsection 2 (2). Although the wording of subsection 2 (2) has been recast, this is a technical amendment to improve the structure without changing the substantive effect of the legislation.

Clause 6 – Memorandum of discharge of determination – This clause amends section 18 of the Act so that it no longer refers to a form which has been omitted from the Act.

Clause 7 – Information relating to determination – This clause provides for an amendment of section 19 of the Act to remove an unnecessary reference to subsection “(2)”. A previous amendment to this section omitted subsection (1) but did not remove the reference to subsection (2).

Clause 8 – Notice of change in circumstances – This clause provides for the recasting of subsection 21J (3) of the Act so that the subsection is in accordance with the current form for offence provisions and so that it will apply to offences against subsection 21J (2) as well as to offences against subsection 21J (1).

Clause 9 - Substitution – This clause provides for a recasting of section 21K of the Act which is necessary to take account of the fact that no operative provision of the Act refers to the “administrative head” and that the only other provision of the Act that refers to the administrative head, section 2AB, is to be omitted by the Utilities (Consequential Provisions) Bill which is presently before the Legislative Assembly.

Clause 10 – Omission – provides for the omission of the present section 22 which unnecessarily duplicates provisions of section 17A of the *Interpretation Act 1967*.

Clause 11 – Power of Minister to determine rate of interest – provides for amendment of section 23 of the Act which will make it unnecessary to publish determinations under subsection 23 (1) in full.

Clause 12 – Substitution – provides for the recasting of section 24 of the Act so that it will accord with current drafting practice.

Clause 13 – Minor amendments of Land Titles Act – provides that Schedule 1 amends the *Land Titles Act 1925*. This amendment is required so that the Land Titles Act no longer refers to a form which has been omitted from the *Rates and Land Rent (Relief) Act 1970*.

Schedule 1 – MINOR AMENDMENTS OF LAND TITLES ACT 1925 – effects minor amendments to the *Land Titles Act 1925* – see clause 13.

