

1994—No. 296

LOCAL GOVERNMENT ACT 1993—REGULATION

(Relating to the payment and writing off of rates and charges)

NEW SOUTH WALES



[Published in Gazette No. 88 of 1 July 1994]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Local Government Act 1993, has been pleased to make the Regulation set forth hereunder.

EDWARD PICKERING, M.L.C.,
Minister for Local Government and Co-operatives.

Commencement

1. This Regulation commences on 1 July 1994.

Amendments

2 The Local Government (Rates and Charges) Regulation 1993 is amended:

(a) by inserting after clause 6 the following clause:

Minimum amounts of rates

6A. For the purposes of section 548 (3) (a) of the Act, the amount prescribed is:

(a) except as provided by paragraph (b), \$268.00; or

(b) if the minimum amount of a corresponding general rate made and levied by the council before 1 July 1994 was greater than \$268.00, that greater amount.

(b) by omitting clause 8 and by inserting instead the following clause:

Payment of rates and standing charges by quarterly instalments

8. Each quarterly notice under section 562 of the Act must be separately issued at least 30 days before the instalment to which it relates is payable.

- (c) by omitting from clause 10 the matter “clause 31” and by inserting instead the matter “clause 32”;
- (d) by omitting clause 11 (2);
- (e) by omitting from clause 11 (3) the matter “subclause (2)” and by inserting instead the matter “subclause (1)”;
- (f) by inserting after Part 3 the following Part:

PART 4—PENSIONERS

Eligible pensioners for the purposes of determining pensioner concessions—prescribed classes

15. For the purposes of paragraph (a) of the definition of “eligible pensioner” in the dictionary of the Act, the following classes of persons are prescribed:

- (a) persons who receive a pension, benefit or allowance under Chapter 2 of the Social Security Act 1991 of the Commonwealth, or a service pension under Part III of the Veterans’ Entitlements Act 1986 of the Commonwealth, and who are holders of a pensioner concession card issued by or on behalf of the Commonwealth Government;
- (b) persons who receive a pension from the Commonwealth Department of Veterans’ Affairs as:
 - (i) the widow or widower of a member of the Australian Defence or Peacekeeping Forces; or
 - (ii) the unmarried mother of a deceased unmarried member of either of those Forces; or
 - (iii) the widowed mother of a deceased unmarried member of either of those Forces,
 and do not have income and assets that would prevent them from being granted a pensioner concession card (assuming they were eligible for such a card); or
- (c) persons who receive a special rate of pension under section 24 of the Veterans’ Entitlements Act 1986 of the Commonwealth.

Application for eligible pensioners concession

16. An application under Division 1 of Part 8 of Chapter 15 of the Act is to be made in the form approved by the Director-General.

Abandonment of pensioners rates and charges—prescribed persons

17. For the purposes of section 582 of the Act, any person who receives a pension, benefit or allowance under Chapter 2 of the Social Security Act 1991 of the Commonwealth and is the holder of a pensioner concession card issued by or on behalf of the Commonwealth Government is a prescribed person.

EXPLANATORY NOTE

The objects of this Regulation are:

- (a) to specify the maximum that may be fixed as the minimum amount of ordinary rates payable under the Local Government Act 1993 for the 1994/95 rating year (paragraph (a));
- (b) to make it clear that councils are to separately issue quarterly rates notices in reasonable time before each quarterly instalment is due (paragraph (b));
- (c) to correct a wrong cross-reference in the Local Government (Rates and Charges) Regulation 1993 (paragraph (c));
- (d) to clarify the procedures that apply to the writing off of rates and charges by councils (paragraphs (d) and (e));
- (e) to identify the classes of pensioners who are eligible for concessions under the Act concerning the payment of rates and charges (paragraph (f));
- (f) to provide that an application for the rating concession available for eligible pensioners is to be made in a form approved by the Director-General of the Department of Local Government and Co-operatives (paragraph (f)).

The Regulation is made under sections 548, 579, 582, 607 and 748 and the definition of “eligible pensioner” in the dictionary of the Local Government Act 1993.
