

RATES REBATE BILL

EXPLANATORY NOTE

THIS Bill makes provision for a rebate of rates payable in respect of residential properties occupied by ratepayers whose income does not exceed the limits prescribed in the Bill. A ratepayer who qualifies for a rebate will be entitled to a rebate of two-thirds of so much of his rates as exceeds the first \$50 of his rates payable in any rating year, subject to abatement having regard to the ratepayer's income.

Clause 1 relates to the Short Title and commencement. The Act is to come into force on 1 April 1973.

Clause 2 is the interpretation clause. The most important definitions are—

“Dependant”: This is defined as a child in respect of whom a family benefit under the Social Security Act 1964 is payable and who is ordinarily resident on the property, or a relative of the ratepayer who is ordinarily resident on the property and is in receipt of a social security monetary benefit (other than a family benefit or a super-annuation benefit).

“Income”: This is defined as being all money received by the ratepayer from any source, all money received by the spouse of the ratepayer if the spouse is also ordinarily resident on the property, and, in the case of a self-employed ratepayer, the assessable income derived from the ratepayer's business.

It does not include capital money, certain kinds of income that are not “income” for social security benefit purposes, any family benefit, or any medical benefit.

“Ratepayer”: This is defined as the occupier within the meaning of the Rating Act 1967. It also includes any person who, pursuant to any will or trust is entitled to reside on the property subject to a condition under which he is required to pay the rates.

“Rates”: This is defined as including all charges (other than charges for electricity or gas) that are deemed to be rates. It does not include any postponed rates, any discount allowable, any additional charge on unpaid rates, or any rates for which judgment has been obtained in any Court.

“Residential property”: This is defined as rateable property that is separately rated and is used as the usual place of residence of the ratepayer. It does not include property used for commercial or industrial or business or farming purposes.

“Spouse”: This is defined as including any person living with the ratepayer on a domestic basis as the husband or wife of the ratepayer, notwithstanding that they are not legally married.

Clause 3 provides that the occupier of any residential property shall be entitled, on making application in accordance with the Bill, to a rebate of the rates payable in respect of the property of—

- (a) Two-thirds of the amount by which those rates exceed \$50, reduced by
- (b) \$1 for each complete \$8 by which the ratepayer’s income for the preceding rating year exceeded \$2,340, increased by \$156 for each person who was a dependant of the ratepayer at the commencement of the rating year in respect of which the rebate is claimed.

These amounts may be altered by Order in Council.

Clause 4 provides that if there are 2 or more occupiers of any residential property, the incomes of such of them as were ordinarily resident on the property at the commencement of the rating year are to be aggregated for the purpose of determining eligibility for a rates rebate.

Clause 5 provides that, except where *clause 6* applies, every application for a rates rebate is to be made to the territorial authority in whose district the property is situated, whether the rates are payable to that authority or to any other local authority.

The clause provides that a ratepayer of residential property may apply to the territorial authority for a rebate in accordance with *clause 3* of the rates due and payable in respect of the property.

The procedure under this clause is available only where the rates have not yet been paid. Where the rates have been paid, application for a refund must be made to the Secretary for Local Government under *clause 6*.

The application must be made on a form provided by the Secretary for Local Government, and must be verified by the statutory declaration of the applicant.

Where the territorial authority is satisfied that the application is in order, and that the applicant is entitled to the rebate applied for on the basis of the information contained in his application, it must grant the application, and the amount of the rebate is to be deducted from the rates due to the territorial authority. The territorial authority is under no obligation to verify the accuracy of any statement in an application as to the applicant’s income or the income of any other person or as to the occupancy of the property.

Clause 6 provides for the granting of refunds by the Secretary for Local Government in cases where the ratepayer has paid all his rates.

In such a case, the ratepayer may apply for a refund to the Secretary for Local Government. The application must be on a form provided by the Secretary for Local Government, it must be verified by the statutory declaration of the applicant, and it must be accompanied by the rate receipts.

Where the application is in order, the amount of the refund to which the applicant is entitled is to be paid to him from money appropriated by Parliament.

Clause 7 provides that where the territorial authority has adopted the system of rating by instalments, any rebate under *clause 5* is to be apportioned among the unpaid instalments. If it exceeds the total of the unpaid instalments, the amount of the excess is to be paid to the ratepayer by the territorial authority.

Clause 8 provides for the payment to territorial authorities, out of money appropriated by Parliament, of the amount of rebates properly granted by the authority under *clause 5* and in accordance with the provisions of that clause.

Under *subclause (2)* the Secretary for Local Government is empowered to make advances to territorial authorities in anticipation of refunds that will be payable to them under this clause.

Clause 9 enables rebates or refunds that have been granted to ratepayers in excess of the amounts (if any) to which they were entitled to be recovered from those ratepayers, either by the territorial authority in cases where the Secretary for Local Government has declined to refund the amount of the rebate to the territorial authority on the ground that the rebate should not have been granted, or by the Crown in other cases.

Clause 10 provides that it is the duty of every person to answer questions relating to applications put to him by any person authorised by the Secretary for Local Government, and to produce books and documents to persons so authorised.

Clause 11 provides that, except for the purposes of the Act, officers of territorial authorities or of the Department of Internal Affairs are to preserve the secrecy of any information contained in any application for a rebate or disclosed to or obtained by them pursuant to *clause 10*.

Clause 12 enables statutory declarations to be taken for the purposes of the Act by authorised officers of territorial authorities or of the Post Office.

Clause 13 relates to offences and penalties.

It will be an offence to make a false or misleading statement for the purpose of obtaining a rebate, or to refuse to supply information or produce books or documents for inspection when required. The maximum penalty is imprisonment for 3 months or a fine of \$500.

Proceedings for offences may be taken within 12 months after the facts alleged in the information have been brought to the knowledge of an officer of the Department of Internal Affairs concerned with the administration of the Act.

Hon. Mr May

RATES REBATE

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A BILL INTITULED

An Act to make provision for the granting of rebates of rates payable in respect of certain residential properties

BE IT ENACTED by the General Assembly of New Zealand
5 in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Rates Rebate Act 1973.

(2) This Act shall come into force on the 1st day of April
10 1973.

2. Interpretation—(1) In this Act, unless the context otherwise requires,—

“Dependant”, in relation to any ratepayer, means—

(a) A child in respect of whom a family benefit
15 under the Social Security Act 1964 is payable to the

ratepayer or to his or her spouse at the commencement of the rating year in respect of which an application for a rebate under this Act is made (being a child who at the commencement of that year ordinarily resides on the property in respect of which the rates are payable); or 5

(b) A relative of the ratepayer (other than a child to whom paragraph (a) of this definition applies or the spouse of the ratepayer) by blood, marriage, or adoption who at the commencement of the rating year in respect of which an application for a rebate under this Act is made ordinarily resides on the property in respect of which the rates are payable and who at the commencement of that year receives a social security benefit under Part I of the Social Security Act 1964 (not being a family benefit or a superannuation benefit): 10 15

“Income”, in relation to any ratepayer and to any rating year, includes—

(a) All money received by the ratepayer from any source for the use or advantage of the ratepayer: 20

(b) All money received by the spouse of the ratepayer from any source (being a spouse who is ordinarily resident on the property in respect of which a rebate of rates is applied for under this Act) for the use or advantage of the spouse of the ratepayer: 25

(c) In the case of a ratepayer who carries on any business as a self-employed person, the assessable income (within the meaning of the Land and Income Tax Act 1954) derived, or deemed by that Act to have been derived, in the rating year by the ratepayer from that business;— 30

but does not include—

(d) Any capital money received from any source:

(e) Any income of any of the kinds referred to in paragraphs (c) to (g) of the definition of the term “income” in subsection (1) of section 3 of the Social Security Act 1964: 35

(f) Any family benefit payable under the Social Security Act 1964: 40

(g) Any benefit payable under Part II of the Social Security Act 1964 (which relates to medical benefits):
 “Local authority” means any authority, Council, Board, Trustees, Commissioner, Commission, body, or person or persons empowered to make and levy rates: 45

5 “Ratepayer”, in relation to any residential property, means the occupier of the property within the meaning of the Rating Act 1967; and includes any person who, pursuant to the provisions of any will or trust, is entitled to reside on the property subject to any condition under which he is required to pay the rates:

10 “Rates”, in relation to any residential property, includes all charges (not being charges for electricity or gas) that are deemed to be rates levied or imposed on that property; but does not include—

15 (a) Any rates the payment of which has been postponed pursuant to Part IV of the Rating Act 1967 (which relates to the postponement of rates on residential properties in industrial or commercial areas):

(b) Any rates the payment of which has been postponed pursuant to section 145 of the Rating Act 1967 (which relates to the postponement of rates on the ground of hardship):

20 (c) The amount of any discount under section 70 of the Rating Act 1967, whether or not such a discount has been allowed to the ratepayer:

25 (d) The amount of any additional charge on unpaid rates imposed under section 71 of the Rating Act 1967:

(e) Any rates for which judgment has been entered in any Court:

30 “Rates rebate” or “rebate” includes a refund of rates under section 6 of this Act:

“Rating year” means the period of 12 months for which rates are levied by a local authority:

35 “Residential property” means rateable property that is separately rated and is used as the usual place of residence of the ratepayer at the commencement of the rating year in respect of which an application for a rebate under this Act is made; but does not include any property that is also used for commercial or industrial or business or farming purposes:

40 “Spouse”, in relation to any ratepayer, means the wife or husband of the ratepayer, being a wife or husband who, at the commencement of the rating year in respect of which an application for a rebate under this Act is made, ordinarily resides on the property in respect of which the rates are payable; and includes

a man or woman who at the commencement of that rating year is living with the ratepayer on a domestic basis as the husband or wife of the ratepayer, notwithstanding that they are not legally married:

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“Territorial authority” means a Borough Council, County Council, or Town Council; and includes any Commissioner appointed under any Act and having the functions of a territorial authority.

(2) For the purposes of paragraph (c) of the definition of the term “income” in subsection (1) of this section, any income of any person allowed by any provision of the Land and Income Tax Act 1954 to be spread back or forward or allowed to be apportioned to a financial year earlier or later than that in which it was derived shall be included in the income of that person for the financial year in which it was derived.

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(3) Where the rating year of any local authority commences on any date other than the 1st day of April—

(a) Every reference in this Act to the commencement of a rating year shall be construed as a reference to the 1st day of April immediately preceding the commencement of that local authority’s rating year:

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(b) Every reference in this Act to the income for a preceding rating year shall be construed as a reference to the income for the period of 12 months ending with the 31st day of March immediately preceding the commencement of that local authority’s rating year.

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3. Rates rebate—(1) Any ratepayer who, at the commencement of the rating year in respect of which the application is made, was the occupier of any residential property shall be entitled, on making application therefor in accordance with this Act, to a rebate of so much of the rates payable for that rating year in respect of that property as represents—

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(a) Two-thirds of the amount by which those rates exceed \$50, reduced by

(b) \$1 for each complete \$8 by which the ratepayer’s income for the immediately preceding rating year exceeded \$2,340, increased by \$156 in respect of each person who was a dependant of the ratepayer at the commencement of the rating year in respect of which application is made.

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(2) The Governor-General may from time to time, by Order in Council, amend the provisions of subsection (1) of this section by substituting any amount for any amount specified in that subsection.

5 **4. Assessment of income where more than one person**
occupier—Where the names of 2 or more persons appear in
the district valuation roll as the occupiers of any residential
property and application for a rebate under this Act is made
by one of those occupiers, then, for the purposes of section 3 of
10 this Act, the income for the immediately preceding rating
year of such of the other occupiers as were ordinarily resident
on the property at the commencement of the rating year in
respect of which the application is made shall be added
to and be deemed to be income for that preceding rating year
15 of the occupier making the application.

5. Applications to territorial authority for rates rebate—

(1) Subject to section 6 of this Act, every application for
a rebate of rates shall be made to the territorial authority in
whose district the property is situated, whether the rates are
20 payable to that territorial authority or to any other local
authority.

(2) The ratepayer in respect of any residential property
may in any rating year apply to that territorial authority for
a rebate in accordance with section 3 of this Act of the rates
25 due and payable in respect of that property for that rating
year.

(3) Every such application shall be made on a form
provided for the purpose by the Secretary for Local Govern-
ment, shall be verified by the statutory declaration of the
30 applicant, and shall be left at the public office of the territorial
authority or sent by post addressed to that office.

(4) Where the amount of any water charges payable in
respect of the property for the rating year in which the
application is made is not known at the time when the applica-
35 tion is made, then, for the purposes of determining the amount
of the rebate to which the ratepayer is entitled, the amount of
the water charges payable in respect of the property for that
rating year shall be deemed to be the same amount as the
amount that was payable for the immediately preceding rating
40 year.

(5) Where application is made to a territorial authority under subsection (2) of this section, and the territorial authority is satisfied that the application has been properly completed,—

- (a) The territorial authority shall grant a rebate of the amount to which the applicant is entitled on the basis of the information contained in his application; and 5
- (b) The amount of that rebate shall be deducted from the total amount of the rates due and payable to that territorial authority in respect of the property for the rating year in which the application is made; and 10
- (c) The amount then remaining shall be deemed to be the amount of the rates payable in respect of the property to the territorial authority for that rating year: 15

Provided that any additional charge on unpaid rates imposed under section 71 of the Rating Act 1967 shall be calculated as if the rebate had not been granted. 20

(6) The territorial authority shall not be under any obligation to verify the accuracy of any statement as to his income or the income of any other person or as to the occupancy of the property made by any ratepayer in his application for a rebate. 25

6. Applications to Secretary for Local Government for refunds of rates paid—(1) Notwithstanding anything in section 5 of this Act, a ratepayer in respect of any residential property may, instead of claiming from the territorial authority a rates rebate for any year under the said section 5, pay the rates in full and apply under subsection (2) of this section for a refund of the amount that he would have been entitled to receive by way of rebate for that year in respect of those rates in accordance with section 3 of this Act if application for a rebate had been made under section 5 of this Act. 30 35

(2) Every application under this section shall—

- (a) Be made on a form provided for the purpose by the Secretary for Local Government; and
- (b) Be verified by the statutory declaration of the applicant; and 40
- (c) Be accompanied by the receipts for the rates in respect of which the refund is claimed; and

(d) Be left at the Head Office of the Department of Internal Affairs at Wellington, or sent by post to the Secretary for Local Government addressed to him at that office.

5 (3) The provisions of subsection (4) of section 5 of this Act shall apply with respect to any application for a refund made under this section.

(4) Where application for a refund is made under this section, and the Secretary for Local Government is satisfied
10 that the application has been properly completed, the Secretary for Local Government shall grant the application and pay to the ratepayer, from money appropriated by Parliament, the amount of the refund to which he is entitled.

7. Provisions applying where system of rating by instal-
15 **ments in force—**(1) Where any rates in respect of which a ratepayer has applied for a rebate pursuant to section 5 of this Act are payable by instalments pursuant to section 66 of the Rating Act 1967 or to Part IIIA of that Act (as inserted by section 20 of the Rating Amendment Act 1970), the following provisions shall apply with respect to any rebate granted pursuant to the said section 5:
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(a) The amount of that rebate shall be apportioned equally, or as nearly equally as is possible, among the instalments of rates to be paid to the territorial authority after the date of the granting of the rebate:
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(b) Where the amount of the rebate exceeds the total amount of all the instalments of rates to be paid to the territorial authority after the date of the granting of the rebate, the territorial authority shall pay
30 the amount of the excess to the ratepayer.

(2) Section 86c of the Rating Act 1967 (as enacted by section 20 of the Rating Amendment Act 1970) shall be read subject to the provisions of this section.

8. Refund to territorial authorities of rebates granted—
35 (1) Where a territorial authority has granted to any ratepayer a rebate of rates pursuant to section 5 of this Act (including any payment made to the ratepayer pursuant to paragraph (b) of subsection (1) of section 7 of this Act), the Secretary for Local Government shall, on application made to him by the
40 territorial authority on a form provided by him for the purpose, and being satisfied that the rebate has been properly

granted in accordance with the provisions of the said section 5, refund the amount of the rebate to the territorial authority out of money appropriated by Parliament.

(2) The Secretary for Local Government may from time to time pay to any territorial authority, out of money appropriated by Parliament, such amounts as the Secretary thinks fit by way of advances in anticipation of refunds to be made to the territorial authority pursuant to subsection (1) of this section. 5

9. Recovery of overpayments—(1) Where— 10

(a) A territorial authority has granted to any ratepayer a rebate of rates pursuant to section 5 of this Act (including any payment made to the ratepayer pursuant to paragraph (b) of subsection (1) of section 7 of this Act); and 15

(b) The Secretary for Local Government has declined to refund to the territorial authority the amount of the rebate granted, or any part thereof, on the ground that the ratepayer was not entitled to a rebate or was granted a rebate in excess of the amount to which he was entitled,— 20

the amount of the rebate granted, or, as the case may be, the amount of the excess, may be recovered by the territorial authority from the ratepayer as a debt due to the territorial authority. 25

(2) Where in any case to which subsection (1) of this section does not apply—

(a) A rates rebate has been granted under section 5 or section 6 of this Act; and

(b) The ratepayer was not entitled to the rebate or was granted a rebate in excess of the amount to which he was entitled,— 30

the amount of the rebate granted, or, as the case may be, the amount of the excess, may be recovered from the ratepayer as a debt due to the Crown. 35

10. Information to be supplied and books and documents to be produced—It shall be the duty of every person to answer fully and correctly to the best of his knowledge and belief all questions in respect of any application for a rebate under this Act or any other matter arising under this Act put to him by any person authorised for the purpose by the Secretary for 40

Local Government, and to produce for the inspection of any person so authorised such certificates, books, documents, or other information as he may require for the purposes of this Act.

5 **11. Secrecy**—Except for the purposes of this Act or the
Public Revenues Act 1953, or of investigating the correctness
of any information contained in any application for a rebate
under this Act, no officer of a territorial authority or of the
Department of Internal Affairs or person authorised pursuant
10 to section 10 of this Act shall disclose to any person any infor-
mation contained in any application for a rebate made under
this Act or disclosed to or obtained by him pursuant to the
said section 10.

15 **12. Declarations**—(1) In addition to the persons authorised
to receive statutory declarations in accordance with section 9
of the Oaths and Declarations Act 1957, any statutory
declaration required for the purposes of this Act may be
made before any officer of a territorial authority authorised
for the purpose by that authority or before any officer of the
20 Post Office authorised for the purpose by the Director-General
of the Post Office.

(2) An officer so authorised to take declarations may be
an officer authorised by name or as the holder for the time
being of any specified office in the service of the territorial
25 authority or, as the case may be, of the Post Office.

13. Offences—(1) Without limiting the provisions of
section 111 of the Crimes Act 1961 (which relates to false
declarations), every person commits an offence who—

30 (a) For the purpose of obtaining any rates rebate under
this Act, for himself or for any other person, makes
any statement knowing it to be false in any
particular, or wilfully misleads or attempts to mislead
any person concerned in the administration of this
Act or any other person whatsoever; or

35 (b) Refuses or fails to comply with any requirement under
section 10 of this Act, or refuses or fails to answer
any question put to him pursuant to that section,
or knowingly gives any false or misleading answer
to any such question.

(2) Every person who commits an offence against this Act is liable on summary conviction before a Magistrate to imprisonment for a term not exceeding 3 months or a fine not exceeding \$500.

(3) Notwithstanding anything in section 14 of the Summary Proceedings Act 1957, any information for an offence against this Act may be laid at any time within 12 months after the facts alleged in the information have been brought to the knowledge of any officer of the Department of Internal Affairs concerned in the administration of this Act. 5 10