

**Authorised Version No. 034**  
**Municipalities Assistance Act 1973**

**No. 8526 of 1973**

Authorised Version incorporating amendments as at  
4 October 2012

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An Act with respect to Financial Assistance to Municipalities in  
respect of Rates deferred or excused under Section 298 of the  
**Local Government Act 1958.**

**BE IT ENACTED** by the Queen's Most Excellent Majesty by  
and with the advice and consent of the Legislative Council  
and the Legislative Assembly of Victoria in this present  
Parliament assembled and by the authority of the same as  
follows (that is to say):

**1 Short title and commencement**

- (1) This Act may be cited as the **Municipalities Assistance Act 1973**.
- (2) This Act shall be deemed to have come into operation on the 1st day of October, 1973.

**2 Payment of assistance**

- (1) In this Act—

S. 2(1)  
amended by  
Nos 8613  
s. 2(1)(a)(b),  
8794 s. 8(a),  
8893 s. 9, 9915  
s. 3, 10070  
s. 3(a)(b),  
substituted by  
Nos 109/1986  
s. 6(Sch.  
item 9) (as  
amended by  
No. 48/1987  
s. 4(k)(ix)),  
82/2004  
s. 13(Sch.  
item 6.1).

S. 2(1) def. of *domestic partner* substituted by No. 12/2008 s. 73(1)(Sch. 1 item 42.1).

*domestic partner* of a person means—

- (a) a person who is in a registered relationship with the person; or
- (b) a person to whom the person is not married but with whom the person is living as a couple on a genuine domestic basis (irrespective of gender);

*pensioner* means a person who is an eligible recipient within the meaning of the **State Concessions Act 2004**;

*spouse* of a person means a person to whom the person is married.

S. 2(2) repealed by No. 8613 s. 3(1), new s. 2(2) inserted by No. 82/2004 s. 13(Sch. item 6.1), substituted by No. 12/2008 s. 73(1)(Sch. 1 item 42.2).

(2) For the purposes of the definition of *domestic partner* in subsection (1)—

- (a) *registered relationship* has the same meaning as in the **Relationships Act 2008**; and
- (b) in determining whether persons who are not in a registered relationship are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 35(2) of the **Relationships Act 2008** as may be relevant in a particular case.

S. 2(3) amended by Nos 8613 s. 4(1)(a), 8794 s. 8(b)(i)–(iv), 8893 s. 2(1)(g), 9385 s. 6(b)(c), 9684 s. 6(5) (a)–(c), 81/1989 s. 3(Sch. item 37.1).

(3) Where upon the application of a person who is a pensioner to be excused payment of any rate interest or charge made levied declared or imposed in respect of property which is the sole or principal residence of that pensioner—

(a) a council under section 171(4) of the **Local Government Act 1989**; or

S. 2(3)(a) amended by Nos 9385 s. 6(a), 12/1989 s. 4(1)(Sch. 2 item 83.1), 81/1989 s. 3(Sch. item 37.1).

\* \* \* \* \*

S. 2(3)(b) repealed by No. 82/2004 s. 13(Sch. item 6.2(a)).

\* \* \* \* \*

S. 2(3)(c)–(f) repealed by No. 81/1989 s. 3(Sch. item 37.1).

excuses payment of the rate interest or charge or any part thereof the council, or the Board of Works may make application to the Treasurer for payment of assistance and the Treasurer shall pay to that council, the Board of Works, the Authority, the sewerage Authority or the Trust in respect of that rate interest or charge an amount equal to—

(i) where the pensioner is the only person liable to pay the rate, interest or charge in respect of that property or where the only other person liable to pay the rate, interest or charge is the spouse or domestic partner of the pensioner, one-half of a sum equal to the amount of that rate or charge and the total amount of that interest payable for all quarters in that year or the amount validly excused by the applicant (whichever is applicable); and

S. 2(3)(i) substituted by No. 9684 s. 6(5)(b), amended by Nos 82/2004 s. 13(Sch. item 6.2(b)), 12/2008 s. 73(1)(Sch. 1 item 42.3).

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S. 2(3)(ii)  
substituted by  
No. 9684  
s. 6(5)(b),  
amended by  
No. 82/2004  
s. 13(Sch.  
item 6.2(b)).

- (ii) where, together with one or more other persons the pensioner or the pensioner and the spouse or domestic partner of the pensioner are liable to pay the rate, interest or charge—one-half of an amount equal to the sum of the rate or charge and the total interest payable in respect of all quarters in that year or the amount validly excused by the applicant (whichever is applicable)—divided by the total number of persons liable to pay the rate, interest or charge—

provided that the amount of assistance paid shall not in any instance exceed the amount of the rate or of the rate and interest (as the case may be) validly excused by the applicant.

S. 2(3A)  
inserted by  
No. 8670  
s. 3(a),  
repealed by  
No. 8794  
s. 8(c).

\* \* \* \* \*

S. 2(4)  
repealed by  
No. 8613  
s. 3(1),  
new s. 2(4)  
inserted by  
No. 8794  
s. 8(d),  
amended by  
No. 81/1989  
s. 3(Sch.  
item 37.2).

- (4) The Treasurer may require any information which he considers necessary for the purposes of this Act from a council, or the Board of Works.

S. 2(5)  
amended by  
Nos 8613  
s. 4(1)(b), 8670  
s. 3(b),  
repealed by  
No. 8794  
s. 8(c),  
new s. 2(5)  
inserted by  
No. 78/1991  
s. 27.

- (5) On the application of a council, the Treasurer must pay to the council an amount equal to any amount the council validly waives under section 171(5A) of the **Local Government Act 1989**.

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**S. 2(6)(7)  
repealed by  
No. 8613  
s. 3(1).**

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Endnotes

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**ENDNOTES**

**1. General Information**

The **Municipalities Assistance Act 1973** was assented to on 18 December 1973 and came into operation on 1 October 1973: section 1(2).

## 2. Table of Amendments

This Version incorporates amendments made to the **Municipalities Assistance Act 1973** by Acts and subordinate instruments.

### **Municipalities Assistance (Amendment) Act 1974, No. 8613/1974**

*Assent Date:* 10.12.74  
*Commencement Date:* S. 4 on 1.10.74: s. 4(2); ss 1–3 on 10.12.74  
*Current State:* All of Act in operation

### **Pensioners' Rates Remission Act 1975, No. 8670/1975**

*Assent Date:* 15.4.75  
*Commencement Date:* 15.4.75: s. 1(2)  
*Current State:* All of Act in operation

### **Pensioners' Water and Sewerage Rates Remission Act 1975, No. 8794/1975**

*Assent Date:* 2.12.75  
*Commencement Date:* 2.12.75: s. 1(2)  
*Current State:* All of Act in operation

### **Pensioners' Rates Remission Act 1976, No. 8893/1976**

*Assent Date:* 23.11.76  
*Commencement Date:* 23.11.76: s. 1(2)  
*Current State:* All of Act in operation

### **Pensioners' Rates Remission Act 1980, No. 9385/1980**

*Assent Date:* 13.5.80  
*Commencement Date:* S. 1(2) provides that the provisions of this Act:  
(a) shall in relation to any rate or charge which commences or is deemed to commence on or after 1 July 1980 apply as amended by this Act; and  
(b) shall not apply in relation to any rate or charge which commences or is deemed to commence before 1 July 1980  
*Current State:* All of Act in operation

### **Pensioners' Rates Remission Act 1981, No. 9684/1981**

*Assent Date:* 5.1.82  
*Commencement Date:* 5.1.82: s. 1(5)  
*Current State:* All of Act in operation

### **Supporting Parents Concession Act 1983, No. 9915/1983**

*Assent Date:* 21.6.83  
*Commencement Date:* 1.7.83: see s. 1(2)  
*Current State:* All of Act in operation

### **Pensioner Concessions (Rehabilitation Allowance) Act 1984, No. 10070/1984**

*Assent Date:* 15.5.84  
*Commencement Date:* S. 6 on 1.1.85: s. 2(2); rest of Act on 1.7.84: s. 2(1)  
*Current State:* All of Act in operation



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**State Concessions Act 1986, No. 109/1986** (as amended by No. 48/1987)

*Assent Date:* 16.12.86  
*Commencement Date:* Ss 1–6, Sch. items 3, 7, 8, 11 on 30.3.87: Government Gazette 25.3.87 p. 695; Sch. items 1, 2, 4–6, 9, 10, 12 on 1.12.87: Government Gazette 18.11.87 p. 3072  
*Current State:* All of Act in operation

**Local Government (Consequential Provisions) Act 1989, No. 12/1989**

*Assent Date:* 9.5.89  
*Commencement Date:* S. 4(Sch. 2 item 83.1) on 1.10.92: Government Gazette 23.9.92 p. 2789  
*Current State:* This information relates only to the provision/s amending the **Municipalities Assistance Act 1973**

**Water (Consequential Amendments) Act 1989, No. 81/1989**

*Assent Date:* 5.12.89  
*Commencement Date:* 1.11.90: Government Gazette 15.8.90 p. 2473  
*Current State:* All of Act in operation

**Local Government (Rating) Act 1991, No. 78/1991**

*Assent Date:* 3.12.91  
*Commencement Date:* S. 27 on 3.12.91: s. 2(5)  
*Current State:* This information relates only to the provision/s amending the **Municipalities Assistance Act 1973**

**State Concessions Act 2004, No. 82/2004**

*Assent Date:* 16.11.04  
*Commencement Date:* S. 13(Sch. item 6) on 1.3.05: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **Municipalities Assistance Act 1973**

**Relationships Act 2008, No. 12/2008**

*Assent Date:* 15.4.08  
*Commencement Date:* S. 73(1)(Sch. 1 item 42) on 1.12.08: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **Municipalities Assistance Act 1973**

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**3. Explanatory Details**

No entries at date of publication.