

which are primarily directed to further the wider interests of pensioners and retirees, such as its object to 'assist, protect and further the interests of pensioners ... and persons retired from full time employment' and 'to encourage assist and promote sound public awareness pertaining to all aspects of aged, widow, disability, support pensioners, superannuants and self funded retirees': cl 4.1.3 and 4.1.3 of RWA's Constitution, Annexure A to the Agreed Facts.

171 It is not immediately obvious how these broad objects would impact on the construction of the power to reject applications for membership, or to expel or suspend members, of RWA. That is particularly the case in relation to the power to expel or suspend a member, which may be exercised in response to conduct by a member which is considered by the members of the Disciplinary Panel to be 'damaging, detrimental, contrary or prejudicial to the interests of the Organisation'. Counsel for RWA did not make submissions as to how the power to reject an application for membership, or to expel or suspend a member, would be construed when read in conjunction with the objects of RWA. In addition, there was no evidence in relation to the manner in which the power to reject applications for membership, and to expel or suspend members, is applied.

172 In all of the circumstances, the benefits which derive from the provision of accommodation at the Retirement Village do not have the requisite element of a public benefit which is necessary for that use of the Land to constitute a charitable purpose.

**(vi) Exclusive use**

173 The parties differed on the question of the purpose for which the Land was used, but there was no suggestion that the Land was not used exclusively for that purpose. Accordingly, had I reached the conclusion that the Land was used for a charitable purpose I would have concluded that it was used exclusively for that purpose.

**(vii) Conclusion – was the Land used exclusively for a charitable purpose?**

174 The Land is used exclusively for the purpose of providing a scheme for the relief of the aged, through the provision of accommodation which provides relief for some of the needs of the aged. However, my conclusion that that purpose is not for a public benefit means that the Land cannot be said to be used exclusively for charitable purposes so as to fall within the exception in s 6.26(2)(g) of the LG Act.

*If the Land is rateable land were the rates notices wrongly addressed?*

175 As I noted at the outset of these reasons, in the course of the hearing, RWA was given leave to rely, in the alternative, on an additional ground of review which contended that the rate notices were addressed to the wrong party.

176 Copies of the rate notices for the rating periods were not included in the materials before the Tribunal. I have set out above the City's submissions in relation to the issue of the rate notices to the Department of Housing, although the notices were in fact sent to RWA.

177 RWA sought to rely on this additional ground of review only in the event that the residents of the Retirement Village were found to be the 'owners' of the Land. Save to note that the 'owner' of the Land is in fact correctly described as the Housing Authority, and not the Department of Housing, it is unnecessary in the circumstances to deal with this additional ground of review.

*Conclusion and Orders*

178 During the rating periods, the Land was not used for the purposes described in s 6.26(2)(a)(i) or s 6.26(2)(g) of the LG Act and accordingly the Land was rateable land during those periods.

179 I make the following orders:

1. The application for review is dismissed.
2. The decision of the City of Belmont dated 26 June 2008 to disallow the objection made by Retirees WA (Inc) to the rate record for the 2006/2007 and 2007/2008 rating years in respect of the land at 10-16 Francisco Street, Rivervale is affirmed.

I certify that this and the preceding [179] paragraphs comprise the reasons for decision of the State Administrative Tribunal.

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**JUDGE J PRITCHARD, DEPUTY PRESIDENT**