

**LOCAL GOVERNMENT (RATES AND CHARGES)
AMENDMENT ACT, 1983, No. 175**

New South Wales



ANNO TRICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 175, 1983.

An Act with respect to rates and certain charges for 1984 under the Local Government Act, 1919. [Assented to, 31st December, 1983.]

Local Government (Rates and Charges) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Local Government (Rates and Charges) Amendment Act, 1983".

Principal Act.

2. (1) The Local Government Act, 1919, is referred to in this Act as the Principal Act.

(2) This Act shall be construed with, and as if it formed part of, the Principal Act.

Interpretation.

3. (1) In this Act, "general purpose rate" means a general rate, special rate, local rate or loan rate, but does not include a rate levied in respect of water or sewerage works, or proposed water or sewerage works, or in respect of a trading undertaking.

(2) A reference in this Act to the base levy for a parcel of land in respect of a general purpose rate is a reference to—

- (a) except as provided by paragraph (b)—the amount levied on the parcel in respect of the rate for 1983, subject to any adjustment under section 36 of the Valuation of Land Act, 1916; or
- (b) where an amount is deemed by section 6 to have been levied on the parcel in respect of that rate—the amount so deemed to have been levied.

Local Government (Rates and Charges) Amendment.

(3) A reference in this Act to the base amount for a parcel of land in respect of a charge for any service supplied by a council for the removal of garbage in connection with the land is a reference to—

- (a) except as provided by paragraph (b)—the amount charged in respect of the parcel for 1983; or
- (b) where an amount is deemed by section 11 to have been charged in respect of the parcel for 1983—the amount so deemed to have been charged.

Making of rates for 1984.

4. (1) Notwithstanding anything in the Principal Act, but subject to this Act, a council shall not make any general purpose rates for 1984.

(2) A council may make a general purpose rate for 1984 if the Minister gives consent thereto under subsection (3).

(3) The Minister may, by instrument in writing—

- (a) consent, in special circumstances, to the making by a council of a general purpose rate for 1984; and
- (b) attach to the consent such conditions (if any) as the Minister thinks fit with respect to the making of the rate.

Extension of existing rates.

5. (1) Where a council has made a general purpose rate for 1983, the council by resolution may, and shall if the rate was one which the council was required to make, determine that the rate shall be extended to 1984 and may also determine that the rate as so extended shall be increased or decreased by a specified percentage for 1984.

(2) A rate shall not be increased by a council under subsection (1) by a percentage greater than 8 per cent or by such greater percentage as the Minister may, by instrument in writing, determine in respect of that council and that rate.

Local Government (Rates and Charges) Amendment.

(3) Notwithstanding anything in the Principal Act or this Act, where a rate is extended under this section, the amount payable for 1984 on a parcel of land in respect of the rate shall be an amount equal to—

- (a) where no variation of the rate is determined under subsection (1) —the base levy for that parcel in respect of that rate;
- (b) where the council determines that the rate shall be increased by a percentage under that subsection—that base levy as increased by that percentage; or
- (c) where the council determines that the rate shall be decreased by a percentage under that subsection—that base levy as decreased by that percentage,

but if that parcel would be ratable for a part only of 1984 had this Act not been enacted, that amount shall be reduced proportionately.

(4) A parcel of land is subject to a rate extended under this section in the same way as if the rate had been made and levied in 1984.

(5) For the purposes of the Principal Act, the amounts payable in respect of a rate extended under this section shall be deemed to be the amounts payable in respect of a rate made in 1984.

(6) Nothing in this Act limits any liability arising in relation to a parcel of land by virtue of any operation or effect of section 58 or 58A of the Valuation of Land Act, 1916, or section 160C or 160E of the Principal Act.

(7) A valuation, rating base factor or rating factor furnished under the Valuation of Land Act, 1916, to a council in respect of a parcel of land, being a valuation, rating base factor or rating factor in respect of which a general purpose rate for 1984 would be payable but not being the valuation, rating base factor or rating factor in respect of which a general purpose rate for 1983 was payable, shall have no force or effect for the purpose of the extension of a general purpose rate for 1983 pursuant to this section.

Calculation of base levy in certain cases.

6. (1) In this section, "land value" includes a rating base factor under section 58D or 58E of the Valuation of Land Act, 1916, and a rating factor under section 160E of the Principal Act.

Local Government (Rates and Charges) Amendment.

(2) Where, but for this section, there would be no base levy for a parcel of land in respect of a general purpose rate, or where the parcel of land was subject to that rate for a part only of 1983—

- (a) the council shall calculate the amount that would have been payable in respect of the parcel had the parcel been subject to that rate for the whole of that year; and
- (b) that amount shall, for the purposes of section 3 (2), be deemed to be the amount levied on the parcel in respect of that rate for 1983.

(3) Where, but for this subsection, there would be no land value by reference to which the council may calculate the amount referred to in subsection (2), the council shall request the Valuer-General to furnish all details of or relating to the land value that would have been furnished had the parcel been ratable for 1983, and the Valuer-General shall furnish those details as requested.

Invalidity of certain rates.

7. (1) A general purpose rate made by a council for 1984 is wholly invalid if it is made in contravention of this Act or in contravention of any condition attached to the consent given under section 4 (3) with respect to the making of the rate.

(2) Where the amount payable on a parcel of land in respect of a general purpose rate extended by section 5 exceeds the amount determined in accordance with section 5 (3), the rate shall, to that extent, be invalid.

(3) The Minister may, by order published in the Gazette, exempt a general purpose rate from the operation of subsection (1) or (2).

(4) Section 601 of the Principal Act does not apply to or in respect of a rate to the extent to which the rate is invalid by virtue of subsection (1) or (2), and section 599 of that Act does not prevent a person's liability for a rate being disputed on the ground of that invalidity.

Local Government (Rates and Charges) Amendment.

County councils.

8. Sections 3–7 (section 3 (3) excepted) apply to and in respect of rates made by a county council that, if made by a council, would be general purpose rates, and so apply as if references in those sections to a council were references to a county council.

Making of garbage removal charges for 1984.

9. (1) Notwithstanding anything in the Principal Act, but subject to this Act, a council shall not make a charge for a service supplied by it in 1984 for the removal of garbage.

(2) A council may make a charge referred to in subsection (1) if the Minister gives consent thereto under subsection (3).

(3) The Minister may, by instrument in writing—

- (a) consent, in special circumstances, to the making by a council of a charge referred to in subsection (1); and
- (b) attach to the consent such conditions (if any) as the Minister thinks fit with respect to the making of the charge.

Extension of existing garbage removal charges.

10. (1) Where a council made a charge for a service supplied by it in 1983 for the removal of garbage, the council by resolution may determine that the charge shall be extended to 1984 and may also determine that the charge as so extended shall be increased or decreased by a specified percentage for 1984.

(2) A charge shall not be increased by a council under subsection (1) by a percentage greater than 8 per cent or by such greater percentage as the Minister may, by instrument in writing, determine in respect of that council and that charge.

Local Government (Rates and Charges) Amendment.

(3) Notwithstanding anything in the Principal Act or this Act, where a charge is extended under this section, the amount payable for 1984 for the removal of garbage from a parcel of land in respect of the charge shall be an amount equal to—

- (a) where no variation of the charge is determined under subsection (1)—the base amount for that parcel in respect of that charge;
- (b) where the council determines that the charge shall be increased by a percentage under that subsection—that base amount as increased by that percentage; or
- (c) where the council determines that the charge shall be decreased by a percentage under that subsection—that base amount as decreased by that percentage,

but if that charge would be payable for a part only of 1984 had this Act not been enacted, that amount shall be reduced proportionately.

(4) A person is subject to a charge extended under this section in the same way as if the charge had been made in 1984.

Calculation of base amount in certain cases.

11. Where, but for this section, there would be no base amount for a parcel of land in respect of a charge for any service supplied by a council for the removal of garbage in connection with the land, or where the parcel of land was subject to that charge for a part only of 1983—

- (a) the council shall calculate the amount that would have been payable in respect of the parcel had the parcel been subject to that charge for the whole of that year; and
- (b) that amount shall, for the purposes of section 3 (3), be deemed to be the amount charged in respect of the parcel for 1983.

Invalidity of certain charges.

12. (1) A charge made by a council for a service supplied by it in 1984 for the removal of garbage in connection with any ratable land is wholly invalid if it is made in contravention of this Act or in contravention of any condition attached to the consent given under section 9 (3) with respect to the making of the charge.

Local Government (Rates and Charges) Amendment.

(2) Where the amount payable in respect of a parcel of land by way of a charge for the removal of garbage extended by section 10 exceeds the amount determined in accordance with section 10 (3), the charge shall, to that extent, be invalid.

(3) The Minister may, by order published in the Gazette, exempt a charge for the removal of garbage from the operation of subsection (1) or (2).
