

**LOCAL GOVERNMENT (RATES) AMENDMENT ACT, 1985,
No. 33**

New South Wales



ANNO TRICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 33, 1985.

An Act to amend section 378 of the Local Government Act, 1919, with respect to the making of water and sewerage rates; and to validate certain matters. [Assented to, 26th April, 1985.]

Local Government (Rates) Amendment 1985

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) Amendment Act, 1985".

Principal Act.

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

Amendment of Act No. 41, 1919.

3. The Principal Act is amended in the manner set forth in Schedule 1.

Validation of local rates in respect of several localities.

4. (1) Where—

- (a) before the date of assent to this Act, a council determined a rate purporting to be a rate for the purposes of section 378 of the Principal Act; and
- (b) the determination would, if the Principal Act, as amended by this Act, had been in force at the time of the determination, have been a valid determination of a rate for the purposes of that section,

the determination shall be deemed to have been a valid determination of a rate for the purposes of section 378 of the Principal Act, as in force at the time of the determination.

(2) A rate levied, as referred to in subsection (1), before the date of assent to this Act in respect of 2 or more portions of a local government area shall be deemed to have been a local rate, and the establishment, for the purposes of Part VII of the Principal Act, by a council of a single fund in respect of the rate is validated.

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SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 378 (1)-(3A)—

Omit section 378 (1) and (3), insert instead:—

(1) In this section—

“common rate district” means 2 or more portions of a local government area which are for the time being constituted under this section as a common water rate district or a common sewerage rate district, as the case may be.

(2) Subject to this Act, the council shall levy by rates a sum sufficient to provide for the maintenance and management of, and for payment of the instalments of capital debt and interest on, all works of water supply, sewerage, drainage or electricity with respect to which any debt is owing to the Treasurer.

(2A) In respect of any stormwater drainage works, the council may, with the approval of the Governor, instead of levying a sum by rates as provided by subsection (2)—

(a) defray the cost of maintenance and management of the works; and

(b) either—

(i) provide for the payment of instalments of capital debt and interest from the general fund or the sewerage local fund; or

(ii) make a contribution of such amount as may be approved by the Governor from the general fund to the stormwater drainage local fund.

(2B) Where a council has water, sewerage or drainage works on which there is no capital debt owing to the Treasurer, the council may make and levy rates for the maintenance and management of the works or for or towards repaying with interest any debt incurred or loan raised in respect of the works or for or towards the amalgamation or extension thereof.

(2C) Where, in the opinion of the council, 2 or more portions of the area are afforded special benefits by different water or sewerage works in the area, being works in respect of which a rate is required

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

or permitted to be levied under this section, the council may, by resolution, declare those portions, defined as prescribed for the purposes of section 121 (1), to constitute—

(a) a common water rate district; or

(b) a common sewerage rate district,

as the case may be, in respect of those works.

(3) The council, by resolution—

(a) may rescind a declaration under subsection (2c); or

(b) may from time to time vary the constitution of a common rate district by amendment of the definition of a portion or portions of the area included in the district.

(3A) The council, by the resolution by which it determines the rate to be levied in respect of a common rate district or by a subsequent resolution, may determine that the amount of the rate shall vary according to the council's assessment of the degree of special benefit afforded by any water or sewerage works, as the case may be, to each of the portions of the area of which the district consists, and the rate may be levied accordingly.

(2) Section 378 (3B), (3C)—

Omit "local" wherever occurring.

(3) Section 378 (4), (5)—

After section 378 (3c), insert:—

(4) A rate levied for the purposes of subsection (2) in respect of any electricity works shall be a local rate or a local loan rate, as may be appropriate.

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(5) Except as provided by subsection (4), a rate levied for the purposes of this section shall be a local rate.
