

**LOCAL GOVERNMENT (RATES AND CHARGES) BILL  
1987**

NEW SOUTH WALES



**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The Local Government (Pensioners Rates) Amendment Bill 1987 is cognate with this Bill.

The objects of this Bill are—

- (a) to provide that the amount levied by way of general rate, special rate, local rate or loan rate (a general purpose rate) under the Local Government Act 1919 on a parcel of land for the 1988 rating year will not generally exceed the amount so levied for the 1987 rating year by more than 6.5 per cent;
- (b) to provide that the amount of a charge under the Principal Act for the removal of garbage in connection with any land in 1988 will not generally exceed the amount so charged in 1987 by more than 6.5 per cent; and
- (c) to increase to \$175 the maximum rebate of a general purpose rate payable for 1988 by certain classes of pensioners.

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**PART 1—PRELIMINARY**

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on assent.

Clause 3 provides that the proposed Act is to be construed with, and as if it formed part of, the Principal Act.

Clause 4 is an interpretation provision for the purposes of the proposed Act.

**PART 2—BASE LEVY FOR GENERAL PURPOSE RATES**

Clause 5 specifies the means for determining the applicable base levy for a parcel of land.

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Clause 6 provides that, generally, the base levy for a parcel of land in respect of a general purpose rate is the amount levied on the parcel in respect of the rate for 1987.

Clause 7 specifies the means for determining the base levy for a parcel of land if no amount in respect of a general purpose rate was levied on the parcel for the whole of 1987.

Clause 8 specifies the means for determining the base levy for a parcel of land if, since 1 January in the year for which the last valuation-based rate was made, the zoning or a permissible use of the parcel has changed pursuant to the Environmental Planning and Assessment Act 1979.

Clause 9 specifies the means for determining the base levy where the classification of a parcel of land for the purposes of a differential general rate has changed since the rate was first made.

Clause 10 specifies the means for determining the base levy for a parcel of land if—

- (a) since 1 January 1987, the parcel has been subdivided under the Strata Titles Act 1973; or
- (b) since 1 January 1987, the parcel has ceased to be subject to the provisions of that Act.

Clause 11 specifies the means for determining the base levy for a parcel of land if—

- (a) since 1 January 1987, an eligible pensioner (within the meaning of section 160AA of the Principal Act) has become the ratable person in respect of the parcel; or
- (b) before the date on which the general rate for 1988 is levied, an eligible pensioner ceases to be the ratable person in respect of the parcel.

Clause 12 specifies the means for determining the base levy for a parcel of land if—

- (a) since 1 January 1987, a permanent conservation order has been made under the Heritage Act 1977 in respect of the parcel; or
- (b) since 1 January 1987, a permanent conservation order in respect of the parcel is revoked in whole or in part.

The clause provides that the base levy under the clause will apply to a parcel of land only if it is lower than any other base levy that could apply to the land.

Clause 13 specifies the means for determining the base levy for a parcel of land if—

- (a) since 1 January 1987, an order has been made under section 39 of the Coastal Protection Act 1979 in respect of the parcel; or
- (b) since 1 January 1987, such an order in respect of the parcel is revoked.

Clause 14 specifies the means for determining the base levy for a parcel of land if, since 1 January in the year for which the last valuation-based rate was made, water rights attaching to the parcel have changed.

Clause 15 enables a council to provide a reduction in general purpose rates in respect of a parcel of land which, since 1 January 1983, has suffered physical damage (such as landslip or erosion) and specifies the means for determining the base levy for such a parcel.

Clause 16 specifies the means for determining the base levy for a parcel of land subject to a minimum general purpose rate if the land was vacant land, but has ceased to be vacant land since the rate was first made.

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Clause 17 enables the Valuer-General to determine all such values for parcels of land as may be necessary for the purposes of the proposed Act. A council is required to include such a value in a rate notice specifying an amount of a general purpose rate which has been calculated by reference to such a value and a right of objection and appeal is granted in respect of such a value.

**PART 3—1988 GENERAL PURPOSE RATES**

Clause 18 provides that, except where the Minister consents, and except in the case of a minimum general purpose rate in respect of a parcel of vacant flood liable land, a council shall not make a general purpose rate for 1988.

Clause 19 enables the extension to 1988 of a general purpose rate made in 1987 or extended to 1987 under the Local Government (Rates and Charges) Act 1986. A council may determine that the rate as so extended shall be increased or decreased by a specified percentage, being, in respect of an increase, a maximum of 6.5 per cent or such other percentage as may be determined by the Minister in respect of the council. The clause also provides that the amount of a general purpose rate payable in respect of a parcel of land in 1988 is not to exceed the amount payable in 1987 by more than the percentage determined in accordance with the clause.

Clause 20 enables a council to aggregate, under section 126A of the Principal Act, the values of parcels of land subject to minimum amounts of classes of general rates or to determine that those values, if previously aggregated, shall cease to be aggregated.

Clause 21 provides for an increase in the maximum rebate of a general purpose rate payable for 1988 by an eligible pensioner (within the meaning of section 160AA of the Principal Act), through the combined effect of the clause and that section, to \$175.

Clause 22 invalidates general purpose rates made in contravention of the proposed Act.

Clause 23 applies the provisions of Parts 1, 2 and 3 of the proposed Act to certain rates made by county councils.

**PART 4—BASE AMOUNT FOR GARBAGE REMOVAL SERVICES**

Clause 24 specifies the means for determining the applicable base amount for a garbage removal service.

Clause 25 provides that, generally, the base amount for a garbage removal service is the amount charged for the service in 1987.

Clause 26 specifies the means for determining the base amount to be charged to the owner or occupier of a parcel of land if no amount in respect of a garbage removal service was charged for the whole of 1987.

Clause 27 specifies the means for determining the base amount for a garbage removal service provided in relation to a parcel of land which, since 1 January 1987, has been subdivided under the Strata Titles Act 1973.

**PART 5—1988 GARBAGE REMOVAL CHARGES**

Clause 28 provides that, except where the Minister consents, and except in the case of dwellings in a building under company title or dwellings in a building for which there is a single title, a council shall not make a charge for a service supplied by it in 1988 for the removal of garbage.

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Clause 29 enables the extension to 1988 of a garbage removal charge made in 1987 or extended to 1987 under the Local Government (Rates and Charges) Act 1986. A council may determine that the charge as so extended shall be increased or decreased by a specified percentage, being, in respect of an increase, a maximum of 6.5 per cent or such other percentage as may be determined by the Minister in respect of the council. The clause also provides that the charge for a garbage removal service in 1988 is not to exceed the charge payable in 1987 by more than the percentage determined in accordance with the clause.

Clause 30 invalidates garbage removal charges made in contravention of the proposed Act.

PART 6—MISCELLANEOUS

Clause 31 enables a council to act before 1 January 1988 to determine the general purpose rates and charges for garbage removal services that are to apply in 1988.

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