



New South Wales

Local Government Amendment (Rates— Merged Council Areas) Bill 2017

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Local Government Act 1993*:

- (a) to enable the Minister for Local Government, by determination published in the Gazette, to require a newly merged council to maintain pre-merger rate paths in levying rates for land in the new local government area, and
- (b) to provide that a determination is to apply to the levying of rates for 3 rating years (in addition to the rating year for which the new council is required to maintain pre-merger rate paths by the proclamation constituting the new council).

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 gives effect to the changes described in the Overview.



New South Wales

Local Government Amendment (Rates— Merged Council Areas) Bill 2017

Contents

	Page
1 Name of Act	2
2 Commencement	2
Schedule 1 Amendment of Local Government Act 1993 No 30	3



New South Wales

Local Government Amendment (Rates— Merged Council Areas) Bill 2017

No. , 2017

A Bill for

An Act to amend the *Local Government Act 1993* with respect to the maintenance of pre-merger rate paths for land in the areas of newly merged councils; and for related purposes.

The Legislature of New South Wales enacts:

1

1 Name of Act

2

This Act is the *Local Government Amendment (Rates—Merged Council Areas) Act 2017*.

3

4

2 Commencement

5

This Act commences on the date of assent to this Act.

6

Schedule 1	Amendment of Local Government Act 1993 No 30	1
Section 218CB		2
Insert after section 218CA:		3
218CB	Transitional provision for maintenance of pre-amalgamation rate paths	4
(1)	The Minister may make a determination for the purpose of requiring a new council, in levying rates for land, to maintain the rate path last applied for the land by the relevant former council.	5 6 7
(2)	A determination applies to the levying of rates by the new council for the 3 rating years immediately following the rating year for which the relevant proclamation makes provision for the levying of rates (the <i>relevant period</i>).	8 9 10
(3)	Without limiting the content of a determination, a determination is to set out the methodology that the new council is to apply when setting rates for land for the relevant period, including in relation to the following:	11 12 13
(a)	the structure of rates,	14
(b)	the categorisation or subcategorisation of land for rating purposes,	15
(c)	the calculation of the new council's notional general income for rating purposes,	16 17
(d)	the treatment of any variation of a former council's notional general income under Part 2 of Chapter 15 that would have been applicable, had the amalgamation effected by the relevant proclamation not occurred, to the determination of rates and charges for land within the new area.	18 19 20 21
(4)	A determination must be published in the Gazette and may be revoked or varied only by a further determination of the Minister published in the Gazette.	22 23
(5)	While a determination is in force, the provisions of this Act that apply in relation to rates are modified to the extent necessary to give effect to the determination.	24 25 26
(6)	This section does not apply to a new council constituted before 12 May 2016.	27
(7)	This section does not affect any power to make a proclamation under this Part relating to rates.	28 29
(8)	In this section:	30
	<i>former council</i> , in relation to a new council, means a council of a former area.	31
	<i>new area</i> means the area constituted by the amalgamation of areas (<i>former areas</i>) by the relevant proclamation.	32 33
	<i>new council</i> means the council of a new area constituted by section 219.	34
	<i>relevant proclamation</i> means the proclamation made pursuant to Part 1 of Chapter 9 that amalgamates former areas into the new area and constitutes the new council.	35 36 37