



Western Australia

Soil and Land Conservation Amendment Act 1999

No. 4 of 1999

An Act to amend the *Soil and Land Conservation Act 1945*.

[Assented to 25 March 1999]

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the *Soil and Land Conservation Amendment Act 1999*.

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2. Commencement

This Act comes into operation on such day as is fixed by proclamation.

3. The Act amended

The amendments in this Act are to the *Soil and Land Conservation Act 1945**.

[* Reprinted as at 12 August 1997.

For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p.215.]

4. Section 4 amended

Section 4 is amended by inserting in the appropriate alphabetical position the following definition —

“

“**service charge**” means a charge imposed under section 25A(1a);

”.

5. Section 14 amended

Section 14(ha) is amended by inserting after “rates” —

“ and service charges ”.

6. Section 24 amended

Section 24(1)(f) is amended by inserting after “(1)” —

“ or (1a) ”.

7. Section 25A amended

(1) After section 25A(1) the following subsection is inserted —

“

(1a) Subject to subsections (7) and (8) and to section 25AA the Minister, acting on the recommendation of the district committee for a land conservation district may, by notice published in the *Gazette*, impose a charge to meet the cost of a soil conservation service specified in the notice in respect of that district or such part of that district as is specified in the notice, and where a charge is so imposed the charge shall be collected and paid on land in accordance with this Division.

”

(2) Section 25A(2) is amended as follows —

(a) by inserting after “rates” —

“ or service charges ”; and

(b) by deleting “of this section” and inserting instead —

“ or (1a) ”.

(3) After section 25A(3) the following subsection is inserted —

“

(3a) Subject to subsection (5), a service charge imposed under subsection (1a) —

(a) applies to all land within the land conservation district or part of a land conservation district, as the case may be, that is at the time of the imposition of the service charge rateable land in a local government district for the purposes of Part 6 of the *Local Government Act 1995*; and

- (b) is payable by the owner of that land as shown at that time in the rate record of the local government of that district.

”

- (4) Section 25A(5) is amended as follows —
 - (a) by deleting “(1) of this section” and inserting instead —
“ (1) or (1a) ”;
 - (b) by inserting after “rates” in paragraph (a) —
“ or service charges ”; and
 - (c) by inserting after “rate” in paragraph (b) —
“ or a service charge ”.
- (5) After section 25A(7) the following subsections are inserted —
“
 - (8) Before imposing a service charge the Minister is to ensure that the prescribed steps have been taken or will be taken by the district committee for the land conservation district in which it is proposed to impose the service charge.
 - (9) The steps that are prescribed for the purposes of subsection (8) in relation to a proposed service charge are to include —
 - (a) the holding of one or more public meetings for the consideration of the service charge by persons who would be required to pay it and who attend such a meeting;
 - (b) the placing of prescribed information before any such public meeting; and”

- (c) the giving of an opportunity to persons referred to in paragraph (a) to vote at a public meeting for or against the service charge or otherwise to express their views.
- (10) Regulations made as mentioned in subsection (9) (a) in relation to public meetings are to include —
 - (a) requirements to be observed in connection with the calling of any public meeting, including a requirement to give public notice of the meeting;
 - (b) provision as to the chairperson; and
 - (c) provision for the procedures to be followed, including provisions for a quorum and in respect of voting.
- (11) The imposition of a service charge is of no effect if any prescribed step is not taken or is not taken in accordance with the regulations.

”

8. Section 25AA inserted

After section 25A the following section is inserted —

“

25AA. Service charges

- (1) A service charge is only to be imposed for a soil conservation purpose specified in the notice under section 25A (1a) (“**the specified service**”).
- (2) Subject to section 25B(8), a district committee may only use the money raised from a service charge to meet the cost of providing the specified service.

- (3) If a district committee raises more money from a service charge than it requires for the specified service it shall refund to the owner of land on which the charge was imposed an amount that bears to the service charge paid the same proportion as the amount expended on the specified service bears to the total of the moneys raised by the district committee from the service charge.

”

9. Section 25B amended

- (1) After section 25B(1) the following subsection is inserted —

“

- (1a) Where a service charge applies to any land the chief executive officer shall —
 - (a) cause a notice of assessment of the service charge to be served on the person liable to pay the charge; or
 - (b) make arrangements with the local government of the district in which the land is situated for a notice of assessment of the service charge to be served by the local government.

”

- (2) After section 25B(2) the following subsection is inserted —

“

- (2a) Service charges —
 - (a) shall be due and payable 30 days after the notice of assessment of the service charge is served; and
 - (b) when payable are a debt due to the Crown payable —

- (i) to the chief executive officer; or
- (ii) where pursuant to arrangements made under this section notice of assessment of the service charge is served by a local government, to the local government.

”

- (3) Section 25B(3)(a) is amended by deleting “Her Majesty” and inserting instead —

“ the Crown ”.

- (4) Section 25B(6) is amended in paragraphs (a) and (b) by inserting after “rates” in both places where it occurs —

“ or service charges ”.

- (5) Section 25B(8) is amended by inserting after “rates” in both places where it occurs —

“ or service charges ”.

10. Section 25C amended

- (1) Section 25C(3)(b) is amended by inserting after “rates” —

“ or service charges ”.

- (2) After section 25C(3) the following subsection is inserted —

“

- (3a) Any moneys for service charges credited to the Land Conservation Districts Fund under subsection (3)(b) shall be separately accounted for according to the land conservation district to which they relate and the purpose for which the service charge was imposed.

”

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- (3) Section 25C(4) is amended by deleting “Moneys” and inserting instead —

“ Subject to subsection (4a), moneys ”.

- (4) After section 25C(4) the following subsection is inserted —

“

- (4a) Moneys for service charges standing to the credit of the account maintained under subsection (1) may be allocated by the chief executive officer, on the recommendation of a district committee, for the purpose for which the charge was imposed.

”.

11. Section 48 amended

After section 48(2)(f) the following paragraphs are inserted —

“

- (g) subject to section 25A (9) and (10), the procedure to be followed before recommending that a service charge be imposed, including —
- (i) the forward planning, costing and consultation to be undertaken;
 - (ii) the public meetings to be held;
 - (iii) the notifications to be given; and
 - (iv) the reports to be given to the Minister;
- (ga) the practices to be applied in the control and management of, and accounting for, service charges;

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