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**AGRICULTURE**

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AG301\*

Soil and Land Conservation Act 1945

**Soil and Land Conservation Amendment  
Regulations 1999**

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Soil and Land Conservation Amendment Regulations 1999*.

**2. Commencement**

These regulations come into operation on the day on which the *Soil and Land Conservation Amendment Act 1999* comes into operation.

**3. Regulation 7 replaced by regulations 7 to 13**

Regulation 7 of the *Soil and Land Conservation Regulations 1992*\* is repealed and the following regulations are inserted instead —

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**7. Steps to be taken before service charge imposed**

For the purposes of section 25A(8) the steps to be taken by the district committee of a soil conservation district before recommending to the Minister that a service charge be imposed for that district are —

- (a) that one or more public meetings in accordance with regulations 8, 9 and 10 be held; and
- (b) that consultation with local government in accordance with regulation 11 be undertaken.

## 8. Public meeting

- (1) A public meeting is to be held at a place within the district which is —
  - (a) reasonably accessible to the persons who would be liable to pay the proposed service charge;
  - (b) of a sufficient capacity to hold the number of persons reasonably expected to attend the meeting.
- (2) The district committee is to cause notice of a public meeting to be given not more than 4 weeks and not less than 2 weeks before the date of the proposed meeting in a newspaper circulating in the district.
- (3) The district committee is to give to all affected local governments not less than 6 weeks' notice in writing of the public meeting.
- (4) The notices referred to in subregulations (2) and (3) are to —
  - (a) specify the soil conservation purpose for which the service charge is proposed to be imposed;
  - (b) specify the category of persons who will be affected by the proposed service charge; and
  - (c) outline the purpose of the meeting.
- (5) A local government which receives a notice under subregulation (3) is to exhibit a copy of the notice to the public on a notice board at the local government's offices.
- (6) In this regulation and in regulations 9 and 10 —  
**“affected local government”** means a local government in which land on which it is proposed to impose a service charge is situated.

## 9. Procedure at public meeting

- (1) The chairperson of the meeting is to be —
  - (a) where there is only one affected local government, the mayor or president or in the absence of the mayor or president the deputy mayor or deputy president of that local government; or
  - (b) where there is more than one affected local government, the mayor or president or deputy mayor or president, as the case requires, of the local government which has the greatest number of persons who would be liable to pay the proposed service charge.

- (2) The quorum for the meeting is to be determined prior to the meeting by the Minister after consultation with the district committee.
- (3) The meeting procedure is to be —
  - (a) in accordance with the meeting procedure set out in the standing orders of the council of the local government which the chairperson represents; or
  - (b) in accordance with the meeting procedure determined by the majority of the persons present at the meeting and entitled to vote at the meeting.
- (4) Each person who is the owner of land upon which it is proposed to impose the service charge is entitled to vote at the meeting.

**10. Information to be placed before public meeting**

- (1) For the purposes of section 25A(9)(b) the information to be placed before a public meeting is —
  - (a) a detailed description of the proposed soil conservation service sufficient to enable a reasonably informed person without technical qualifications to assess the service;
  - (b) a plan of the way in which the proposed service will be implemented;
  - (c) a timetable for the proposed completion of stages of the proposed service, including a time for total completion of the service;
  - (d) a full costing of the proposed service, including separate details of expected administration costs; and
  - (e) details of the way in which it is proposed that the cost of the proposed service will be imposed on the persons by whom it will be payable.
- (2) The information referred to in subregulation (1) is to be in writing.

**11. Local government to be advised of result of meeting**

- (1) Where a meeting held in accordance with regulations 8, 9 and 10 votes for the imposition of the proposed service charge the district committee is to forward to all affected local governments as soon as practicable after the meeting a copy of —
  - (a) the information presented to the meeting in accordance with regulation 10;
  - (b) a summary of the progress of the meeting; and

- (c) the recommendation of the district committee on whether the proposed service charge should be imposed.
- (2) As soon as practicable after receipt of the information referred to in subregulation (1) the local government or local governments are to present that information to a meeting of the council for consideration.
- (3) After consideration by the council the local government is to advise the district committee on —
  - (a) whether it supports or opposes the imposition of the proposed service charge (“**the proposal**”); and
  - (b) if it supports the proposal, whether it will be willing to make an arrangement under section 25B(1a)(b) to serve the notice of assessment of the proposed service charge,and give to the committee brief reasons to support its decision.

## **12. Recommendation to the Minister**

A recommendation by a district committee to impose a service charge is to be forwarded to the Minister together with —

- (a) copies of the information forwarded to local government in accordance with regulation 11(1);
- (b) copies of all newspaper notices referred to in regulation 8(2); and
- (c) evidence of local government support referred to in regulation 11(3).

## **13. Reports to the Minister on administration of service charge projects**

A district committee is to report to the Minister at regular intervals of not more than 12 months on the progress of every service on which a service charge is imposed.

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[\* *Published in Gazette 17 June 1992, pp. 2519-30.*  
*For amendments to 17 May 1999 see 1998 Index to*  
*Legislation of Western Australia, Table 4, pp. 287-8.*]

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.