

LAND DRAINAGE.

No. 41 of 1983.

AN ACT to amend the Land Drainage Act 1925-1981.

[Assented to 1 December 1983.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Land Drainage Amendment Act 1983*.

Short title
and citation.

(2) In this Act the Land Drainage Act 1925-1981 is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Land Drainage Act 1925-1983.

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approved in
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Acts 22 May
1967;
amended by
Acts Nos. 73
of 1972,
14 of 1977,
38 and 76
of 1978 and
63 of 1981.

Section 6
amended.

2. Section 6 of the principal Act is amended by inserting, after the definition of "Ratepayer", the following definitions—

“ “Rural land” means land—

(a) not within a townsite; or

(b) within a townsite but used, or primarily used, for agricultural, pastoral, grazing, dairying, bee-keeping, orcharding, viticultural, silvicultural, or other farming purposes, or any combination of those purposes;

“Townsite” has the meaning given to it in section 6 (1) of the Local Government Act 1960;

“Urban land” means land within a townsite other than rural land; ”.

Section 88
amended.

3. Section 88 of the principal Act is amended by inserting after subsection (2) the following subsection—

“ (3) Drainage rates shall not be imposed on any land in any financial year in excess of the maximum amount determined under section 90A of this Act in respect of that land for that year. ”.

Section 89
repealed and
substituted;
and
transitional
provision.
Differential
rating.

4. (1) Section 89 of the principal Act is repealed and the following section is substituted—

“ 89. (1) Rates need not be uniform but may be imposed differentially in accordance with this section.

(2) The Governor may, in regulations made under section 149, define the grades into which land shall be divided for the purpose of fixing rates and, without limiting that power, such grades may be defined by reference to—

- (a) whether land is rural or urban;
- (b) the benefits accruing to the land; or
- (c) the area of the land,

or any combination of those factors.

(3) The board may, by resolution with the consent of the Minister—

- (a) in relation to rateable land in the district, determine the grading appropriate thereto and from time to time amend that grading; and
- (b) in respect of a financial year, fix the rate for each such grade for that year.

(4) The board may, for the purpose of determining the grading of land under subsection (3) (a) of this section—

- (a) aggregate adjoining rural land which the board determines is in the same ownership or is operated as a unit; and
- (b) treat as a separate piece of land each lot of urban land which may be sold or leased as a separate lot in conformity with Part III of the Town Planning and Development Act 1928.

(5) In subsection (2) (b) of this section, the reference to benefits is a reference to—

- (a) benefits which will accrue to the land from existing works, or works to be executed, during the period for which the rate is imposed; and
- (b) benefits which may accrue to the land during that period from the control of the level of the water table by such works,

and in determining the grading of any land under subsection (3) (a) the board may determine the extent to which such benefits apply to that land. ”.

(2) Regulations made by the Governor for the purposes of section 89 (2) of the principal Act, inserted by subsection (1) of this section, and any power exercised under section 89 (3) by a drainage board, or the Minister acting under section 9 of the principal Act, may be made or exercised to have effect in respect of the financial year which commenced on 1 July 1983 or any subsequent financial year.

Section 90
amended.

5. Section 90 of the principal Act is amended by—

- (a) inserting after the section designation “90.” the subsection designation “(1)”;
- (b) inserting the following subsection—

“ (2) Different minimum rates may be prescribed under subsection (1) of this section for rural and urban land respectively. ”.

6. (1) After section 90 of the principal Act the following section is inserted—

Section 90A
inserted;
and
transitional
provision.

“ 90A. (1) For the purposes of section 88 (3) of this Act, the board may, by notice published in the *Government Gazette*, determine the maximum amount of the rates to be paid in respect of any land for a financial year by reference to such factors as it thinks fit.

Maximum
increase in
rate.

(2) The board may, by further notice published in the *Government Gazette*, at any time vary or revoke a notice published under subsection (1) of this section. ”.

(2) A notice under section 90A of the principal Act, inserted by subsection (1) of this section, may be given by a drainage board, or the Minister acting under section 9 of the principal Act, to have effect in respect of the financial year which commenced on 1 July 1983 or any subsequent financial year.

7. Section 97 of the principal Act is amended by deleting paragraphs (6) and (7) and substituting the following paragraph—

Section 97
amended.

“ (6) That the grading of the land, or part thereof, under section 89 (3) (a) of this Act is not appropriate. ”.
