

LOCAL GOVERNMENT (No. 6).

No. 120 of 1970.

AN ACT to amend the Local Government Act,
1960-1970.

[Assented to 10th December, 1970.]

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 *Local Government Act Amendment Act (No. 6), 1970.*

Short title
and citation.

(2) In this Act the Local Government Act, 1960-1970, is referred to as the principal Act.

Reprinted as
approved for
reprint 3rd
May, 1968
and amended
by Acts Nos.
21 of 1968,
35, 83 and 107
of 1969, 16,
21, 49 and
27 1970.

(3) The principal Act as amended by this Act may be cited as the Local Government Act, 1960-1970.

S. 231
amended.

2. Subsection (2) of section 231 of the principal Act is amended by adding after paragraph (n) the following paragraph—

- (na) prohibiting the parking or standing of vehicles within a parking region on land that is not a road or a parking facility, without the consent of the owner or occupier of the land; .

S. 531A
amended.

3. Section 531A of the principal Act is amended by adding after the word, "kind", being the last word in the interpretation, "farm land", the words, "and from which businesses or industries the occupier derives the whole or a substantial part of his livelihood".

S. 533
amended.

4. Section 533 of the principal Act is amended—

- (a) by adding after subsection (3) the following subsections—

- (3a) Notwithstanding any of the foregoing provisions of this section, but subject to subsections (3b) and (3c) of this section, where, in relation to the financial year ending on the thirtieth day of June, nineteen hundred and seventy-two or any financial year thereafter—

- (a) a person is the owner and occupier of rateable land; and

- (b) pursuant to an application made by that person under section eight B of the Land Tax Assessment Act, 1907, the provisions of that section are applied to the rateable land for the year of assessment which is concurrent with the financial year,

the unimproved value of the rateable land for the financial year shall not exceed—

- (c) the amount or part thereof on which land tax was assessed under section eight B of the Land Tax Assessment Act, 1907 for that year of assessment; or
- (d) the unimproved value of the rateable land for that year of assessment apart from the provisions of this subsection,

whichever is the lesser.

(3b) Where—

- (a) a person is the owner and occupier of rateable land that is exempt from assessment for taxation under the provisions of paragraph (f) of subsection (1) of section ten of the Land Tax Assessment Act, 1907; and
- (b) if the land had not been so exempt from assessment for taxation under that Act, the provisions of section eight B of that Act could have been applied to the land on application by that person,

the person may apply to the council in the prescribed form to have the provisions of that section applied to the land for the purposes of this Act and thereupon the council shall request the Commissioner so to do, and the provisions of subsection (3a) of this section shall apply for the purposes of ascertaining the unimproved value of the land, with such modifications and adaptations as are necessary.

(3c) The provisions of subsections (3a) and (3b) of this section apply only in respect of rateable land for which the

council adopts valuations assessed under paragraph (a) or (b) of subsection (2) of this section. ;

(b) by substituting for the word, "one-half" in line six of subparagraph (ii) of paragraph (f) of subsection (4), the word, "one-third"; and

(c) by adding after subsection (4) a subsection as follows—

(4a) (a) The Minister may—

(i) by notice published in the *Gazette*, declare that any land specified in the notice is land to which this subsection applies; and

(ii) by subsequent notice vary or revoke any notice so published,

and any notice so published takes effect on and from the financial year immediately succeeding that in which the notice is published.

(b) A notice shall not be published under paragraph (a) of this subsection unless the council of the district in which the land, to which the notice is intended to apply, is situated, has requested the Minister to publish the notice.

(c) Notwithstanding anything contained in subsection (4) of this section, where the improvements erected on any rateable land to which this subsection applies consist solely or principally of a single dwelling house—

(i) the rateable land shall be deemed to be improved land for the purposes of that subsection, irrespective of the provisions of subparagraph (ii) of paragraph (f) of that subsection; and

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- (ii) the annual value of the rateable land shall be assessed in accordance with the provisions of paragraph (b) of that subsection and the provisions of paragraph (c) of that subsection shall not be taken into account. .
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