

LOCAL GOVERNMENT.

No 16 of 1970.

AN ACT to amend the Local Government Act, 1960-1969.

[Assented to 29th April, 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, 1970.* Short title and citation.

(2) In this Act the Local Government Act, 1960-1969 is referred to as the principal Act. Reprinted as approved for reprint, 3rd May, 1968 and amended by Acts nos. 21 of 1968 and 35, 83 and 107 of 1969.

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

Amendment
to s. 41.
(Order of
retirement
from office of
councillor.)
(Power of
Governor to
declare
date of
retirement
of member.)

2. Section 41 of the principal Act is amended—

- (a) by deleting the words “the term of office is”, in lines six and seven of subparagraph (iii) of paragraph (a) of subsection (7), and substituting the word “are”;
- (b) by deleting the words “and to one-third of the number of councillors representing each ward”, in lines twelve and thirteen of subparagraph (iii) of paragraph (a) of subsection (7);
- (c) by substituting for the word “is”, in line thirteen of subparagraph (iii) of paragraph (a) of subsection (7), the word “are”; and
- (d) by repealing subsection (8) and re-enacting it as follows—

Power of
Minister to
determine
term of
office of
councillors.

(8) Where, by reason of the application of the provisions of subsection (7) of section forty-one, as those provisions existed immediately prior to the date of the coming into operation of the Local Government Act Amendment Act, 1970, with respect to any election of councillors held before that date, there will ordinarily be no vacancies in the office of councillor in a district in any one year, the Minister may, at any time prior to the nomination day for any election of councillors in that district to be conducted after that date, determine the term of office, and the order of retirement, of councillors elected at that election. .

Amendment
to s. 533.
(Councils
must adopt
valuations.)

3. Section 533 of the principal Act is amended—

- (a) by adding after the word “subsection” in line four of paragraph (e) of subsection (3) the passage “or held or granted pursuant to an agreement that is made with the Crown in right of the State and scheduled to an Act approving the agree-

ment, or held under a production licence for petroleum granted under the Petroleum Act, 1967"; and

(b) by adding after paragraph (e) a paragraph as follows—

(ea) land held under a coal-mining lease granted under the Mining Act, 1904—a sum equal to five dollars for every acre of the land; .

4. The principal Act is amended by adding after section 533A a section as follows—

S. 533B
added.

533B. (1) Subject to subsection (4) of this section, the owner of any land—

Valuation of,
and rates on
certain
lands.

(a) held or granted pursuant to an agreement that is made with the Crown in right of the State and scheduled to an Act approving the agreement, which agreement provides that for the purposes of imposing rates under this Act, the land shall be assessed on the unimproved value thereof; or

(b) held under a production licence for petroleum granted under the Petroleum Act, 1967,

may, by giving thirty-one days' notice in writing to the council in whose district the land is situated, elect to have the whole of that land valued for the purpose of imposing rates under this Act at the following rate—

one dollar per acre for each of the first one hundred thousand acres or part thereof;

seventy-five cents per acre for each of the second one hundred thousand acres or part thereof;

fifty cents per acre for each of the third and fourth one hundred thousand acres or part thereof;

twenty-five cents for each acre in excess of four hundred thousand acres.

(2) Where the owner of the land—

- (a) has paid to the council in whose district the land is situated under the agreement referred to in subsection (1) of this section, any money for the provision by that council of any services of a kind usually provided by a council; or
- (b) has at his expense lawfully provided or lawfully caused to be provided within that district any services, amenities, facilities, works or undertakings that—
 - (i) are of a kind usually provided by a council;
 - (ii) are not used for the purpose of trading or making a profit; and
 - (iii) are available for use by all members of the community,

the liability of the owner to pay rates in respect of the land to the council for the financial year commencing on the thirtieth day of June next following the date on which the money is so paid or the expense so incurred by the owner, shall be reduced by the amount of the money or the expense or both, or by one-quarter of the amount of the rates, whichever is the lesser amount.

(3) Where the amount of money paid or of the expense incurred by the owner as referred to in subsection (2) of this section is in excess of the amount of one-quarter of the amount of such rates for the financial year referred to in that subsection, the amount of the excess

shall be applied in reducing the amount of the rates due by him for the next succeeding financial year—

- (a) by the amount of that excess; or
- (b) by the amount of one-quarter of the rates for that financial year,

whichever is the lesser amount, and so on, in each successive financial year until the total amount of the money so paid or expense so incurred by the owner or both has been applied in the reduction of the amount of the rates payable in respect of the land by setting off the amount of each excess against the amount of the rates, but so that not more than one amount of the rates shall be reduced by more than one-quarter thereof in any financial year.

(4) This section does not apply to any part of the land upon which—

- (a) there is erected a dwelling house; or
 - (b) there stands any improvements that are used in connection with a commercial undertaking other than that of the person for the time being entitled to the benefit of the agreement referred to in paragraph (a) of subsection (1) of this section or the production licence for petroleum referred to in paragraph (b) of that subsection. .
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