



New South Wales

Rural Lands Protection Amendment Bill 2009

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The *Review of the Rural Lands Protection Boards Rating System* carried out by Mr Richard Bull recommended that a number of changes be made to the rating system under the *Rural Lands Protection Act 1998* (*the Principal Act*).

The *Rural Lands Protection Amendment Act 2008* (*the 2008 amending Act*) contained amendments relating to rating in response to that review. That Act provided that those amendments were to commence in two rounds: one round on 1 January 2009 and a second round on 1 January 2010. The amendments that commenced on 1 January 2009:

- (a) abolished minimum rates, and
- (b) increased the minimum rateable area to 10 hectares, and
- (c) made provision (as a transitional measure) for the making of rates during the 2009 calendar year.

The amendments due to commence on 1 January 2010:

- (a) remove the concept of “notional carrying capacity” of land (being the number of stock that the relevant livestock health and pest authority assessed could be maintained on the land) as the basis for the making and levying of rates, and

- (b) provide that rates may consist of a base amount and an amount calculated on a per hectare basis, and
- (c) provide that livestock health and pest authorities may, in accordance with any regulations under the Principal Act or any guidelines given by the State Management Council of Livestock Health and Pest Authorities (*the State Council*), if any, divide their districts into zones and make and levy different rates for different zones, and
- (d) make amendments to the *Agricultural Livestock (Disease Control Funding) Act 1998* and the *Meat Industry Act 1978* consequent on the abolition of the concept of notional carrying capacity of land.

The objects of this Bill are as follows:

- (a) to amend the Principal Act to provide that a rate made by a livestock health and pest authority does not have effect until it is approved by the Minister administering the Act (currently the Minister for Primary Industries) (*the Minister*),
- (b) to amend the 2008 amending Act to postpone the commencement of the amendments that were due to commence on 1 January 2010 to a date to be proclaimed,
- (c) to amend the Principal Act to make provision (as a transitional measure) for the making of rates until the commencement of the postponed provisions,
- (d) to make other amendments to the Principal Act of a savings or transitional nature.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of rural lands protection legislation

Schedule 1.1 Rural Lands Protection Act 1998 No 143

Schedule 1.1 [1] inserts proposed section 62 (3A) into the Principal Act to provide that a rate does not have effect until it is approved by the Minister. **Schedule 1.1 [3]** inserts proposed clause 48 into Schedule 7 (Savings and transitional provisions) to the Principal Act to provide that proposed section 62 (3A) applies only to a rate made after the commencement of that proposed subsection.

Schedule 1.1 [3] also inserts proposed clause 49 into Schedule 7 (Savings and transitional provisions) to the Principal Act. Proposed clause 49 (which is to

commence on 1 January 2010 and cease to have effect on the commencement of the postponed provisions):

- (a) continues in force certain transitional provisions that applied to rating in the 2009 calendar year (see clause 44 of Schedule 7 (Savings and transitional provisions) to the Principal Act), and
- (b) brings into effect the proposed power of a livestock health and pest authority to divide its district into zones and make and levy different rates for different zones (see proposed section 62 (6) in Schedule 4 [4] to the 2008 amending Act).

More specifically, proposed clause 49 provides that:

- (a) a rate may consist of a base amount and an amount payable for each stock unit based on the total notional carrying capacity of rateable land in the district, and
- (b) a livestock health and pest authority may, in accordance with the regulations under the Principal Act, if any, do either or both of the following:
 - (i) divide its district into zones and make and levy different rates for different zones,
 - (ii) make and levy different rates for the different constituent parts of its district (being the divisions of districts and parts of divisions of districts that have been amalgamated to constitute the district).

Schedule 1.1 [2] amends Schedule 7 (Savings and transitional provisions) to the Principal Act to enable regulations of a savings or transitional nature consequent on the enactment of the proposed Act to be made.

Schedule 1.2 Rural Lands Protection Amendment Act 2008 No 112

Schedule 1.2 amends section 2 of the 2008 amending Act to provide that Schedule 4 [1], [2] and [4]–[8] and Schedule 6.1 [1], [4], [5] and [7] and Schedule 6.19 [1] and [2] to that Act (being amendments relating to rating) are to commence on a day or days to be appointed by proclamation rather than 1 January 2010.

First print



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No. , 2009

A Bill for

An Act to amend the *Rural Lands Protection Act 1998* and the *Rural Lands Protection Amendment Act 2008* to make further provision with respect to rates; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Rural Lands Protection Amendment Act 2009</i> .	3
2 Commencement	4
This Act commences on the date of assent to this Act.	5

Schedule 1	Amendment of rural lands protection legislation	1
		2
1.1	Rural Lands Protection Act 1998 No 143	3
[1]	Section 62 When are rates to be made and levied?	4
	Insert after section 62 (3):	5
	(3A) A rate does not have effect until it is approved by the Minister.	6
[2]	Schedule 7 Savings and transitional provisions	7
	Insert at the end of clause 1 (1):	8
	<i>Rural Lands Protection Amendment Act 2009</i>	9
[3]	Schedule 7, Part 7	10
	Insert at the end of the Schedule:	11
	Part 7 Provisions consequent on enactment of Rural Lands Protection Amendment Act 2009	12
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48	Minister's approval of rates: section 62 (3A)	15
	Section 62 (3A) applies only to a rate made after the commencement of that subsection.	16
		17
49	Making and levying of rates before commencement of Schedule 4 [2] and [4] to Rural Lands Protection Amendment Act 2008	18
		19
(1)	This clause:	20
(a)	has effect on and from 1 January 2010, and	21
(b)	ceases to have effect on the commencement of Schedule 4 [2] and [4] to the <i>Rural Lands Protection Amendment Act 2008</i> .	22
		23
		24
(2)	A rate may consist of:	25
(a)	a base amount, and	26
(b)	an amount payable for each stock unit based on the total notional carrying capacity of rateable land in the district.	27
		28
(3)	An authority may, in accordance with the regulations, if any, do either or both of the following:	29
		30
(a)	divide its district into zones and make and levy different rates for different zones,	31
		32

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Schedule 1 Amendment of rural lands protection legislation

(b) make and levy different rates for the different constituent parts of its district.	1 2
(4) In this clause, <i>constituent parts</i> of a district means the divisions of districts and parts of divisions of districts that have been amalgamated by a proclamation under section 5 to constitute the district.	3 4 5 6
Note. The making of rates is subject to the approval of the Minister (see section 62 (3A)) and any guidelines and specific orders of the State Council (see section 12 (1)).	7 8 9
1.2 Rural Lands Protection Amendment Act 2008 No 112	10
Section 2 Commencement	11
Omit “commence on 1 January 2010” from section 2 (2).	12
Insert instead “commence on a day or days to be appointed by proclamation”.	13