

## 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.