

South Australia



ANNO QUINQUAGESIMO
ELIZABETHAE II REGINAE
A.D. 2001

**LOCAL GOVERNMENT (CONSULTATION ON RATING POLICIES)
AMENDMENT ACT 2001**

No. 67 of 2001

[Assented to 6 December 2001]

An Act to amend the Local Government Act 1999.

SUMMARY OF PROVISIONS

1. Short title
2. Amendment of s. 151—Basis of rating
3. Amendment of s. 156—Basis of differential rates

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Local Government (Consultation on Rating Policies) Amendment Act 2001*.

(2) The *Local Government Act 1999* is referred to in this Act as "the principal Act".

Amendment of s. 151—Basis of rating

2. Section 151 of the principal Act is amended by inserting after subsection (4) the following subsections:

(5) Before a council—

- (a) changes the basis of the rating of any land (including by imposing differential rates on land that has not been differentially rated in the preceding financial year, or by no longer imposing differential rates on land that has been differentially rated in the preceding financial year); or
- (b) changes the basis on which land is valued for the purposes of rating; or
- (c) changes the imposition of rates on land by declaring or imposing a separate rate, service rate or service charge on any land,

the council must—

- (d) prepare a report on the proposed change; and
- (e) follow the relevant steps set out in its public consultation policy.

(6) A report prepared for the purposes of subsection (5)(d) must address the following:

- (a) the reasons for the proposed change;
- (b) the relationship of the proposed change to the council's overall rates structure and policies;
- (c) in so far as may be reasonably practicable, the likely impact of the proposed change on ratepayers (using such assumptions, rate modelling and levels of detail as the council thinks fit);
- (d) issues concerning equity within the community,

and may address other issues considered relevant by the council.

(7) A public consultation policy for the purposes of subsection (5)(e) must at least provide for—

- (a) the publication in a newspaper circulating within the area of the council a notice describing the proposed change, informing the public of the preparation of the report required under subsection (5)(d), and inviting interested persons—
- (i) to attend a public meeting in relation to the matter to be held on a date (which must be at least 21 days after the publication of the notice) stated in the notice; or
 - (ii) to make written submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and
- (b) the council to organise the public meeting contemplated by paragraph (a)(i) and the consideration by the council of any submissions made at that meeting or in response to the invitation under paragraph (a)(ii).

(8) The council must ensure that copies of the report required under subsection (5)(d) are available at the meeting held under subsection (7)(a)(i), and for inspection (without charge) and purchase (on payment of a fee fixed by the council) at the principal office of the council at least seven days before the date of that meeting.

(9) A rate cannot be challenged on a ground based on the contents of a report prepared by a council for the purposes of subsection (5)(d).

Amendment of s. 156—Basis of differential rates

3. Section 156 of the principal Act is amended by inserting after subsection (14) the following subsections:

(14a) Before a council changes from declaring differential rates in relation to any land on the basis of a differentiating factor under either paragraph (a), (b) or (c) of subsection (1) to a differentiating factor under another of those paragraphs, the council must—

- (a) prepare a report on the proposed change; and
- (b) follow the relevant steps set out in its public consultation policy.

(14b) A report prepared for the purposes of subsection (14a)(a) must address the following:

- (a) the reasons for the proposed change;
- (b) the relationship of the proposed change to the council's overall rates structure and policies;
- (c) in so far as may be reasonably practicable, the likely impact of the proposed change on rate payers (using such assumptions, rate modelling and levels of detail as the council thinks fit);
- (d) issues concerning equity within the community,

and may address other issues considered relevant by the council.

(14c) A report prepared for the purposes of subsection (14a)(a) may form a part of a report prepared for the purposes of section 151(5)(d).

(14d) A public consultation policy for the purposes of subsection (14a) must at least provide for—

- (a) the publication in a newspaper circulating within the area of the council a notice describing the proposed change, informing the public of the preparation of the report required under subsection (14a)(a), and inviting interested persons—
 - (i) to attend a public meeting in relation to the matter to be held on a date (which must be at least 21 days after the publication of the notice) stated in the notice; or
 - (ii) to make written submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and
- (b) the council to organise the public meeting contemplated by paragraph (a)(i) and the consideration by the council of any submissions made at that meeting or in response to the invitation under paragraph (a)(ii).

(14e) The council must ensure that copies of the report required under subsection (14a)(a) are available at the meeting held under subsection (14d)(a)(i), and for inspection (without charge) and purchase (on payment of a fee fixed by the council) at the principal office of the council at least seven days before the date of that meeting.

(14f) A rate cannot be challenged on a ground based on the contents of a report prepared by a council for the purposes of subsection (14a)(a).