

Rural Lands Protection Amendment Act 2008

Note:

The Act is to be repealed by sec 6 (1) of this Act on the day following the day on which all of the provisions of this Act have commenced.

Long Title

An Act to amend the *Rural Lands Protection Act 1998* to make further provision with respect to the protection of rural lands, to provide for the establishment of the State Policy Council of Livestock Health and Pest Authorities and the constitution of livestock health and pest authorities and the State Management Council of Livestock Health and Pest Authorities and to provide for the functions of those bodies; and for other purposes.

1 Name of Act

This Act is the *Rural Lands Protection Amendment Act 2008*.

2 Commencement

(1) This Act commences on 1 January 2009, except as provided by subsection (2).

(2) Schedule 4 [1], [2] and [4]-[8] and Schedule 6.1 [1], [4], [5] and [7] and Schedule 6.19 [1] and [2] commence on a day or days to be appointed by proclamation.

3 Amendment of Rural Lands Protection Act 1998 No 143

The *Rural Lands Protection Act 1998* is amended as set out in Schedules 1-5.

4 Amendment of other Acts and instruments

The Acts and instruments specified in Schedule 6 are amended as set out in that Schedule.

5 Repeal of Rural Lands Protection Amendment Act 2006 No 118

The *Rural Lands Protection Amendment Act 2006* is repealed.

6 Repeal of Act

(1) This Act is repealed on the day following the day on which all of the provisions of this Act have commenced.

(2) The repeal of this Act and the *Rural Lands Protection Amendment Act 2006* does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by those Acts.

Schedules 1-3 (Repealed)

Schedule 4 Amendments to Rural Lands Protection Act 1998 relating to rating

(Section 3)

[1] Section 58 Definitions

Omit the definition of "notional carrying capacity".

[2] Section 61 What are the types of rate?

Insert after section 61 (2):

(3) A rate may consist of:

- (a) a base amount, and
- (b) an amount calculated on a per hectare basis.

[3] (Repealed)

[4] Section 62 (6)

Insert after section 62 (5):

(6) An authority may, in accordance with the regulations or any guidelines given by the State Council, if any, divide its district into zones and make and levy different rates for different zones.

[5] Part 7, Division 4

Omit the Division.

[6] Part 7, Division 5, heading

Omit the heading. Insert instead:

Division 5 Appeals against rates
Appeals against rates

[7] Section 72 Appeals against assessment

Omit the section.

[8] Section 74 Hearing of appeals

Omit section 74 (1).

Schedule 5 (Repealed)

Schedule 6 Amendment of other Acts and instruments

(Section 4)

6.1 – Agricultural Livestock (Disease Control Funding) Act 1998 No 139

[1] Section 3 Definitions

Omit the definition of "carrying capacity".

[2], [3] (Repealed)

[4] Section 14 Liability to pay industry levy

Omit "levied according to the carrying capacity of the land" from section 14 (1).

Insert instead "made in accordance with the regulations".

[5] Section 16 Amount of industry levy

Omit "if the carrying capacity of the ratable land does not exceed a minimum carrying capacity" from section 16 (2).

Insert instead "in the circumstances prescribed by the regulations".

[6] (Repealed)

[7] Section 25 Review of industry levy based funding decisions

Omit section 25 (2).

6.2-6.18 – (Repealed)**6.19 – Meat Industry Act 1978 No 54****[1] Section 59A Meat industry levy**

Omit section 59A (2). Insert instead:

(2) The amount of the levy payable by an occupier under subsection (1) is the lesser of the following:

- (a) the sum calculated in the manner prescribed by the regulations,
- (b) \$130 (or such other amount as may be prescribed).

[2] Section 59A (4) and (5)

Omit the subsections. Insert instead:

(4) If an occupier of land within the same or different districts within the meaning of the *Rural Lands Protection Act 1998* pays to the Food Authority or its agents meat industry levies in respect of different parcels of land the total of which exceed \$130 (or, if an amount is prescribed for the purposes of subsection (2) (b), that amount), the Food Authority or its agent must, on the application of the occupier, refund to the occupier the amount of the excess.

[3] (Repealed)**6.20-6.34 – (Repealed)****Historical notes**

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
ClI	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

Table of amending instruments *Rural Lands Protection Amendment Act 2008 No 112*.

Assented to 10.12.2008. Date of commencement, Schs 4 [1] [2] and [4]-[8], 6.1 [1] [4] [5] and [7] and 6.19 [1] and [2] excepted, 1.1.2009, sec 2 (1); date of commencement of Schs 4 [1] [2] and [4]-[8], 6.1 [1] [4] [5] and [7] and 6.19 [1] and [2]: not in force. This Act has been amended as follows:

2009	No 56	<i>Statute Law (Miscellaneous Provisions) Act 2009</i> . Assented to 1.7.2009. Date of commencement of Sch 5, 17.7.2009, sec 2 (1).
	No 105	<i>Rural Lands Protection Amendment Act 2009</i> . Assented to 14.12.2009. Date of commencement, assent, sec 2.

Table of amendments

Sec 2	Am 2009 No 105, Sch 1.2.
Schs 1-3	Rep 2009 No 56, Sch 5.
Sch 4	Am 2009 No 56, Sch 5.
Sch 5	Rep 2009 No 56, Sch 5.

