

## **Explanatory Memorandum**

### ***Agriculture and Related Resources Protection Amendment Bill 2005***

The purpose of this Bill is to effect a change in the ability to raise rates to control declared plants and animals in the pastoral area of the State. The amendments will remove current provisions for a general agriculture protection rate on land held under pastoral lease, and instead enable the quantum of the rate to be set in relation to pastoral leases within particular zones, with the funds raised still matched dollar-for-dollar by the State Government. An ability to raise further, unmatched rates will remain.

Under the Act's existing provisions, with the approval of the Minister, the Agriculture Protection Board (the Protection Board) may annually impose a general rate on all land held under pastoral lease (section 60). Rates are imposed in order to raise funds for the control of declared plants and animals on, and in relation to, this land. If necessary, a further "zonal" rate may be applied in particular zones (section 61).

Under section 60, for land south of the Kimberley, the general rate must not exceed 8 cents in the dollar of its unimproved value. For land within the Kimberley, the general rate must either equal that set for south of Kimberley, or must otherwise be set so as to raise one-third of the total rate revenue across all pastoral land, whichever is the lesser. General rates recovered are "matched" dollar-for-dollar from the Consolidated Fund in accordance with section 65(3) of the Act. Zonal rates are not matched by government funds.

The Agriculture Protection Board determines the appropriate annual rate in consultation with the Zone Control Authorities (ZCAs) established under the Act. When the amended provisions take effect, the different rates will be set on the recommendation of the relevant ZCA according to the needs of the control programs developed by the ZCAs. With control programs increasingly designed, overseen and evaluated at the local level, it is vital that each pastoral ZCA is able to recommend a rate which will generate the revenue necessary to underpin the desired level of pest control activity within its particular zone. To achieve this, it is necessary that rates are able to be set at different levels for the 5 different pastoral zones, whilst still retaining the dollar-for-dollar contribution from the State Government. These amendments will allow this to occur.

#### **Clause 1 - Short title**

States the short title of the proposed Act.

#### **Clause 2 – Commencement**

States that the Act will come into operation on the day on which it receives the Royal Assent. The Bill is short and has one straightforward purpose – to effect a change in the rating provisions for the control of declared pests in pastoral regions – and there is no reason for commencement to be delayed.

**Clause 3 – The Act amended**

States the Act that is amended, the *Agriculture and Related Resources Protection Act 1976*.

**Clause 4 – Section 58 amended**

Section 58 of the Act is the provision which allows operational work to be carried out using moneys raised through the collection of rates under sections 60 and 61.

Section 58(1)(b) and (c) ensure that “zonal rates recovered under section 61” are used only in the zone in which they were collected.

The amendments effected by this Bill will mean there is no longer a distinction between “general” and “zonal” rates because all rates raised will relate to particular zones. Instead the distinction will be between rates under section 60 that are matched and rates under section 61 that are not matched. Hence the reference to “zonal rates” is removed from section 58 which, in the relevant places, will now simply refer to “rates collected under section 61”.

**Clause 5 – Section 60 amended**

This clause makes a number of amendments to section 60 of the Act which authorises the imposition of general rates on pastoral leases. The effect of section 60 is described above.

Currently, this provision applies “to the financial year commencing on 1 July 1976 and to each financial year thereafter”. The amended provisions are to apply to the 2006/07 financial year. Hence clause 5(1) replaces “1976” with “2006”.

Clause 5(2) simply removes the term “general” in relation to the rates that may be raised under section 60, for the reasons mentioned above with reference to clause 4.

Clause 5(3) repeals the existing subsections 60(3) to (5) and inserts the appropriate new provisions to effect the changes described above.

The new section 60(3) still requires rates to be set by the Protection Board with the approval of the Minister and still requires the rates to be imposed by notice published in the Gazette “on or before 30 June immediately preceding a financial year to which this section applies”. The new provision removes the requirement that rate revenue generated from pastoral leases within the Kimberley amount to one-third of the total rate revenue generated from pastoral leases south of the Kimberley.

Under the new section 60(4) rates continue to be imposed upon the unimproved value of the land to which the rate applies but the maximum rate has been increased from 8 to 10 cents in the dollar. This is in recognition of the fact that the statutory limit has not been increased since the principal Act was enacted nearly 30 years ago.

The new section 60(5) ensures that all land in a given zone is subject to the same rate quantum. Section 60(6) similarly ensures that any pastoral leasehold land that is not within one of the existing zones is subject to the same rate quantum. At present, all land falls within a zone, but it is technically possible for zones to be redrawn leaving some land not within a zone.

Clause 60(7) is a transitional provision to ensure that the amendments do not apply in relation to rates payable for a financial year commencing before 1 July 2006.

**Clause 6 – Section 61 amended**

This amendment removes the term “zonal” from section 61, the provision that allows additional “top up” rates to be imposed – these are not matched by the State Government, either currently, or under the revised provisions.

**Clause 7 – Section 63 amended**

The terms “general” and “zonal” are also removed from the provision relating to the assessment, payment and recovery of rates.

**Clause 8 – Schedule deleted**

The schedule that delineated the land within the specified part of the State (the Kimberley) is removed as there will no longer be a distinction between pastoral leases in this and other parts of the State.