

TASMANIA

**STATE AND LOCAL GOVERNMENT
FINANCIAL REFORM BILL 2003**

CONTENTS

PART 1 - PRELIMINARY

1. Short title
2. Commencement

PART 2 - *DUTIES ACT 2001* AMENDED

3. Principal Act
4. Section 53 amended (Exemptions relating to various transactions)

PART 3 - *LAND TAX ACT 2000* AMENDED

5. Principal Act
6. Section 17 amended (Exempt Crown and public lands)

PART 4 - *LIBRARIES ACT 1984* AMENDED

7. Principal Act
8. Section 3 amended (Interpretation)
9. Section 10 repealed

PART 5 - *LOCAL GOVERNMENT ACT 1993* AMENDED

10. Principal Act
11. Section 87 amended (Exemption from rates)

12. Section 107 amended (Variation in rates)
13. Part 10 repealed

**PART 6 - MARINE AND SAFETY AUTHORITY ACT 1997
AMENDED**

14. Principal Act
15. Section 23 amended (Authority exempt from State charges)

PART 7 - PAY-ROLL TAX ACT 1971 AMENDED

16. Principal Act
17. Section 10 amended (Exemption from pay-roll tax)

PART 8 - TRANSPORT ACT 1981 AMENDED

18. Principal Act
19. Section 25 amended (Property of Commission exempt from taxes)

PART 9 - VALUATION OF LAND ACT 2001 AMENDED

20. Principal Act
21. Section 11 amended (Duty of Valuer-General to make valuations)

**PART 10 - VEHICLE AND TRAFFIC (DRIVER
LICENSING AND VEHICLE REGISTRATION)
REGULATIONS 2000 AMENDED**

22. Principal Regulations
23. Regulation 97 amended (General exemptions)

STATE AND LOCAL GOVERNMENT FINANCIAL REFORM BILL 2003

*(Brought in by the Minister for Education, the Honourable
Paula Catherine Wriedt)*

A BILL FOR

An Act to amend certain enactments for the purpose of State and local government financial reform

Be it enacted by His Excellency the Governor of Tasmania,
by and with the advice and consent of the Legislative
Council and House of Assembly, in Parliament assembled,
as follows:

PART 1 - PRELIMINARY

Short title

1. This Act may be cited as the *State and Local
Government Financial Reform Act 2003*.

Commencement

2. This Act commences on 1 July 2004.

s. 3

No. *State and Local Government Financial Reform* 2003

PART 2 – DUTIES ACT 2001 AMENDED

Principal Act

3. In this Part, the *Duties Act 2001** is referred to as the Principal Act.

Section 53 amended (Exemptions relating to various transactions)

4. Section 53 of the Principal Act is amended by omitting paragraph (e).

*No. 15 of 2001

PART 3 – LAND TAX ACT 2000 AMENDED**Principal Act**

5. In this Part, the *Land Tax Act 2000** is referred to as the Principal Act.

Section 17 amended (Exempt Crown and public lands)

6. Section 17 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1)(c) “held by a State Government body” after “reserves”;
- (b) by omitting paragraph (e) from subsection (1) and substituting the following paragraph:
 - (e) parks and gardens held or owned by a local authority or other local governing or statutory public body, other than an applicable authority as defined in section 39A of the *Local Government Act 1993*, and used for recreational purposes and for which free public access is normally provided by the local authority or other local governing or statutory public body;
- (c) by inserting the following subsections after subsection (2):
 - (3) A reference in subsection (1)(e) to parks and gardens held or owned by a local

*No. 74 of 2000

authority or other local governing or statutory public body, other than an applicable authority as defined in the *Local Government Act 1993*, does not include premises held or owned by the local authority or other local governing or statutory public body and built, and used, for the specific purpose of conducting sporting activities.

(4) In this section –

“Government Business Enterprise” has the same meaning as in the *Government Business Enterprises Act 1995*;

“State Government body” means a State Service Agency, a statutory authority, a State-owned company or a Government Business Enterprise;

“State-owned company” means a company incorporated under the Corporations Act that is controlled by the Crown, a Government Business Enterprise or a statutory authority or another company that is so controlled;

“statutory authority” means a body or authority, whether incorporated or not, that is established or constituted by or under an Act or under the Royal Prerogative, being a body or authority which, or of which the governing authority, wholly or partly comprises a person or persons appointed by the

2003

*State and Local Government Financial
Reform*

No.

s. 6

Governor, a Minister or another
statutory authority but does not
include a State Service Agency.

**PART 5 – LOCAL GOVERNMENT ACT 1993
AMENDED**

Principal Act

10. In this Part, the *Local Government Act 1993** is referred to as the Principal Act.

Section 87 amended (Exemption from rates)

11. Section 87 of the Principal Act is amended as follows:

- (a) by omitting paragraph (b) from subsection (1) and substituting the following paragraphs:
 - (b) land held or owned by the Crown that –
 - (i) is a national park, within the meaning of the *Nature Conservation Act 2002*; or
 - (ii) is a conservation area, within the meaning of the *Nature Conservation Act 2002*; or
 - (iii) is a nature recreation area, within the meaning of the *Nature Conservation Act 2002*; or
 - (iv) is a nature reserve, within the meaning of the *Nature Conservation Act 2002*; or

*No. 95 of 1993

- (v) is a regional reserve, within the meaning of the *Nature Conservation Act 2002*; or
- (vi) is a State reserve, within the meaning of the *Nature Conservation Act 2002*; or
- (vii) is a game reserve, within the meaning of the *Nature Conservation Act 2002*; or
- (viii) is a forest reserve, within the meaning of the *Forestry Act 1920*; or
- (ix) is a public reserve, within the meaning of the *Crown Lands Act 1976*; or
- (x) is a public park used for recreational purposes and for which free public access is normally provided; or
- (xi) is a road, within the meaning of the *Roads and Jetties Act 1935*; or
- (xii) is a way, within the meaning of the *Local Government (Highways) Act 1982*; or
- (xiii) is a marine facility, within the meaning of the *Marine and Safety Authority Act 1997*; or

- (xiv) supports a running line and siding within the meaning of the *Rail Safety Act 1997*;
- (c) land owned by the Hydro-Electric Corporation or land owned by a subsidiary, within the meaning of the *Government Business Enterprises Act 1995*, of the Hydro-Electric Corporation on which assets or operations relating to electricity infrastructure, within the meaning of the *Hydro-Electric Corporation Act 1995*, other than wind-power developments, are located;
- (b) by omitting from subsection (1)(d) “public or”;
- (c) by omitting subsection (4).

Section 107 amended (Variation in rates)

12. Section 107 of the Principal Act is amended by inserting after subsection (2) the following subsections:

(3) A council must not apply a higher general rate on a State Government body than it would apply on a body of a similar nature that is not a State Government body.

(4) In this section –

“**Government Business Enterprise**” has the same meaning as in the *Government Business Enterprises Act 1995*;

“**State Government body**” means a State Service Agency, a statutory authority, a

s. 13

No.

*State and Local Government Financial
Reform*

2003

State-owned company or a Government
Business Enterprise;

“State-owned company” means a company
incorporated under the Corporations Act
that is controlled by the Crown, a
Government Business Enterprise or a
statutory authority or another company
that is so controlled;

“statutory authority” means a body or
authority, whether incorporated or not,
that is established or constituted by or
under an Act or under the Royal
Prerogative, being a body or authority
which, or of which the governing
authority, wholly or partly comprises a
person or persons appointed by the
Governor, a Minister or another
statutory authority but does not include
a State Service Agency.

Part 10 repealed

13. Part 10 of the Principal Act is repealed.

PART 7 – PAY-ROLL TAX ACT 1971 AMENDED

Principal Act

16. In this Part, the *Pay-roll Tax Act 1971** is referred to as the Principal Act.

Section 10 amended (Exemption from pay-roll tax)

17. Section 10 of the Principal Act is amended by omitting paragraph (e).

*No. 43 of 1971

**PART 9 – VALUATION OF LAND ACT 2001
AMENDED**

Principal Act

20. In this Part, the *Valuation of Land Act 2001** is referred to as the Principal Act.

Section 11 amended (Duty of Valuer-General to make valuations)

21. Section 11 of the Principal Act is amended by omitting subsection (1) and substituting the following subsections:

(1) The Valuer-General must, subject to this section, make –

- (a) valuations of the land values, capital values and assessed annual values of all lands within each valuation district and Crown lands liable to be rated in accordance with Part 9 of the *Local Government Act 1993*; and
- (b) valuations of the assessed annual values of such Crown lands and lands held by or on behalf of statutory authorities within the outer islands, and leased for grazing or agricultural purposes, as are liable to be rated in accordance with Part 9 of the *Local Government Act 1993*.

(1A) The Valuer-General may exempt land from the valuations to be made under subsection (1)

*No. 102 of 2001

2003

*State and Local Government Financial
Reform*

No.

s. 21

if the Valuer-General considers that the land should not be included in those valuations.

PART 10 – VEHICLE AND TRAFFIC (DRIVER LICENSING AND VEHICLE REGISTRATION) REGULATIONS 2000 AMENDED

Principal Regulations

22. In this Part, the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2000** are referred to as the Principal Regulations.

Regulation 97 amended (General exemptions)

23. Regulation 97(a) of the Principal Regulations is amended by omitting subparagraph (iii).

*S.R. 2000, No. 49