

LEGISLATIVE COUNCIL

FIRE SERVICES PROPERTY LEVY BILL 2012

(Suggested amendments to be proposed in Committee by Mr RICH-PHILLIPS)

That it be a suggestion to the Assembly that they make the following amendments in the Bill:

1. Clause 3, page 5, lines 2 and 3, omit ", unless section 20 applies, calculated in accordance with section 17" and insert "as assessed and calculated in accordance with Part 2".
2. Clause 9, page 9, lines 31 to 34, omit all words and expressions on these lines and insert—
  - "(b) the fixed charge part of the levy is to be apportioned so that the entire fixed charge for the undertaking is levied only in respect of the largest portion of the land and every other portion of land that forms a part of the undertaking is deemed to have a fixed charge of \$0.
- (7) If 2 or more portions of the land comprising one undertaking under subsection (6)(b) are equally the largest, the Minister must in writing direct which of the portions of land the fixed charge is to be levied against.
- (8) If any person is liable to be levied in respect of 2 or more parcels of leviable land that is farm land within the meaning of section 2(1) of the **Valuation of Land Act 1960**, or would be farm land if it were 2 hectares or more in area, and the parcels of land constitute a single farm enterprise, the person may apply to the collection agency for an exemption from the liability to pay the fixed charge part of the levy in respect of each parcel of leviable land that constitutes the single farm enterprise if—
  - (a) an exemption is not claimed in respect of at least one parcel of leviable land which forms part of the single farm enterprise; and
  - (b) in the case of a single farm enterprise which is occupied by more than one person, an exemption is not claimed in respect of more than one principal place of residence.
- (9) In subsection (8), *single farm enterprise* means 2 or more parcels of leviable land—
  - (a) which—
    - (i) are farm land; and
    - (ii) are farmed as a single enterprise; and
    - (iii) are occupied by the same person or persons—

whether or not the parcels of land are contiguous or are located in the same municipal district; or
  - (b) which—

- (i) as to all the properties except one, are farm land farmed as a single enterprise occupied by the same person or persons; and
    - (ii) as to one property contiguous with at least one of the other properties, is the principal place of residence of that person or one of those persons.
  - (10) An application made to a collection agency under subsection (8) must be in the form and made within the period—
    - (a) specified in a direction of the Minister made under section 72; or
    - (b) if the Minister has not made a direction for the purposes of this section, specified by the relevant collection agency.
  - (11) A collection agency may require an applicant for an exemption under subsection (8) to give further particulars, or to verify particulars, in respect of the person's application.
  - (12) A person who has made an application for, or who has been granted, an exemption under subsection (8), must advise the relevant collection agency of any change in circumstances that could affect the person's eligibility for an exemption under that subsection."
3. Clause 17, lines 28 to 30, omit all words and expressions on those lines and insert—
    - "FC means—
      - (a) if section 9(6)(b) applies to the leviable land and the leviable land is not the largest portion in an undertaking, \$0;
      - (b) if section 9(7) applies and the portion in an undertaking is not the portion in respect of which the Minister has made a direction, \$0;
      - (c) in all other cases, the fixed charge that applies to the leviable land specified in section 11(2) as adjusted under section 11(3);".
  4. Clause 34, lines 31 and 32, omit "and paid out of the account maintained".
  5. Clause 34, line 33, omit "under section 37".
  6. Heading to clause 37, line 16, omit "**kept in dedicated account**" and insert "**separately accounted for**".
  7. Clause 37, lines 17 to 20, omit all words and expressions on these lines and insert—
    - "(1) A collection agency must separately account for levy amounts and levy interest collected by the collection agency under this Act."
  8. Clause 37, lines 22 and 23, omit "and paid into an account specified in subsection (1)" and insert "under this Act".
  9. Clause 37, lines 26 and 27, omit "paid into an account specified in subsection (1)".
  10. Clause 37, lines 30 and 31, omit "paid into the account specified in subsection (1)".

11. Clause 37, page 40, lines 1 and 2, omit "paid into an account specified in subsection (1)" and insert "collected by a collection agency".
12. Clause 37, page 40, line 4, omit "paid out of the account and".