

Aboriginal Lands Trust
Policy & Guideline Series

For further information contact:

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Policy and Guidelines Local Government Charges on the ALT Estate



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Department of
Indigenous Affairs



Policy & Guidelines

Local Government Charges on the ALT Estate

Aboriginal Lands Trust WA

Over-arching policy

The Aboriginal Lands Trust (ALT) meets its statutory obligations as a government land holder, except where those obligations are passed to a third party by way of a formal lease or tenancy arrangement.

Introduction

Local Government rates are levied against ALT land. The issue of the rateability of the ALT estate has been a matter of contention for some time with Local Government serving rate notices to Aboriginal communities situated on reserve land. Shire rates have also been levied against ALT freehold, pastoral leases and special leases. It has not been clear in the past whether rates are payable and, if so, by whom.

The ALT has therefore developed the following policy and guidelines in relation to Local Government charges on its land.

Are local government rates payable and by whom?

The ALT itself is generally exempt from paying annual rates as it is an agency of the Crown and its land is normally either vacant or leased/occupied by charitable organisations (refer to the constitution, or if the group has Public Benevolent Institution status from the Australian Taxation Office), such as Aboriginal communities, resource agencies and medical centres. In these situations the ALT will liaise with the Local Government to seek exemption from annual rates. If a leaseholder/occupier of ALT land is classed as a charitable organisation, and is still being charged annual rates, then it needs to formally approach Local Government to seek exemption, as a charitable organisation.

Where an occupier/leaseholder uses ALT land to gain profit, Local Government will generally charge annual rates. This could include tourism ventures, running stock and small business. Should Local Government determine that annual rates are to be charged, these charges are to be paid by the occupier/leaseholder. The ALT will not pay these charges, and will not pay any interest charges on outstanding amounts.

Rubbish collection charges and other service charges from local government

When Local Government provides a service to a person or community, they charge an annual fee. This is normally for rubbish collection, but can also include services such as security services and fruit fly control.

Any annual service charges on ALT land are to be paid by the occupier/leaseholder. The ALT will not pay these fees, and will not pay any penalties that may be added for late payment by the occupier or leaseholder.

Annual rates, rubbish collection and other service charges for residential houses on ALT land

A number of ALT properties have residential housing which are occupied or leased to individuals and families, but do not come under the umbrella of an incorporated Aboriginal organisation. In these circumstances, these individuals and families are generally not able to seek exemption from Local Government charges. The Residential Tenancy Act (RTA) governs the management of these residential houses.

Local Government will generally levy annual rates and other service charges for residential houses. Where this occurs on its land, the ALT will normally make the payment of all Local Government charges a condition of a lease or tenancy agreement, making the leaseholder/occupier liable for payment of these charges. However, where the ALT land is unleased, under the RTA the ALT is required to pay all Local Government charges.

Emergency services levy

Local Government also charges an annual Emergency Services Levy (ESL). The ESL funds Western Australia's fire and emergency services, including fire stations, volunteer fire brigades, State Emergency Service units and other multi-purpose volunteer emergency service units.

The levy is paid by the ALT. The leaseholder or occupier does not have to pay any additional ESL charges.

QUERIES

Any queries about payment of Local Government charges on ALT land should be directed to the Department of Indigenous Affairs' Senior Asset Officer on telephone 9235 8000, or dial the **Easy Call Line - 1300 651 077** from anywhere within Western Australia to be automatically be connected to your regional DIA office for the cost of a local call.