



SINGLE FARM ENTERPRISE

Section 152 Local Government Act 1999

The new Local Government Act 1999 provides that *“if two or more pieces of rateable land within the area of the Council constitute a single farm enterprise, only one fixed charge may be imposed against the whole of the land.”*

A Single Farm Enterprise is defined in the Local Government -

“A reference to a single farm enterprise is a reference to two or more pieces of rateable 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 pieces of land are contiguous; or

(b) *which -*

- (iv) *as to all the pieces except one, are farm land farmed as a single enterprise occupied by the same person or persons; and*
- (v) *as to one piece contiguous with at least one of the other pieces, is the principal place of residence of that person or one of those persons.”*

The Legislation further provides that those provisions only apply *“if the Council is satisfied, upon application to the Council, and by provision of such information or evidence as the Council may reasonably require, that the relevant land is within the ambit of the provisions.”*

In effect, this means that non-contiguous land can now be recognised as a ‘single farming enterprise’ and not attract a fixed charge to each of the assessments. It also means:

- that if the occupier of all the land concerned is the same person,
- all of the land is used to carry on the business of primary production, and,
- managed as a single unit for that purpose,

then only one fixed charge will be imposed against the whole of the land.

For example: some land owned by a husband, some by a wife and some by their sons, are each rated on separate assessments. However if the land is managed by a partnership, or by a trust as a single farm enterprise, the family partnership or trust as the occupier can apply to the Council for only one fixed charge to apply.

To assist you to make this application, Council has prepared an application form for you to use. If you believe that you are eligible to apply to have these provisions apply to your farming enterprise, please complete an application form which is available at the Council Office no later than 23 May 2003. All rural zone rate payers should receive an application at the registered postal address.

Council requires that the statutory declaration at the bottom of this application attesting to the information included in the application to be signed.

It is also advised that if the grounds on which you apply for this single farm enterprise remission cease to exist, the person or body who have the benefit of the provisions must immediately inform the Council of the fact. A penalty of \$5,000 can be applied for not informing the Council.

**DISTRICT COUNCIL OF ORROROO CARRIETON
SINGLE FARM ENTERPRISE (S 152 - L.G. Act 1999)
STATUTORY DECLARATION**

I,
(Surname) (Given names)

of,
(Address)

Date of Birth/...../.....

do solemnly and sincerely declare that being a principal/partner in

.....
(Name of Partnership or Company)

occupy the following rateable land:

Assessment No: Sections:

Assessment No: Sections:

Assessment No: Sections:

Assessment No: Sections:

Assessment No: Sections:

Assessment No: Sections:

and that all of this land is operated as a "single farm enterprise" as defined in the Local Government Act 1999. [Definition hereunder].

I declare that the full details of production / nature of the business is / are: (attach further sheet if necessary)

.....
.....

And I make this solemn declaration conscientiously knowing the same to be true, and by virtue of the Oaths Act, 1936.

Declared at:
.....
(Signature)

In the State of South Australia this day of 2000.

before me:
(A Justice of the Peace, Proclaimed Police Officer, Proclaimed Bank Manager or Proclaimed Post Master)

Situation or Stationed at:

Penalties may be incurred for making a false declaration
pursuant to Section 27 of the Oaths Act 1936.

"A reference to a single farm enterprise is a reference to two or more pieces of rateable 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 pieces of land are contiguous; or
- (b) which -
 - (iv) as to all the pieces except one, are farm land farmed as a single enterprise occupied by the same person or persons; and
 - (v) as to one piece contiguous with at least one of the other pieces, is the principal place of residence of that person or one of those persons."