

No. 25 of 1973

AN ORDINANCE

To amend the *Sewerage Rates Ordinance 1968-1972*.

I, THE GOVERNOR-GENERAL of Australia, acting with the advice of the Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1972*.

Dated this fourth day of July, 1973.

PAUL HASLUCK
Governor-General.

By His Excellency's Command,

REX PATTERSON

Minister of State for Northern Development, acting for and on behalf of the Minister of State for the Capital Territory.

SEWERAGE RATES ORDINANCE 1973

1. (1) This Ordinance may be cited as the *Sewerage Rates Ordinance 1973*.^{*} Short title and citation.

(2) The *Sewerage Rates Ordinance 1968-1972*[†] is in this Ordinance referred to as the Principal Ordinance.

(3) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Sewerage Rates Ordinance 1968-1973*.

2. Section 4 of the Principal Ordinance is amended by inserting in sub-section (1), after the definition of "lease", the following definition:— Interpretation.

" 'Oaks Estate' means the area described in the Schedule; "

3. Section 5 of the Principal Ordinance is amended by adding at the end thereof the following sub-section:— Rateable land.

" (6) Nothing in this section applies to, or in relation to, land situated at Oaks Estate."

4. After section 5 of the Principal Ordinance, the following section is inserted:—

" 5A. (1) In this section, 'parcel of land' means—

- (a) a parcel of freehold land;
 - (b) a parcel of land held under lease from the Commonwealth;
 - (c) a parcel of land held under a weekly or fortnightly tenancy from the Commonwealth; or
 - (d) a parcel of land vested in the Commonwealth and occupied by a person with the consent of the Commonwealth.
- Rateable land at Oaks Estate.

^{*} Notified in the *Australian Government Gazette* on 5 July 1973; disallowed in part by the Senate on 15 November 1973 (see footnote * on page xiii).

[†] Ordinance No. 30, 1968, as amended by No. 22, 1969; No. 50, 1970; and No. 25, 1972.

“(2) For the purposes of this Ordinance, a parcel of land situated at Oaks Estate is a parcel of rateable land if—

- (a) sewerage services are supplied in respect of that parcel of land; or
- (b) the parcel of land has been declared by the Minister, by notice in the *Gazette*, to be a parcel of land in respect of which sewerage services are available for supply.

“(3) The Minister shall not declare a parcel of land situated at Oaks Estate to be a parcel of land in respect of which sewerage services are available for supply unless a person occupying, or performing the duties of, the office of Director of Works, Australian Capital Territory, in the Department of Works has certified in writing that sewerage services are available for supply to that parcel of land.

“(4) A parcel of land that is, by virtue of this section, a parcel of rateable land shall be deemed to have become a parcel of rateable land—

- (a) in the case of a parcel of land to which sewerage services are supplied on the first day of July, 1973—on that day;
- (b) in any other case—
 - (i) on the day on which sewerage services are first supplied to the parcel; or
 - (ii) on the day on which a notice is published in the *Gazette* for the purpose of paragraph (b) of sub-section (2),
 whichever first occurs.”.

Classes of
rateable
land.

5. Section 6 of the Principal Ordinance is amended—

- (a) by omitting from paragraph (e) of sub-section (1) the words “of this section” and substituting the words “of this sub-section or in sub-section (3)”;
- (b) by inserting in sub-section (2), after the words “parcel of land” (first occurring), the words “, not being a parcel of land situated at Oaks Estate,”; and
- (c) by adding at the end thereof the following sub-section:—

“(3) A parcel of rateable land situated at Oaks Estate shall—

 - (a) where a building containing residential flats is erected on the parcel—be taken to be a Class 6 parcel of rateable land; and
 - (b) in any other case—be taken to be a Class 7 parcel of rateable land.”.

Imposition
of sewerage
rates.

6. Section 7 of the Principal Ordinance is amended by inserting after the word “rates” the words “and additional sewerage rates”.

7. After section 8 of the Principal Ordinance, the following sections are inserted:—

Amount of
rates on
land at
Oaks
Estate.

“8A. (1) Subject to this Ordinance, where a parcel of land is a Class 6 parcel of rateable land on the first day of a rating year and, on that day, sewerage services are supplied in respect of the parcel, the amount of sewerage rates imposed in respect of the parcel is—

- (a) in the rating year commencing on the first day of July, 1973—the sum of the amount of Seventeen dollars twenty

cents and an amount of Ten dollars in respect of each flat contained in the building; or

- (b) in any other rating year—the sum of the amount of Seventeen dollars twenty cents and an amount calculated by multiplying the amount of the service charge determined under section 8B by the number of flats contained in the building.

“(2) Subject to this Ordinance, where a parcel of land is a Class 7 parcel of rateable land on the first day of a rating year and, on that day, sewerage services are supplied in respect of the parcel, the amount of sewerage rates imposed in respect of the parcel is—

- (a) in the rating year commencing on the first day of July, 1973—an amount of Twenty-seven dollars twenty cents; or
- (b) in any other rating year—the sum of the service charge determined by the Minister under section 8B and an amount of Seventeen dollars twenty cents.

“(3) Subject to this Ordinance, where a parcel of land is a Class 6 or Class 7 parcel of rateable land on the first day of a rating year but, on that day, sewerage services are not supplied in respect of that parcel, the amount of sewerage rates imposed in the rating year in respect of the parcel is an amount of Seventeen dollars twenty cents.

“8B. (1) The Minister may, by notice published in the *Gazette* not later than the first day of a rating year other than the rating year commencing on the first day of July, 1973, determine the amount of the service charge that is to be payable under sub-section (1) of section 8A in relation to Class 6 or Class 7 parcels of rateable land in respect of that rating year.

Determina-
tion of
certain rates
for Class 6
Land.

“(2) In making a determination under sub-section (1), the Minister shall have regard to the costs of the operation and maintenance of sewerage services at Oaks Estate.”.

8. Section 10 of the Principal Ordinance is amended—

- (a) by inserting in sub-section (1), after the words “rateable land” (second occurring), the words, “other than a Class 6 or Class 7 parcel of rateable land”; and
- (b) by adding at the end thereof the following sub-sections:—

Amount of
rates for
part of
rating year.

“(3) Where a parcel of land is not a parcel of rateable land on the first day of a rating year but, by virtue of the operation of paragraph (b) of sub-section (2) of section 5A, becomes a Class 6 or Class 7 parcel of rateable land on a subsequent day in the rating year, no sewerage rates are imposed in that rating year in respect of that parcel.

“(4) Where, during a rating year, sewerage services are supplied to a Class 6 or Class 7 parcel of rateable land, additional sewerage rates are imposed in the rating year in respect of the parcel.

“(5) The amount of additional sewerage rates imposed in a rating year in respect of a Class 6 parcel of rateable land is the amount ascertained in accordance with the

formula $\frac{ab}{365}$ where—

- a is the amount calculated by multiplying the amount of Ten dollars or, in respect of a rating year commencing on or after the first day of July, 1974, the amount determined by the Minister under section 8B, by the number of residential flats contained in the building erected on the parcel; and
- b is the number of days in the period from and including the day on which sewerage services are supplied to the parcel to and including the last day of the rating year.

“(6) The amount of additional sewerage rates imposed in a rating year in respect of a Class 7 parcel of rateable land is the amount ascertained in accordance with the

formula $\frac{ab}{365}$ where—

- a is, in respect of the rating year commencing on the first day of July, 1973, the sum of Ten dollars or, in respect of any other rating year, the amount determined by the Minister under section 8B; and
- b is the number of days in the period from and including the day on which sewerage services are supplied to the parcel to and including the last day of the rating year.

“(7) Additional sewerage rates imposed by sub-section (4) in respect of a parcel of land become due on the day on which sewerage services are supplied to the parcel.”.

Refund of
sewerage
rates.

9. Section 13 of the Principal Ordinance is amended—

- (a) by inserting in paragraph (a) of sub-section (1), after the word “land”, the words “other than a Class 6 or Class 7 parcel of rateable land”;
- (b) by omitting from sub-section (2) the word “section” and substituting the word “sub-section”;
- (c) by inserting after sub-section (3) the following sub-section:—

“(3A) Where—

- (a) on the first day of a rating year, sewerage services are supplied to a Class 6 or Class 7 parcel of rateable land;

- (b) on a subsequent day in that rating year, not being the last day in the rating year, sewerage services cease to be supplied to that parcel; and
- (c) sewerage rates imposed in that rating year in respect of that parcel have been paid,

the Commonwealth is liable to refund to the person who is, on the day on which sewerage services cease to be supplied to that parcel, the occupier of the parcel an amount ascer-

tained in accordance with the formula $\frac{ab}{365}$ where—

- a is the amount of the sewerage rates referred to in paragraph (c) less the amount of Seventeen dollars twenty cents; and
- b is the number of days in the period from and including the day on which sewerage services cease to be supplied to that parcel to and including the last day of the rating year.”; and
- (d) by inserting in sub-section (4), after the words “sewerage rates” (wherever occurring), the words “and additional sewerage rates (if any)”.

10. Section 14 of the Principal Ordinance is amended—

- (a) by omitting sub-section (1) and substituting the following sub-section:—

Persons by whom sewerage rates are payable.

“ (1) Subject to this section, the sewerage rates or additional sewerage rates imposed in a rating year in respect of a parcel of rateable land are payable—

- (a) in the case of a parcel of freehold land—by the person or persons in whom the land is vested for an estate in fee simple on the day on which the rates or additional rates become due;
- (b) in the case of a parcel of land held under lease from the Commonwealth—by the person who is, or the persons who are, the lessee or lessees of the land on the day on which the rates or additional rates become due;
- (c) in the case of a parcel of land held under a weekly or fortnightly tenancy from the Commonwealth—by the person who is, or the persons who are, the tenant or tenants of the land on the day on which the rates or additional rates become due; **and**
- (d) in the case of a parcel of land that has been acquired by the Commonwealth but is, on the

day on which the rates or additional rates become due, occupied by a person or persons with the consent of the Commonwealth—by that person or those persons, as the case may be.”; and

(b) by inserting in sub-section (2), after the word “lessee”, the words “or lessees, as the case may be”.

Accounts for rates.

11. Section 19 of the Principal Ordinance is amended by inserting in sub-section (1), after the words “sewerage rates” (wherever occurring), the words “or additional sewerage rates”.

Recovery of rates.

12. Section 20 of the Principal Ordinance is amended by inserting after the words “Sewerage rates” the words “and additional sewerage rates”.

Refund of rates.

13. Section 23 of the Principal Ordinance is amended by inserting after the words “sewerage rates” (wherever occurring), the words “or additional sewerage rates”.

Evidence.

14. Section 24 of the Principal Ordinance is amended by adding at the end thereof the following sub-section:—

“ (4) In paragraph (a) of sub-section (1), ‘sewerage rates’ includes additional sewerage rates.”.

15. Section 27 of the Principal Ordinance is repealed and the following section substituted:—

Joint occupiers.

“ 27. (1) Where, by virtue of section 14, sewerage rates or additional sewerage rates imposed in respect of a parcel of land are payable by two or more persons who have, or each of whom has, an interest in the land, those persons are jointly and severally liable for the whole of the amount of the sewerage rates due but, as between themselves, each of them is liable only for a part of the sewerage rates proportionate to the value of his interest in the land.

“ (2) Where, by virtue of section 14, sewerage rates or additional sewerage rates imposed in respect of a parcel of land are payable by two or more persons who do not have an interest in the land, those persons are jointly and severally liable for the whole of the amount of the sewerage rates due but, as between themselves, each of them is liable only for an amount calculated by dividing the amount of the rates payable by the number of persons liable to pay those rates.

“ (3) Where, by virtue of section 14, sewerage rates or additional sewerage rates imposed in respect of a parcel of land are payable by two or more persons, one of those persons who pays to the Commonwealth an amount greater than the amount for which, as between himself and the other person or persons, he is liable may recover the excess from that other person or those other persons.”.

16. The Principal Ordinance is amended as set out in the following table:—

Alteration
of rates.

Provision amended	Omit—	Insert—
Section 8 (1) (a)	Fifteen dollars	Twenty-five dollars
Section 8 (1) (b)	Fifteen dollars	Twenty-five dollars
Section 8 (1) (c)	Fifteen dollars	Twenty-five dollars
Section 8 (1) (d) (i)	Fifteen dollars	Twenty-five dollars
Section 8 (1) (d) (ii)	Fifteen dollars	Twenty-five dollars
	Seven dollars fifty cents	Twelve dollars fifty cents
Section 8 (1) (e) (i)	Fifteen dollars	Twenty-five dollars
Section 8 (1) (e) (ii)	sum of Fifteen dollars	sum of Twenty-five dollars
	rate of Fifteen dollars	rate of Fifty dollars
Section 8 (2)	Fifteen dollars	Twenty-five dollars
Section 12 (2)	Fifteen dollars	Twenty-five dollars
Section 16 (1) (c)	Fifteen dollars	Twenty-five dollars

17. The Principal Ordinance is amended by adding at the end thereof the following Schedule:—

Schedule.

“ SCHEDULE

Section 4

OAKS ESTATE

First: All that piece of land situated in the Australian Capital Territory and described in Deposited Plan 2207.

Secondly: All that piece of land known as ‘Hazelbrook’ containing an area of 12 acres 1 rood more or less: Commencing at the northeastern corner of Lot 13 of Section L of Deposited Plan 2207 and bounded thence by the northwestern boundary of that Lot 13 bearing 246 degrees 1 minute 707 links; thence by the northeastern boundary of that Lot 13 its prolongation and northeastern boundaries of Lot 34, Lot 35 and Lot 19 of Section K of Deposited Plan 2207 bearing in all 327 degrees 31 minutes 1434.2 links; thence by a southeastern bank of Molonglo River upstream and a southwestern bank of Queanbeyan River upstream to the point of commencement.

Thirdly: All that piece of land known as ‘The Oaks’ containing an area of 2 acres 2 roods 22 perches more or less: Commencing at the northeastern corner of Lot 10 of Section B of Deposited Plan 2207 and bounded thence by a southeastern bank of Molonglo River upstream to its intersection with the western side of Hill Street; thence by that side of that street bearing 179 degrees 24 minutes 30 seconds 936.25 links; thence by northwestern boundaries of Lots 14 and 13 and part of the northwestern boundary of Lot 12 of Section B of Deposited Plan 2207 bearing in all 265 degrees 54 minutes 343.66 links; thence by the northeastern boundary of Lot 10 of Section B of Deposited Plan 2207 bearing 356 degrees 3 minutes 30 seconds 550 links to the point of commencement.”.

18. The amendments made by this Ordinance apply in the rating year that commenced on the first day of July, 1973, and in each subsequent rating year.

Application.