

No. 30 of 1974

AN ORDINANCE

To amend the *Sewerage Rates Ordinance 1968-1973*.

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 1910-1973*.

Dated this twenty-seventh day of August, 1974.

JOHN R. KERR
Governor-General.

By His Excellency's Command,

GORDON M. BRYANT
Minister of State for the Capital Territory.

SEWERAGE RATES ORDINANCE 1974

1. (1) This Ordinance may be cited as the *Sewerage Rates Ordinance 1974*.* Short title and citation.

(2) The *Sewerage Rates Ordinance 1968-1973*† 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 1968-1974*.

2. Section 3 of the Principal Ordinance is repealed. Repeal.

3. Section 4 of the Principal Ordinance is amended— Interpretation.

(a) by omitting from sub-section (1) the definition of "building containing residential flats";

(b) by omitting from sub-section (1) the definition of "flat"; and

(c) by omitting sub-section (6) and substituting the following sub-section:—

"(6) Expressions used in this Ordinance that are expressions defined by section 5 of the *Unit Titles Ordinance 1970-1971* have the same respective meanings in this Ordinance."

* Notified in the *Australian Government Gazette* on 28 August 1974.

† Ordinance No. 30, 1968, as amended by No. 22, 1969; No. 50, 1970; No. 25, 1972; and No. 25, 1973.

4. Section 5 of the Principal Ordinance is repealed and the following section substituted:—

Rateable
land.

“ 5. (1) Subject to this section, for the purpose of this Ordinance, a parcel of land is a parcel of rateable land if sewerage services are supplied or are available for supply in respect of that parcel of land.

“ (2) Where a parcel of land is not a parcel of rateable land on the first day of a rating year and sewerage services are supplied or are available for supply in respect of that parcel of land as from a specified day in that rating year, the parcel becomes a parcel of rateable land on that specified day.

“ (3) Nothing in this section applies to, or in relation to, land situated at Oaks Estate.”.

Rateable
land at
Oaks Estate.

5. Section 5A of the Principal Ordinance is amended by omitting from sub-section (3) the words “ Director of Works, Australian Capital Territory, in the Department of Works ” and substituting the words “ The Director of Housing and Construction, Australian Capital Territory, in the Department of Housing and Construction ”.

Classes of
rateable
land.

6. Section 6 of the Principal Ordinance is amended—

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

“ (b) a parcel of rateable land, not being a parcel of land which is sub-divided into units and common property under the *Unit Titles Ordinance 1970-1971*, shall be taken to be a Class 2 parcel of rateable land if the land is held under a lease from Australia, sewerage services are supplied to a building erected on the land and—

- (i) a building containing more than one residential unit, but no other building, is erected on the land;
- (ii) two or more buildings each of which contains a residential unit, or residential units, and no other buildings, are erected on the land; or
- (iii) the buildings erected on the land comprise either a building containing more than one residential unit or two or more buildings each of which contains a residential unit or residential units, as the case may be, and another building that is a subsidiary building or other buildings that are subsidiary buildings,

but not otherwise;”;

(b) by omitting from paragraph (c) of sub-section (1) the words “ residential flats ” and substituting the words “ residential units ”;

(c) by omitting from sub-section (2) the words “ by the registration of a units plan ” and substituting the words “ under the *Unit Titles Ordinance 1970-1971* ”; and

- (d) by omitting paragraph (a) of sub-section (3) and substituting the following paragraph:—

“ (a) where a building containing more than one residential unit, not being a unit referred to in sub-section (2), is erected on the parcel—be taken to be a Class 6 parcel of rateable land; and ”.

7. Section 8 of the Principal Ordinance is amended—

Amount of rates imposed.

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

“ (b) if the parcel is on that day a Class 2 parcel of rateable land—an amount of \$26.50 in the case of common property or an amount calculated at the rate of \$26.50 for each residential unit contained in a building erected on the land;”;

- (b) by omitting from paragraph (c) of sub-section (1) the words “ Twenty-five dollars for each flat included in the building containing residential flats ” and substituting the words “ \$26.50 for each residential unit contained in the building containing residential units ”;

- (c) by omitting paragraph (e) of sub-section (1) and substituting the following paragraph:—

“ (e) if the parcel is on that day a Class 5 parcel of rateable land—

- (i) in the case of common property—the sum of \$26.50 and an amount calculated at the rate of \$25 for each flushed sanitary fixture situated on the common property in excess of two flushed sanitary fixtures;
- (ii) in a case where the building erected on the land contains not more than two flushed sanitary fixtures—\$26.50; or
- (iii) in any other case—the sum of \$26.50 and an amount calculated at the rate of \$25 for each flushed sanitary fixture contained in the building erected on the land in excess of two flushed sanitary fixtures.”.

8. Section 12 of the Principal Ordinance is amended—

Increased sewerage rates—residential units owned by Australia.

- (a) by omitting the word “ flat ” (wherever occurring) and substituting the words “ residential unit ”; and

- (b) by omitting from sub-section (1) the words “ residential flats ” and substituting the words “ residential units ”.

9. Section 14 of the Principal Ordinance is amended by omitting paragraph (d) of sub-section (1) and substituting the following paragraph:—

Persons by whom sewerage rates are payable.

- “ (d) in the case of a parcel of land not otherwise provided for that is, on the day on which the rates or additional rates become due, occupied by a person or persons with the consent of Australia—by that person or those persons, as the case may be.”.

Proportion-
ate
liabilities
for rates
where
residential
units held
by different
tenants of
Australia.

10. Section 16 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) the words “residential flats” and substituting the words “residential units”; and
- (b) by omitting from sub-section (1) the word “flat” (wherever occurring) and substituting the words “residential unit”.

Repeal.

11. Section 16A of the Principal Ordinance is repealed.

12. After section 19 of the Principal Ordinance the following section is inserted:—

Sewerage
rates may
be paid by
instalments
in certain
cases.

“ 19A. (1) In the case of a parcel of rateable land—

- (a) that is held under a lease granted under the *City Area Leases Ordinance* 1936, or that Ordinance as amended from time to time, for residential purposes only, not being a parcel of land upon which more than one residential unit is erected;
- (b) that is held under a weekly or fortnightly tenancy from Australia and is used for residential purposes only;
- (c) upon which is erected a building containing residential units which are held under a weekly or fortnightly tenancy from Australia; or
- (d) that is deemed by paragraph 6 (2) (b) to be a Class 1 parcel of rateable land,

a person liable to pay sewerage rates in respect of that parcel may at any time before the first quarter day after the date on which he is served with a notice in pursuance of section 19 specifying the amount of sewerage rates or additional sewerage rates payable in respect of the whole or part of a rating year, or within such other time as the Secretary allows, elect to pay the amount of the sewerage rates by equal instalments, and, where he so elects, the first instalment shall then be due on the first quarter day after the date of his election and remaining instalments on succeeding quarter days in that rating year.

“ (2) Subject to sub-section (3), an election in pursuance of sub-section (1) shall be made by giving to the Secretary a notice in writing accompanied by a fee of \$1.

“ (3) A fee is not payable in pursuance of sub-section (2) in respect of a rating year where the person making the election pays or has paid a fee in pursuance of sub-section 15 (4B) of the *Rates Ordinance* 1926-1974 or sub-section 24A (3) of the *Water Rates Ordinance* 1959-1974 in respect of that rating year.

“ (4) For the purposes of this section—

- (a) ‘quarter day’ means the last day of March, June, September or December; and
- (b) ‘Secretary’ means the Secretary to the Department of the Capital Territory.”.

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

Additional alterations of rates.

Provision amended	Omit—	Insert—
Section 8 (1) (a)	Twenty-five dollars	\$26.50
Section 8 (1) (d) (ii)	Twelve dollars fifty cents	\$13.25
Section 8 (2)	Twenty-five dollars	\$26.50
Section 12 (2)	Twenty-five dollars	\$26.50
Section 16 (1) (c)	Twenty-five dollars	\$26.50

14. The Principal Ordinance is further amended as set out in the Schedule.

15. The Principal Ordinance as amended by this Ordinance applies to and in relation to the rating year that commenced on 1 July 1974 and to and in relation to each subsequent rating year.

SCHEDULE
ADDITIONAL AMENDMENTS

Section 14

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

Provision	Amendment
Section 5A (1)	Omit " the Commonwealth " (wherever occurring), substitute " Australia ".
Section 6 (c)	Omit " the Commonwealth ", substitute " Australia ".
Section 8 (1) (c)	Omit " the Commonwealth ", substitute " Australia ".
Section 8 (2)	Omit " the Commonwealth ", substitute " Australia ".
	Omit " flat ", substitute " residential unit ".
	Omit " residential flats ", substitute " residential units ".
Section 8A (1)	Omit " flat ", substitute " residential unit ".
	Omit " flats ", substitute " residential units ".
Section 10 (5)	Omit " residential flats ", substitute " residential units ".
Section 11 (1)	Omit " the Commonwealth " (wherever occurring), substitute " Australia ".
	Omit " residential flats " (wherever occurring), substitute " residential units ".
	Omit " flats ", substitute " residential units ".
Section 12 (1)	Omit " the Commonwealth ", substitute " Australia ".
Section 12 (2)	Omit " the Commonwealth ", substitute " Australia ".
Section 12 (3)	Omit " the Commonwealth " (wherever occurring), substitute " Australia ".
Section 13 (1) (a)	Omit " the Commonwealth ", substitute " Australia ".
Section 13 (2)	Omit " the Commonwealth ", substitute " Australia ".
Section 13 (3A)	Omit " the Commonwealth ", substitute " Australia ".
Section 13 (4)	Omit " the Commonwealth " (wherever occurring), substitute " Australia ".
Section 14 (1)	Omit " the Commonwealth " (wherever occurring), substitute " Australia ".
Section 14 (2)	Omit " the Commonwealth ", substitute " Australia ".
Section 14 (3)	Omit " the Commonwealth ", substitute " Australia ".
	Omit " residential flats ", substitute " residential units ".
	Omit " flat " (wherever occurring), substitute " residential unit ".
Section 15 (1)	Omit " the Commonwealth ", substitute " Australia ".
	Omit " residential flats ", substitute " residential units ".
Section 15 (2)	Omit " the Commonwealth ", substitute " Australia ".
Section 15 (4)	Omit " the Commonwealth " (wherever occurring), substitute " Australia ".
Section 16 (1)	Omit " the Commonwealth ", substitute " Australia ".
Section 19 (2)	Omit " the Commonwealth ", substitute " Australia ".
	Omit " flat " (wherever occurring), substitute " residential unit ".
	Omit " residential flats ", substitute " residential units ".

Provision	Amendment
Section 20	Omit " the Commonwealth ", substitute "Australia".
Section 21 (1)	Omit " the Commonwealth " (wherever occurring), substitute "Australia".
Section 21 (2)	Omit " the Commonwealth ", substitute "Australia".
Section 24 (1) (b)	Omit " the Commonwealth ", substitute "Australia". Omit " flat " (wherever occurring), substitute " residential unit ".
Section 27 (3)	Omit " residential flats ", substitute " residential units". Omit " the Commonwealth ", substitute "Australia".