

No. 31 of 1974

## AN ORDINANCE

### To amend the *Water Rates Ordinance 1959-1973*.

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.

### WATER RATES ORDINANCE 1974

1. (1) This Ordinance may be cited as the *Water Rates Ordinance 1974*.<sup>\*</sup> Short title  
and citation.

(2) The *Water Rates Ordinance 1959-1973*<sup>†</sup> is in this Ordinance referred to as the Principal Ordinance.

(3) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Water Rates Ordinance 1959-1974*.

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 Section 3 of the Principal Ordinance is repealed.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

3. Section 4 of the Principal Ordinance is amended— Interpreta-  
tion.

- (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";
- (c) by omitting from the definition of "meter reader" in sub-section (1) the word "authorized" and substituting the words "for the time being appointed";
- (d) by omitting from the definition of "meter reading year" in sub-section (1) the word "year" and substituting the word "period";

<sup>\*</sup> Notified in the *Australian Government Gazette* on 28 August 1974.

<sup>†</sup> Ordinance No. 19, 1959, as amended by No. 15, 1963; No. 18, 1965; No. 19, 1966; No. 26, 1967; No. 23, 1969; No. 49, 1970; No. 24, 1972; and Nos. 15 and 26, 1973.

- (e) by omitting from paragraph (a) of the definition of "meter reading year" in sub-section (1) the words "the day on which" and substituting the words "a day on which"; and
- (f) by omitting sub-section (1A) and substituting the following sub-section:—

"(1A) Expressions used in this Ordinance that are defined by section 5 of the *Unit Titles Ordinance* 1970-1971 have the same respective meanings in this Ordinance."

4. Section 6 of the Principal Ordinance is repealed and the following section substituted:—

Rates for metered land on which more than one residential unit not erected.

"6. (1) Where water is supplied from a system of works through a meter to a parcel of land, not being a parcel in respect of which the amount of rates is fixed by section 7 or 7A, the amount of rates in respect of the parcel of land in each rating year—

- (a) is an amount of \$30.50; or
- (b) where one or more meter reading periods ends during that rating year and the quantity of water that has been supplied during such a meter reading period exceeds the prescribed quantity for that period—is the sum of an amount of \$30.50 and—
  - (i) an amount calculated at the rate of 10 cents for each kilolitre of water supplied in excess of the prescribed quantity for each meter reading period ending in that rating year; or
  - (ii) in the case of water supplied to a school, church or ecclesiastical establishment, an amount calculated at the rate of 5 cents for each kilolitre of water supplied in excess of the prescribed quantity for each meter reading period ending in that rating year.

"(2) An amount of \$30.50 becomes due in respect of a parcel of land at the commencement of the rating year.

"(3) Where, by virtue of paragraph (1) (b), the rates payable in a rating year exceed \$30.50, an amount calculated at the rate of 10 cents, or, in the case of water supplied to a school, church or ecclesiastical establishment, an amount calculated at the rate of 5 cents, for every kilolitre of water in excess of the prescribed quantity supplied in a meter reading period that ends in the rating year becomes due at the end of the meter reading period.

"(4) For the purposes of this section, the prescribed quantity of water in respect of a meter reading period is—

- (a) in the case of a meter reading period that ends when the meter is read in pursuance of a direction under sub-section

17 (3)—a quantity of water that bears the same proportion to 455 kilolitres as the number of days in the meter reading period bears to 365; and

(b) in any other case—455 kilolitres.

5. Section 7 of the Principal Ordinance is repealed and the following section substituted:—

“7. The amount of rates in respect of water to be supplied in a rating year from a system of works to a parcel of land, not being a parcel of land referred to in sub-section 7A (1), which is not used for purposes other than residential purposes and on which—

Rates where more than one residential unit.

(a) there is erected a building containing more than one residential unit; or

(b) there are erected two or more buildings each of which contains a residential unit or residential units,

is an amount of \$30.50 for each residential unit and that amount becomes due at the commencement of the rating year.”.

6. Section 7A of the Principal Ordinance is repealed and the following section substituted:—

“7A. (1) Where water is supplied from a system of works through a meter to a parcel of land that is sub-divided into units and common property under the *Unit Titles Ordinance* 1970-1971, the amount of rates in respect of the parcel of land in each rating year—

Rates—land sub-divided into units and common property.

(a) is an amount of \$30.50 for each unit into which the parcel has been sub-divided and an amount of \$30.50 in respect of the common property; and

(b) where one or more meter reading periods ends during that rating year and the quantity of water that has been supplied during such a meter reading period exceeds the prescribed quantity for that period—an amount calculated at the rate of 10 cents for each kilolitre of water supplied in excess of the prescribed quantity for each meter reading period ending in that rating year.

“ (2) Each of the amounts referred to in paragraph (1) (a) becomes due in respect of a parcel of land at the commencement of the rating year.

“ (3) Where rates are payable by virtue of paragraph (1) (b), an amount calculated at the rate of 10 cents for every kilolitre of water in excess of the prescribed quantity supplied in a meter reading period that ends in the rating year becomes due at the end of the meter reading period.

“ (4) For the purposes of this section, the prescribed quantity of water in respect of a meter reading period is—

(a) in the case of a meter reading period that ends when the meter is read in pursuance of a direction under sub-section

17 (3)—a quantity of water that bears the same proportion to the quantity ascertained by multiplying 455 kilolitres by the number ascertained by adding one to the number of units into which the parcel has been sub-divided as the number of days in the meter reading period bears to 365; and

- (b) in any other case—the quantity ascertained by multiplying 455 kilolitres by the number ascertained by adding one to the number of units into which the parcel has been sub-divided.”.

7. Section 8 of the Principal Ordinance is repealed and the following section substituted:—

Rates—  
unmetered  
land.

“ 8. The amount of rates in respect of water to be supplied in a rating year from a system of works to a parcel of land (not being a parcel of land in respect of which rates are imposed under section 7) otherwise than through a meter is \$30.50 and that amount becomes due at the commencement of the rating year.”.

Repeal.

8. (1) Section 10 of the Principal Ordinance is repealed.

(2) The amendment effected by sub-section (1) shall be deemed to have had effect on and from 1 July 1974.

Repeal.

9. Section 11 of the Principal Ordinance is repealed.

Persons by  
whom rates  
are payable.

10. Section 12 of the Principal Ordinance is amended—

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

“ (1) The rates imposed by section 6 or by section 8, other than an amount of rates referred to in subparagraphs 6 (1) (b) (i) or (ii), are, subject to this Ordinance, payable—

- (a) in the case of a parcel of land held under lease from Australia for a period of years—by the person who is the lessee of the parcel of land at the commencement of the rating year for that parcel of land;
- (b) in the case of a parcel of land which is under a weekly, fortnightly, monthly or quarterly tenancy from Australia—by the person who so holds the parcel of land at the commencement of the rating year for that parcel of land; and
- (c) in the case of a parcel of land which is held in fee simple—by the person in whom the fee simple is vested at the commencement of the rating year for that parcel of land.

“(1A) An amount of rates that becomes due at the end of a meter reading period in pursuance of sub-section 6 (3) is, subject to this Ordinance, payable—

- (a) in the case of a parcel of land held under lease from Australia for a period of years—by the person who is the lessee of the parcel of land at the end of that meter reading period;
  - (b) in the case of a parcel of land which is under a weekly, fortnightly, monthly or quarterly tenancy from Australia—by the person who so holds the parcel of land at the end of that meter reading period; and
  - (c) in the case of a parcel of land which is held in fee simple—by the person in whom the fee simple is vested at the end of that meter reading period.”;
- (b) by omitting from paragraph (a) of sub-section (2) the words “on which a building containing residential flats is erected and”;
- (c) by omitting paragraph (b) of sub-section (2) and substituting the following paragraph:—
- “(b) in the case of a parcel of land which is not held under a lease from Australia for a period of years—by each person who holds a residential unit on a weekly, fortnightly, monthly or quarterly tenancy from Australia at the commencement of the rating year.”; and
- (d) by omitting sub-sections (2A) and (2B) and substituting the following sub-sections:—
- “(2A) The rates imposed by paragraph 7A (1) (a) in respect of each of the units into which the parcel of land has been sub-divided are payable by the person who is the lessee of that unit at the commencement of the rating year and the rates imposed by that sub-section in respect of the common property are payable by the corporation.
- “(2B) The rates imposed by paragraph 7A (1) (b) are payable by the corporation.”.

**11.** Section 13 of the Principal Ordinance is repealed.

Repeal.

**12.** Section 14 of the Principal Ordinance is amended by omitting sub-section (1) and substituting the following sub-sections:—

“(1) Where water is supplied through a meter to a parcel of land, not being a parcel of land in respect of which rates are imposed under section 7, which is held under a weekly, fortnightly, monthly or quarterly tenancy from Australia and two or more persons held the parcel of land for different periods during a rating year—

- (a) rates are payable in respect of each of the different periods for which the parcel of land was so held;

Proportionate liability for rates for metered land for part of a rating year where there is a change in fortnightly, &c., tenancy.

- (b) the rates in respect of each of those different periods are payable by the person who so held the parcel of land for that period; and
- (c) the amount of rates payable in respect of each of those different periods—
  - (i) is an amount that bears the same proportion to \$30.50 as the number of days in the period bears to 365; and
  - (ii) where a tenancy is terminated at the end of a period, an amount (if any) calculated at the rate of 10 cents for every kilolitre of water supplied to that parcel during the period in excess of the quantity of water that bears the same proportion to 455 kilolitres as the number of days in the period bears to 365.

“(2) For the purpose of calculating the quantity of water supplied to a parcel of land during a period, the period shall be deemed to end when the meter is read in pursuance of paragraph 17 (3) (c).”.

Proportion-  
ate liability  
for rates in  
part of  
rating year  
where rates  
are fixed by  
section 6, 7,  
7A, 8 or 9.

**13. Section 15 of the Principal Ordinance is amended—**

- (a) by omitting from paragraph (d) of sub-section (1) the words “on which a building containing residential flats is erected” and substituting the words “in respect of which rates are imposed under section 7”;
- (b) by omitting paragraph (e) of sub-section (1) and substituting the following paragraph:—
  - “(e) water is supplied to a parcel of land in respect of which rates are imposed under section 7, the residential units contained on that land are held under a weekly, fortnightly, monthly or quarterly tenancy from Australia and two or more persons held the same residential unit for different periods during the rating year; or”;
- (c) by omitting from sub-section (1) the words “the flat” and substituting the words “the residential unit”;
- (d) by omitting from sub-section (2) the words “seven, eight, nine or ten of this Ordinance” and substituting the figures and word “6, 7, 8 or 9”; and
- (e) by omitting sub-section (4) and substituting the following sub-section:—
  - “(4) Where a parcel of land in respect of which rates are imposed under section 7 is sub-divided into units and common property under the *Unit Titles Ordinance* 1970-1971 during a rating year—
    - (a) rates shall be deemed to have been payable under section 7 in respect of the parcel of land only for that part of the rating year that occurs before the meter installed on the parcel of land is read in pursuance of sub-section 17 (1A) at the rate

prescribed by section 7 and, if the amount of rates payable in respect of that parcel of land for that rating year under section 7 has been paid, there shall be refunded to the person by whom the rates were paid an amount equal to the amount by which the amount so paid exceeds an amount that bears to the total amount of the rates so paid the same proportion as the number of days in that part of the rating year bears to 365; and

- (b) the amount of rates payable in pursuance of sub-section 7A (1) in the rating year in respect of the parcel of land is—
- (i) an amount that bears the same proportion to the amount prescribed by paragraph 7A (1) (a) in respect of that parcel of land as the number of days in that part of the rating year after the meter is read bears to 365; and
  - (ii) an amount (if any) prescribed by paragraph 7A (1) (b) in respect of that parcel of land.”.

**14. Section 17 of the Principal Ordinance is amended—**

Reading of  
meters.

- (a) by omitting from sub-section (2) the words “ the last preceding sub-section ” and substituting the words “ sub-section (1) or (1A) ”;
- (b) by omitting from paragraph (a) of sub-section (3) the word “ and ”;
- (c) by omitting from paragraph (b) of sub-section (3) the words “ a specified day,” and substituting the words “ a specified day; and ”;
- (d) by inserting after paragraph (b) of sub-section (3) the following paragraph:—
  - “ (c) the proper authority, where a parcel of land is held under a weekly, fortnightly, monthly or quarterly tenancy from Australia, not being a parcel of land in respect of which rates are imposed under section 7, shall, as soon as practicable after the tenancy is terminated, direct that the meter installed on that parcel of land shall be read on or about a specified day,”;
- (e) by inserting in sub-section (4) after the words “ the proper authority ” the words “ , if the meter is not in the meantime read in pursuance of paragraph 3 (c), ”; and
- (f) by inserting in sub-section (5), after the words “ Nothing in paragraph (b) ”, the words “ or (c) ”.

**15. Section 18 of the Principal Ordinance is amended by omitting paragraph (a).**

Additional  
meter  
readings.

16. Section 22 of the Principal Ordinance is repealed and the following section substituted:—

Appoint-  
ment of  
meter  
readers.

“22. The Minister may, by writing under his hand, appoint such persons as he considers necessary to be meter readers for the purposes of this Ordinance.”.

17. After section 24 of the Principal Ordinance the following section is inserted:—

Rates may  
be paid by  
instalments  
in certain  
cases.

“24A. (1) Subject to sub-section (2), in the case of a parcel of land—

- (a) that is held under a lease granted in pursuance of 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, fortnightly, monthly or quarterly 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, fortnightly, monthly or quarterly tenancy from Australia; or
- (d) that is sub-divided into units and common property under the *Unit Titles Ordinance* 1970-1971,

a person by whom rates are payable, not being an amount of rates payable in pursuance of sub-paragraph 6 (1) (b) (i), may at any time before the first quarter day after the date on which he is given a notice in pursuance of section 24 specifying the amount of rates payable, or within such other time as the Secretary allows, elect to pay the amount of the 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) Sub-section (1) does not apply to rates payable, in the case of a parcel of land referred to in paragraph (1) (d), by the corporation or, in relation to a unit, by the lessee of that unit unless the lease of that unit provides that the unit is to be used for residential purposes only.

“ (3) Subject to sub-section (4), 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.

“ (4) A fee is not payable in pursuance of sub-section (3) 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 19A (2) of the *Sewerage Rates Ordinance* 1968-1974 in respect of that rating year.

“ (5) 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.”.

**18.** Section 25 of the Principal Ordinance is amended by omitting the words “meter reading year” (wherever occurring) and substituting the words “meter reading period”. Special accounts for rates.

**19.** Section 26A of the Principal Ordinance is amended by omitting from sub-section (1) the words “, under section twelve or thirteen of this Ordinance,” and substituting the words “under section 12”. Persons by whom rates are payable when payment under section 12 is outstanding.

**20.** The Principal Ordinance is amended as set out in the Schedule. Schedule.

**21.** (1) The Principal Ordinance as amended by sections 4, 5, 6, 7, 12 and 13 applies in the rating year that commenced on 1 July 1974 and in subsequent rating years. Application.

(2) Where a meter reading year, as defined by section 4 of the Principal Ordinance, for a parcel of land in respect of which rates are imposed under section 6 of the Principal Ordinance as amended by this Ordinance commenced after 1 July 1973, the amount of rates that is to be taken to have become due in pursuance of sub-section 6 (2) of the Principal Ordinance as amended by this Ordinance in respect of that parcel of land at the commencement of the rating year that commenced 1 July 1974 shall be reduced by an amount that bears the same proportion to the amount that became due at the commencement of that meter reading year in pursuance of sub-section 6 (2) of the Principal Ordinance as the number of days remaining in the meter reading year after 30 June 1974 bears to 365.

(3) Where a meter reading year, as defined by section 4 of the Principal Ordinance, for a parcel of land referred to in sub-section 7A (1) of the Principal Ordinance as amended by this Ordinance commenced after 1 July 1973, the amount of rates that is to be taken to have become due in pursuance of sub-section 7A (2) of the Principal Ordinance as amended by this Ordinance in respect of that parcel of land at the commencement of the rating year that commenced 1 July 1974 shall be reduced by an amount that bears the same proportion to the amount that became due at the commencement of that meter reading year in pursuance of sub-section 7A (2) of the Principal Ordinance as the number of days remaining in the meter reading year after 30 June 1974 bears to 365.

(4) A word or expression in this section that is defined in the Principal Ordinance as amended by this Ordinance has the same meaning for the purposes of this section as it has in the Principal Ordinance as so amended.

## SCHEDULE

Section 20

## ADDITIONAL AMENDMENTS

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

Provision	Amendment
Section 12(2) .. ..	Omit " the Commonwealth ", substitute " Australia ".
Section 12(3) .. ..	Omit " the Commonwealth ", substitute " Australia ".
Section 15(1) .. ..	Omit " the Commonwealth " (wherever occurring), substitute " Australia ".
Section 17(1) (b) .. ..	Omit " the Commonwealth ", substitute " Australia ".
Section 18(a) .. ..	Omit " the Commonwealth ", substitute " Australia ".
Section 25(1) .. ..	Omit " the Commonwealth ", substitute " Australia ".
Section 26 .. ..	Omit " the Commonwealth ", substitute " Australia ".
Section 26A(1) .. ..	Omit " the Commonwealth " (wherever occurring), substitute " Australia ".
Section 26A(2) .. ..	Omit " the Commonwealth ", substitute " Australia ".
Section 32(2) .. ..	Omit " the Commonwealth ", substitute " Australia ".