

Legislative Council—No 101A

As reported with an amendment, report adopted, Standing Orders suspended and passed remaining stages, 4 June 2009

South Australia

Waterworks (Rates) Amendment Bill 2009

A BILL FOR

An Act to amend the *Waterworks Act 1932*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Waterworks (Rates) Amendment Act 2009*.

2—Commencement

- 5 This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Waterworks Act 1932*

10 4—Amendment of section 4—Interpretation

Section 4(1), definition of *consumption year*—delete the definition

5—Amendment of section 65A—Interpretation

- (1) Section 65A(1), definition of *water consumption rate*—delete the definition

- (2) Section 65A(1), definition of *water rate*—delete the definition and substitute:

water rates are the charges and rates under section 65B, as declared or fixed under this Division.

- (3) Section 65A(2)—delete subsection (2)

5 **6—Amendment of section 65B—Composition of rates**

- (1) Section 65B(1)(b)—delete "water consumption rate" and substitute:

water use charge or charges

- (2) Section 65B(4)—delete "the water rate" and substitute:

10 any water use charge (which may be expressed as a rate per volume of water supplied per specified period or periods)

- (3) Section 65B(5)—delete subsection (5)

7—Amendment of section 65C—Declaration of rates etc by Minister

- (1) Section 65C(1)(d)—delete "water rate" and substitute:

water use charge or charges

- 15 (2) Section 65C(2)(a)—delete "supply"

- (3) Section 65C(2)(b)—delete paragraph (b) and substitute:

(b) may, in relation to all land or to a particular class of land, fix a series of water use charges that vary according to the volume of water supplied to the land over a specified period or periods;

20 **8—Insertion of section 65CAA**

After section 65C insert:

65CAA—Related principles

- (1) In providing for the declaration, imposition and recovery of water rates, the following principles will apply:

25 (a) subject to paragraph (b), water rates will be fixed by the Minister before the commencement of a financial year in relation to which the rates are to apply, and that if rates are not fixed with respect to a financial year before 31 December in the year preceding the commencement of the financial year then the rates will remain the same and apply with respect to the immediately succeeding financial year;

30 (b) the Minister may fix the minimum supply charge in respect of commercial land under section 65C(1)(b) or the rate to be applied to the capital value of land under section 65C(1)(c) at any time up to (and including) 31 July in the financial year in relation to which the charges and rates are to apply;

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(c) a period used for the purposes of fixing a water use charge may be any period of between 1 day and 12 months (being, in the case of 12 months, a period constituting a financial year but not so as to derogate from the operation of a succeeding paragraph);

(d) water use charges may, depending on when meters are read and the form or nature of the relevant rate or rates, be charged and recovered on a pro rata basis according to—

(i) readings that relate to water supplied during various periods or parts of periods; and

(ii) the application of the relevant rate or rates over the period of supply to which a water use charge or charges are to be applied;

(e) water use charges may, depending on when meters are read, be recovered after the end of the financial year to which they relate.

(2) In connection with the operation of subsection (1), any determination, calculation or adjustment of any amount (whether in the nature of a water rate or in relation to the supply of any water) over or in respect of any period or on a pro rata basis may assume that water has been supplied at a uniform daily rate over any relevant period.

9—Repeal of section 65D

Section 65D—delete the section

10—Repeal of section 68

Section 68—delete the section

11—Amendment of section 86A—Liability for rates in strata scheme

(1) Section 86A(1)(c)—delete "water consumption rate" and substitute:

water use charges

(2) Section 86A(2)—delete "water consumption rate" and substitute:

water use charges

(3) Section 86A(3)—delete "water consumption rate" and substitute:

water use charges

(4) Section 86A(5)(b)—delete paragraph (b) and substitute:

(b) operates from the next determination by the Corporation of water rates payable in respect of the strata scheme.

(5) Section 86A(6)(a)—delete "the water consumption rate" and substitute:

water use charges

(6) Section 86A(6)(b)—delete "the water consumption rate" and substitute:
any water use charges

(7) Section 86A(8)—delete subsection (8)

12—Amendment of section 86B—Sharing water use charges in certain circumstances

(1) Section 86B(1)—delete "the water consumption rate" and substitute:
water use charges

(2) Section 86B(2)(a)—delete "the water consumption rate" and substitute:
water use charges

(3) Section 86B(3)(b)—delete paragraph (b) and substitute:

(b) operates from the next determination by the Corporation of water rates payable in respect of the relevant land.

(4) Section 86B(5)—delete subsection (5)

13—Repeal of Schedule

Schedule—delete the Schedule

Schedule 1—Transitional provisions

1—Transitional provisions—general water rates

(1) In this clause, unless the contrary intention appears—

commencement date means the date on which this Act comes into operation;

consumption year means a consumption year under the principal Act before its amendment by this Act;

principal Act means the *Waterworks Act 1932*;

transitional period means, in respect of any land, the period starting at the beginning of the consumption year for that land that applies in relation to the 2009/2010 financial year and ending on 30 June 2009;

water rates or *rate* means, according to the context—

(a) charges or rates fixed under the principal Act before the commencement date;

(b) charges or rates fixed under the principal Act on or after the commencement date,

and other terms used have meanings consistent with the meanings they have in the principal Act.

(2) The water rates fixed by notice under section 65C of the principal Act for the 2008/2009 financial year (see Gazette 6 December 2007) will apply with respect to the supply of water to, or in relation to, land during the consumption year for that land that applies in relation to that financial year despite the amendment of the principal Act by this Act.

(3) The water rates fixed by notice under section 65C of the principal Act for the 2009/2010 financial year (see Gazette 5 December 2008), subject to any reduction by a notice published under section 84 of the principal Act, will apply with respect to water supplied to, or in relation to, land during the transitional period.

5 (4) The Minister may, before the end of the transitional period, publish a new notice under the principal Act, as amended by this Act, for the purposes of the 2009/2010 financial year.

10 (5) A notice under subclause (4) will have effect according to its terms and, subject to any provision made by the notice, will supersede the notice referred to in subclause (3) for the purposes of the imposition and recovery of rates with respect to the supply of water on and after 1 July 2009.

(6) To avoid doubt—

15 (a) any rates payable in respect of water supplied during 2 (or more) periods (or parts of periods) created by or relevant to the operation of this Act and on account of the operation of this clause or anything done under this clause (including a period that commences before 1 July 2009 and ends on or after 1 July 2009) may, depending on when meters are read and the form or nature of any relevant rate, be charged and recovered on a pro rata basis; and

20 (b) the publication of a notice under subclause (4) does not affect the imposition and recovery of rates associated with the supply of water during the transitional period; and

25 (c) any determination, calculation or adjustment of any amount (whether in the nature of a water rate or in relation to the supply of any water) over or in respect of any period or on a pro rata basis may assume that water has been supplied at a uniform daily rate over any relevant period; and

(d) section 65CAA(1)(a) of the principal Act, as inserted by this Act, will not apply with respect to the 2009/2010 financial year.

2—Transitional provisions—agreements

(1) In this clause, unless the contrary intention appears—

30 **commencement date** means the date on which this Act comes into operation;

relevant Act means—

(a) the *Waterworks Act 1932*; or

(b) the *Water Conservation Act 1936*;

water rates or **rate** means, according to the context—

35 (a) charges or rates fixed under a relevant Act before the commencement date;

(b) charges or rates fixed under a relevant Act on or after the commencement date,

and other terms used have meanings consistent with the meanings they have in a relevant Act (as a particular case may require).

40 (2) Subject to the following subclauses, a rate fixed under a relevant Act before the commencement date for the supply of water under an agreement will continue to apply with respect to the supply of water to, or in relation to, land.

- 5 (3) The Minister may, by notice in the Gazette before 1 July 2009, fix a new rate for the supply of water under agreements of a class specified in the notice under a relevant Act for the 2009/2010 financial year in order to provide consistency with the approach to be adopted in connection with the imposition of rates on account of the enactment of this Act.
- 10 (4) A notice under subclause (3) will have effect according to its terms and will, to the extent of the application of the notice and, subject to any provision made by the notice, supersede any notice that imposed a rate referred to in subclause (2) for the purposes of the imposition and recovery of rates with respect to the supply of water on and after 1 July 2009.
- (5) To avoid doubt—
- 15 (a) any rates payable in respect of water supplied during 2 (or more) periods (or parts of periods) created by or relevant to the operation of a relevant Act and on account of the operation of this clause or anything done under this clause (including a period that commences before 1 July 2009 and ends on or after 1 July 2009) may, depending on when meters are read and the form or nature of any relevant rate, be charged and recovered on a pro rata basis; and
- 20 (b) the publication of a notice under subclause (3) does not affect the imposition and recovery of rates associated with the supply of water before 1 July 2009; and
- (c) any determination, calculation or adjustment of any amount (whether in the nature of a water rate or in relation to the supply of any water) over or in respect of any period or on a pro rata basis may assume that water has been supplied at a uniform daily rate over any relevant period; and
- 25 (d) nothing in this clause applies to rates under Part 5 of the *Waterworks Act 1932*.