

South Australia

# **Waterworks (Save the River Murray Levy) Amendment Act 2003**

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 (Save the River Murray Levy) Amendment Act 2003*.

### **2—Commencement**

This Act will come into operation on 1 October 2003.

### **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*

### 4—Amendment of section 65B—Composition of rates

Section 65B(1)—after paragraph (b) insert:

- (c) the Save the River Murray levy.

### 5—Insertion of section 65CA

After section 65C insert:

#### **65CA—Save the River Murray levy**

- (1) The Save the River Murray levy is—
  - (a) for category 1 land—\$30 (indexed) for each financial year;
  - (b) for category 2 land—\$135 (indexed) for each financial year.

*Category 1 land* is residential land and land of any other class declared under subsection (4) to be category 1 land.

*Category 2 land* is any other land.

- (2) A proportionate amount of the levy is payable for each quarter.

#### **Note—**

As the levy will not come into operation until the second quarter of the 2003–2004 financial year, it follows that the amount of the levy for that financial year will be only three-quarters of the amount referable to a full financial year.

- (3) The amount of the levy is to be adjusted (to the nearest 20 cents) for each financial year commencing after this section comes into operation by multiplying the relevant amount fixed in subsection (1) by a multiplier obtained by dividing the Consumer Price Index (All Groups Index for Adelaide) for the March quarter in the calendar year in which the relevant financial year commences by the Consumer Price Index (All Groups Index for Adelaide) for the March quarter 2003.
- (4) The Minister may—
  - (a) declare specified non-residential land or a particular class of non-residential land to be category 1 land; or
  - (b) exclude specified land or land of a specified class from the application of the levy; or
  - (c) declare that specified persons or persons of a specified class are entitled to a remission or partial remission of the levy; or
  - (d) vary or revoke a previous declaration or exclusion under this subsection.
- (5) The Minister is to exercise the powers conferred by subsection (4)—
  - (a) by notice in the Gazette; or

- (b) in the case of a declaration or exclusion related to specified land or specified persons (or the variation or exclusion of such a declaration or exclusion)—either by notice in the Gazette or by instrument in writing.

A declaration or exclusion (or the variation or revocation of a declaration or exclusion) is to take effect from the commencement of a particular financial year or a particular quarter (to be specified in the relevant notice or instrument). Where the declaration or exclusion (or its variation or revocation) is made by notice in the Gazette, the notice must be published before the date on which it is to take effect. An instrument related to specified land or specified persons may operate retrospectively from a specified date (but not from a date falling before the commencement of the financial year in which the instrument is made).

- (6) The above provisions are subject to the following qualifications:
- (a) a local government council is liable to a single levy of \$135 (indexed) for each financial year irrespective of the number of its landholdings and their classification;
  - (b) a person entitled to a remission of water rates under the *Rates and Land Tax Remission Act 1986* is exempt from the levy;
  - (c) a registered housing co-operative entitled to a remission of water rates in respect of premises or a part of premises under section 104 of the *South Australian Co-operative and Community Housing Act 1991* is exempt from the levy to the extent that it would (apart from this paragraph) apply to the relevant premises or the relevant part of the premises.

## **6—Amendment of section 86A—Liability for rates in strata scheme**

Section 86A(1)(a)—after "supply charge" insert:

and the Save the River Murray levy

## **7—Insertion of Part 6**

After Part 5 insert:

### **Part 6—Save the River Murray Fund**

#### **100—Save the River Murray Fund**

- (1) The *Save the River Murray Fund* is established.
- (2) The Fund will be held by the Minister.
- (3) The component of rates paid to the Corporation under this Act attributable to the Save the River Murray levy will be paid by the Corporation into the Consolidated Account.

- (4) The revenue paid into the Consolidated Account under this section is to be paid by the Treasurer into the Fund (and the Consolidated Account is appropriated by this section to the necessary extent).
- (5) The money paid into the Fund under this section will from time to time be applied by the Minister towards—
  - (a) programs and measures to—
    - (i) improve and promote the environmental health of the River Murray; or
    - (ii) ensure the adequacy, security and quality of the State's water supply from the River Murray; and
  - (b) if the State's contributions to the Murray-Darling Basin Commission for a particular financial year exceed \$15 million (indexed<sup>1</sup>)—payment of the excess; and

**Note—**

- 1 The sum of \$15 million is to be adjusted, for each financial year commencing after this paragraph comes into operation, by the same indexation factor as is applicable to the calculation of the amount of the levy for that financial year.

- (c) if the Minister is satisfied that it may be appropriate to provide rebates in particular cases—the costs of rebates (including the costs of administering the rebate scheme).
- (6) The Minister must, as soon as practicable after 30 June in each year, submit to the President of the Legislative Council and the Speaker of the House of Assembly a report detailing—
  - (a) the amount of money paid into the Fund under this section; and
  - (b) the application by the Minister of money paid into the Fund under this section,

during the period of 12 months preceding that 30 June.

- (7) The President of the Legislative Council and the Speaker of the House of Assembly must, on receiving a report under this section, lay the report before their respective Houses.
- (8) In this section—

**Minister** means the Minister to whom the administration of the *Murray-Darling Basin Act 1993* is for the time being committed.