

South Australia



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ELIZABETHAE II REGINAE
A.D. 2000

RENMARK IRRIGATION TRUST (RATING) AMENDMENT ACT 2000

No. 38 of 2000

[Assented to 13 July 2000]

An Act to amend the Renmark Irrigation Trust Act 1936.

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The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Renmark Irrigation Trust (Rating) Amendment Act 2000*.
- (2) The *Renmark Irrigation Trust Act 1936* is referred to in this Act as "the principal Act".

Commencement

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

Amendment of s. 65—Power of trust to expend moneys for certain purposes

3. Section 65 of the principal Act is amended—

- (a) by striking out "or from any special rate" from subsection (1);
- (b) by striking out subsection (2).

Amendment of s. 65E—Power to construct embankments

4. Section 65E of the principal Act is amended by striking out subsection (3).

Amendment of s. 78—Assessment-book

5. Section 78 of the principal Act is amended by striking out ", in the form set out in schedule 3," from subsection (1).

Substitution of ss. 91, 92, 93, 94, 95 and 96

6. Sections 91, 92, 93, 94, 95 and 96 of the principal Act are repealed and the following sections are substituted:

Rates

91. (1) The trust may, with the approval of the Minister, impose a water supply rate or rates in respect of rateable land to recover the actual or anticipated costs of supplying water under this Act.

(2) The trust may, with the approval of the Minister, impose a drainage rate or rates in respect of rateable land to recover the actual or anticipated costs of draining water under this Act.

(3) The trust may, with the approval of the Minister, impose a special rate or rates for the purpose of repaying money (and interest) borrowed by the trust.

(4) A rate imposed under subsection (1) or (2) may also recover the trust's actual or anticipated costs in carrying out or exercising its other functions or powers under this Act.

(5) Without limiting subsection (4), a rate imposed under subsection (1) or (2) may include a component for the purpose of repaying money (and interest) borrowed by the trust.

(6) The trust may fix different factors as the basis for water supply rates, drainage rates or special rates in respect of different parts of the district or may fix rates of different amounts in respect of different parts of the district.

(7) A water supply rate may include a component for the recovery of costs and other liabilities in relation to drainage and that component may apply to land throughout the district or be confined to land in any part of the district.

Declaration of water supply rates

92. (1) The trust may with the approval of the Minister, in respect of a financial year or part of a financial year by notice published in a newspaper circulating in the district, declare a water supply rate or water supply rates based on one, or a combination of two or more, of the following:

- (a) the fact that land is connected, or the owner or occupier of land is entitled to have it connected, to the irrigation works; or
- (b) the volume of water supplied to land during the rating period to which the declaration applies; or
- (c) the area of the land to be irrigated; or
- (d) such other factor or factors as the trust thinks fit.

(2) The trust may declare different rates—

- (a) in respect of different parts of the district in order to recover water supply or drainage costs and other liabilities in respect of part of the district;
- (b) for water supplied for irrigation purposes or for domestic purposes;
- (c) depending upon the quality of the water supplied.

(3) In the case of water supplied for irrigation purposes, the trust may declare a basic rate and a further rate, or series of rates, that increase as the volume of water supplied to the land increases.

(4) A water supply rate may be declared after the period to which it relates has commenced.

Drainage rate

93. (1) The trust may with the approval of the Minister, in respect of a financial year or part of a financial year by notice published in a newspaper circulating in the district, declare a drainage rate based on the area of land irrigated or drained or on the basis of the volume of water supplied for irrigating the land.

(2) The trust may exempt the owner and occupier of land from payment of drainage rates if water does not drain from the land into the drainage works provided by the trust or if the quantity of water that drains into the drainage works is negligible.

(3) A drainage rate may be declared after the period to which it relates has commenced.

Special rate

94. (1) The trust may with the approval of the Minister, in respect of a financial year or part of a financial year by notice published in a newspaper circulating in the district, declare a special rate or special rates based on one, or a combination of two or more, of the factors on which a water supply rate or a drainage rate could be based.

(2) A special rate may be declared after the period to which it relates has commenced.

Determination of amount to be raised by rate

95. Before declaring a water supply rate, a drainage rate or a special rate, the trust must determine the amount to be raised by imposition of the rate and must include a statement of that amount in the notice declaring the rate.

Determination of area for rating purposes

96. For the purpose of calculating the amount of a water supply rate, a drainage rate or a special rate based on the area of land, the area of the land will be determined to the nearest one-tenth of a hectare (0.05 of a hectare being increased to the next one-tenth of a hectare).

Record of rates payable and to be paid

96A. The trust must keep a record in the assessment-book of the amounts paid and payable for rates in respect of each single holding.

Repeal of s. 124

7. Section 124 of the principal Act is repealed.

Substitution of s. 217

8. Section 217 of the principal Act is repealed and the following section is substituted:

Notice of declaration of rate conclusive evidence

217. (1) Production to a court or other tribunal of a paper purporting to be a page of a newspaper comprising or containing a notice declaring a rate under this Act is conclusive evidence of the declaration of the rate.

(2) Section 217 of the principal Act as in force immediately before the commencement of the *Renmark Irrigation Trust (Rating) Amendment Act 2000* remains in operation in relation to the declaration of rates before the commencement of that Act.

Repeal of Schedule 3

9. Schedule 3 of the principal Act is repealed.

Repeal of Schedule 7

10. Schedule 7 of the principal Act is repealed.