

METROPOLITAN WATER, SEWERAGE, AND DRAINAGE (RATES AND CHARGES) AMENDMENT ACT 1986 No. 69

NEW SOUTH WALES



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**METROPOLITAN WATER, SEWERAGE, AND DRAINAGE
(RATES AND CHARGES) AMENDMENT ACT 1986 No. 69**

NEW SOUTH WALES



Act No. 69, 1986

An Act with respect to rates and certain charges for the 1986–87 year under the Metropolitan Water, Sewerage, and Drainage Act 1924 and to amend that Act with respect to the making and payment of rates.
[Assented to, 21 May 1986]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the "Metropolitan Water, Sewerage, and Drainage (Rates and Charges) Amendment Act 1986".

Principal Act

2. (1) The Metropolitan Water, Sewerage, and Drainage Act 1924 is referred to in this Act as the Principal Act.

(2) This Act (section 9 and Schedule 1 excepted) shall be construed with, and as if it formed part of, the Principal Act.

Interpretation

3. In this Act—

"Board" means the Metropolitan Water Sewerage and Drainage Board;

"charge" means a charge for water supplied by measure for domestic purposes;

"rate" means a water, sewerage or stormwater drainage rate;

"1985–86 year" means the year commencing on 1 July 1985;

"1986–87 year" means the year commencing on 1 July 1986.

Application of Act

4. This Act (section 9 and Schedule 1 excepted) applies to and in respect of residential land which is subject to the payment of a rate and charge for the 1986–87 year.

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Determination by Board to reduce rates and charges

5. Subject to section 96 (7) of the Principal Act, the Board may determine, where the quantity of water estimated by the Board to have been consumed in respect of a parcel of residential land separately rated under the Principal Act during the 1986–87 year does not exceed by more than 10 kilolitres the quantity of water estimated by the Board to have been consumed in respect of the same parcel during the 1985–86 year, that the aggregated amount of rates and charges payable in respect of the parcel for the 1986–87 year shall not exceed the sum of—

- (a) the aggregated amount, calculated in accordance with section 6, of those rates and charges, in respect of that parcel, for the 1985–86 year; and
- (b) a specified percentage of that aggregated amount.

Calculation of aggregated amount of rates and charges

6. For the purposes of section 5 (a), the aggregated amount of rates and charges payable in respect of a parcel of land for the 1985–86 year is—

- (a) except as provided by paragraphs (b) and (c), the aggregated amount of the rates and charges payable for the whole of that year;
- (b) where a rate was not levied or a charge was not made for the whole of that year, the aggregated amount of the rates and charges that would have been payable for the whole of that year if the parcel was—
 - (i) in respect of the water, sewerage or stormwater drainage service, as the case may be, ratable for the whole of that year; and
 - (ii) in respect of the charges, subject to the charges for the whole of that year at the same rate as for the period for which the charges were made; or
- (c) where a valuation is made or adopted under section 97 (4) of the Principal Act in respect of the parcel during that year, the aggregated amount of—
 - (i) the rates that would have been levied for the whole of that year if that valuation was in force, and the circumstances that caused that valuation to be made or adopted had existed, for the whole of that year; and

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- (ii) the charges that, in the opinion of the Board, would have been payable for the whole of that year if the circumstances that caused that valuation to be made or adopted had existed for the whole of that year.

Estimation of quantity of water consumed

7. The Board, in estimating, for the purposes of section 5, the quantity of water to have been consumed in respect of a parcel of residential land, shall assume that the quantity of water consumed between the dates at which a meter has been read has been consumed uniformly from day to day.

Effect of Board's determination under s. 5

8. Where the Board makes a determination under section 5, the Board shall waive payment of that portion of the charges payable in respect of a parcel of residential land separately rated under the Principal Act during the 1986-87 year in so far as those charges would, but for this section, exceed the sum referred to in section 5.

Amendment of Act No. 50, 1924

9. The Principal Act is amended in the manner set forth in Schedule 1.

SCHEDULE 1

(Sec. 9)

AMENDMENTS TO THE PRINCIPAL ACT

- (1) Section 86A (**Interpretation**)—

Section 86A (1), definition of “non-residential land”—

In paragraph (a), after “not”, insert “vacant land,”.

- (2) Section 95A—

After section 95, insert:

Components of rates

95A. The board shall determine whether for any year the rates to be levied, or any of them, shall comprise—

SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT—*continued*

- (a) an amount to be levied pro rata on the value of ratable land pursuant to section 96 (1); or
- (b) a fixed amount payable in respect of each separate parcel of ratable land (being an amount determined by the board having regard to the type of rate) and an amount to be levied pro rata on the value of ratable land pursuant to section 96 (1).

(3) Section 96 (**Basis of rating**)—

(a) Section 96 (1)—

After “or any of them”, insert “, or that part of any rate which is to be levied on the value of ratable land”.

(b) Section 96 (1) (c) (i)—

After “ratable land,”, insert “and vacant land, being ratable land,”.

(4) Section 96AA (**Power to levy differential rates on value of certain land**)—

After “residential land” where firstly occurring, insert “or vacant land”.

(5) Section 96AB (**Limitation on certain increases in rates levied on residential land or vacant land**)—

(a) Section 96AB (1), (4)—

After “residential land” wherever occurring, insert “or vacant land”.

(b) Section 96AB (1)—

Omit “the land value of”.

SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(c) Section 96AB (3A), (3B)—

After section 96AB (3), insert:

(3A) The board may determine that the aggregated amount of water, sewerage and stormwater drainage rates to which this section applies levied for a period of 12 months shall not, in respect of any land, exceed the sum of—

- (a) the aggregated amount, calculated in accordance with subsection (3B), of those rates, in respect of that land, for the immediately preceding period of 12 months; and
- (b) a specified percentage of that aggregated amount.

(3B) For the purposes of subsection (3A) (a), the aggregated amount of water, sewerage and stormwater drainage rates payable in respect of any land for the immediately preceding period of 12 months is—

- (a) except as provided in paragraphs (b) and (c), the aggregated amount of the rates levied for the whole of that period;
- (b) where a water, sewerage or stormwater drainage rate was not levied for the whole of that period, the aggregated amount of the rates that would have been levied for the whole of that period if the land was, in respect of the water, sewerage or stormwater drainage service, as the case may be, ratable for the whole of that period; or
- (c) where a valuation is made or adopted under section 97 (4) in respect of the land during that period, the aggregated amount of the rates that would have been levied for the whole of that period if that valuation was in force, and the circumstances that caused that valuation to be made or adopted had existed, for the whole of that period.

(6) Sections 97A (1), (2), 97B (1), (4)—

After “residential land,” wherever occurring, insert “vacant land,”.

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SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(7) Fourth Schedule (**Rates, charges and fees**), clause 4—

Omit “in a particular case with the approval of the board be paid by instalments.”, insert instead “, in accordance with such arrangements as may be determined or approved by the board either generally or in any particular case or class of cases, be paid by instalments or following the rendering of a periodic or other account by the board.”.
