

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. 33, 1976.

An Act to increase the interest rate on certain debts payable under the Water Act, 1912; to make charges for additional water delivered under that Act to any land a charge upon the land. [Assented to, 1st April, 1976.]

BE

Water (Amendment).

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 "Water (Amendment) Act, 1976".
- Commence-
ment.** **2.** (1) This section and section 1 shall commence on the date of assent to this Act.
- (2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.
- Amendment
of Act
No. 44,
1912.** **3.** The Water Act, 1912, is amended in the manner set forth in Schedule 1.
- Saving.** **4.** Nothing in this Act affects the operation of section 3 of the Finances Adjustment Act, 1932, in relation to any debt incurred before the day appointed and notified under section 2 (2).

Sec. 3.

SCHEDULE 1.

AMENDMENTS TO THE WATER ACT, 1912.

(1) Section 55B (2), (2A)—

Omit section 55B (2), insert instead :—

(2) If the rates and charges are unpaid at the expiration of three months after the due date for payment, the amount due shall be increased by a sum

SCHEDULE

Water (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE WATER ACT, 1912—*continued.*

calculated in respect of so much of the period between the due date and payment as occurred—

- (a) before 1st July, 1936—at the rate of seven per centum per annum;
- (b) on or after 1st July, 1936, and before 1st July, 1970—at the rate of five per centum per annum;
- (c) on or after 1st July, 1970, and before the date of commencement of Schedule 1 (1) to the Water (Amendment) Act, 1976—at the rate of seven per centum per annum;
- (d) on or after that date of commencement and—
 - (i) before the date of payment; or
 - (ii) where a regulation referred to in paragraph (e) is made, before the date that regulation takes effect,

whichever date referred to in subparagraph (i) or (ii) first occurs—at the rate of ten per centum per annum; or

- (e) during any period during which a regulation prescribing a rate of interest for the purpose of this paragraph is in force—at that rate,

and any such increase shall be deemed to be part of the rates or charges, as the case may be.

(2A) The Commission, with the approval of the Governor, may make regulations prescribing rates of interest for the purpose of subsection (2) (e).

SCHEDULE

Water (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE WATER ACT, 1912—*continued.*

(2) Section 139 (2) (b), (b1)—

Omit section 139 (2) (b), insert instead :—

(b) If the rates and charges are unpaid at the expiration of three months after the due date for payment, the amount due shall be increased by a sum calculated in respect of so much of the period between the due date and payment as occurred—

- (i) before 1st July, 1936—at the rate of seven per centum per annum;
- (ii) on or after 1st July, 1936, and before 1st July, 1970—at the rate of five per centum per annum;
- (iii) on or after 1st July, 1970, and before the date of commencement of Schedule 1 (2) to the Water (Amendment) Act, 1976—at the rate of seven per centum per annum;
- (iv) on or after that date of commencement and—
 - (a) before the date of payment; or
 - (b) where a regulation referred to in subparagraph (v) is made, before the date that regulation takes effect,

whichever date referred to in paragraph (a) or (b) of this subparagraph first occurs—
at the rate of ten per centum per annum; or

SCHEDULE

Water (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE WATER ACT, 1912—*continued.*

- (v) during any period during which a regulation prescribing a rate of interest for the purpose of this subparagraph is in force—at that rate,

and any such increase shall be deemed to be part of the rates or charges, as the case may be.

(b1) The Commission, with the approval of the Governor, may make regulations prescribing rates of interest for the purpose of paragraph (b) (v).

(3) Section 142—

After “following” wherever occurring, insert “or within one month after the date of notification of assessment, whichever is the later”.

(4) Section 143 (2)—

Omit “except”, insert instead “including”.

(5) Section 159 (2) (b), (b1)—

Omit section 159 (2) (b), insert instead :—

(b) If the rates so assessed and levied are unpaid at the expiration of three months after the due date for payment, the amount due shall be increased by a sum

SCHEDULE

Water (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE WATER ACT, 1912—*continued.*

calculated in respect of so much of the period between the due date and payment as occurred—

- (i) before 1st July, 1970—at the rate of five per centum per annum;
- (ii) on or after 1st July, 1970, and before the date of commencement of Schedule 1 (5) to the Water (Amendment) Act, 1976— at the rate of seven per centum per annum;
- (iii) on or after that date of commencement and—
 - (a) before the date of payment; or
 - (b) where a regulation referred to in subparagraph (iv) is made, before the date that regulation takes effect,
 whichever date referred to in paragraph (a) or (b) of this subparagraph first occurs— at the rate of ten per centum per annum; or
- (iv) during any period during which a regulation prescribing a rate of interest for the purpose of this subparagraph is in force—at that rate.

and any such increase shall be deemed to be part of the rates.

(b1) The Commission, with the approval of the Governor, may make regulations prescribing rates of interest for the purpose of paragraph (b) (iv).

SCHEDULE

Water (Amendment)

SCHEDULE 1—*continued.*

AMENDMENTS TO THE WATER ACT, 1912—*continued.*

(6) Section 175 (1) (b), (b1)—

Omit section 175 (1) (b), insert instead :—

(b) If any contribution or instalment of contribution or any rate so payable is unpaid at the expiration of three months after the due date for payment, the amount due shall be increased by a sum calculated in respect of so much of the period between the due date and payment as occurred—

(i) before 1st July, 1970—at the rate of five per centum per annum;

(ii) on or after 1st July, 1970, and before the date of commencement of Schedule 1 (6) to the Water (Amendment) Act, 1976— at the rate of seven per centum per annum;

(iii) on or after that date of commencement and—

(a) before the date of payment; or

(b) where a regulation referred to in subparagraph (iv) is made, before the date that regulation takes effect,

whichever date referred to in paragraph (a) or (b) of this subparagraph first occurs—at the rate of ten per centum per annum; or

SCHEDULE

Water (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE WATER ACT, 1912—*continued.*

- (iv) during any period during which a regulation prescribing a rate of interest for the purpose of this subparagraph is in force—at that rate,

and any such increase shall be deemed to be part of the contribution, instalment of contribution or rate, as the case may be.

(b1) The Commission, with the approval of the Governor, may make regulations prescribing rates of interest for the purpose of paragraph (b) (iv).
