

No. 45 of 1977

AN ORDINANCE

To amend the *Water Rates Ordinance 1959*

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated this fourteenth day of September 1977.

JOHN R. KERR
Governor-General

By His Excellency's Command,

A. A. STALEY
Minister of State for the Capital Territory

WATER RATES (AMENDMENT) ORDINANCE (No. 2) 1977

1. This Ordinance may be cited as the *Water Rates (Amendment) Ordinance (No. 2) 1977*.* Short title
2. In this Ordinance, "Principal Ordinance" means the *Water Rates Ordinance 1959*.† Principal Ordinance
3. Section 12 of the Principal Ordinance is amended— Persons by whom rates are payable
 - (a) by omitting from paragraph (1)(b) "weekly, fortnightly,";
 - (b) by omitting from paragraph (1A)(b) "weekly, fortnightly,"; and
 - (c) by omitting from paragraph (2)(b) "weekly, fortnightly,".
4. Section 14 of the Principal Ordinance is amended by omitting from sub-section (1) "weekly, fortnightly,". Proportionate liability for rates for metered land for part of rating year where there is a change in monthly, &c., tenancy

* Notified in the *Commonwealth of Australia Gazette* on 16 September 1977.

† Ordinance No. 19, 1959 as amended. For references to amending Ordinances made before 1977, see Ordinance No. 8, 1977. For amendments made during 1977 see Ordinance No. 8, 1977.

Proportion-
ate liability
for rates in
part of rating
year where
rates are
fixed by
section 6, 7,
7A, 8 or 9

5. Section 15 of the Principal Ordinance is amended—

- (a) by omitting from paragraph (1)(e) “ weekly, fortnightly,”; and
- (b) by omitting from paragraph (1)(f) “ weekly, fortnightly.”.

6. Sections 24 and 24A of the Principal Ordinance are repealed and the following sections substituted:

Accounts
for rates

“ 24. Where an amount of rates has become due, the proper authority shall cause notice in writing to be given to each person liable to pay the rates specifying—

- (a) in the case of rates that have become due at the commencement of a rating year—the amount of the rates and the due date for the payment of the rates; and
- (b) in the case of rates that have become due at the end of a meter reading period, being an amount of rates that is calculated by reference to the quantity of water in excess of a prescribed quantity supplied to a parcel of land in that meter reading period—the amount of the rates and the period, being a period of not less than 28 days, within which the rates are to be paid.

Payment
of rates

“ 24A. (1) The due date for the payment of rates is—

- (a) where the rates are payable by a person to whom sub-section (5) applies and the date of the notice given to the person under section 24 is a date that is not less than 14 days before the last instalment day in a year—the date specified in the notice as the due date, being a date that is not less than 14 days after the date of the notice; and
- (b) in any other case—the date specified in the notice as the due date, being a date that is not less than 28 days after the date of the notice.

“(2) Rates are payable on the due date for the payment of the rates where—

- (a) the rates are payable by a person other than a person to whom sub-section (5) applies; or
- (b) the rates are payable by a person to whom sub-section (5) applies and the date of the notice given to the person under section 24 is a date that is less than 14 days before the last instalment day in a year.

“(3) Rates payable by a person to whom sub-section (5) applies, not being a person referred to in sub-section (2), are payable in accordance with sub-section (5).

“(4) Sub-section (5) applies to and in relation to a person who is—

- (a) a person to whom a notice under section 24 has been given in respect of a parcel of land—
 - (i) that is held under a lease granted in pursuance of the *City Area Leases Ordinance* 1936 for residential purposes only, not being a parcel of land upon which more than one residential unit is erected;
 - (ii) that is held under a monthly or quarterly tenancy from the Commonwealth and is used for residential purposes only; or
 - (iii) upon which is erected a building containing residential units which are held under a monthly or quarterly tenancy from the Commonwealth; or
- (b) a member of a corporation that is the lessee of land that is sub-divided into units and common property under the *Unit Titles Ordinance* 1970, being a person—
 - (i) the lease of whose unit provides that the unit is to be used for residential purposes only; and
 - (ii) to whom a notice under section 24 has been given.

“(5) A person to whom this sub-section applies may pay the rates in respect of which a notice under section 24 has been given—

- (a) by paying the total amount of the rates on or before the due date shown in the notice;
- (b) by paying instalments—
 - (i) the number and amount of which are ascertained in accordance with sub-section (6);
 - (ii) the first of which is paid on or before the due date for the payment of those rates; and
 - (iii) the remainder of which are paid on the succeeding instalment days in the rating year in respect of which the rates are imposed; or
- (c) by paying such amounts, on such days, as the person wishes, but so that the total amount paid by the person on or before a day in a rating year is not less than the total amount that the person would have paid on that day in that year if the person were paying the rates by instalments in accordance with paragraph (b).

“(6) For the purposes of paragraph (4) (b)—

- (a) the number of instalments is a number equal to one more than the number of instalment days remaining, after the due date for the payment of the rates, in the rating year in respect of which the rates are imposed; and

- (b) the amount of each instalment is an amount calculated by dividing the total amount of rates payable in accordance with the notice under section 24 by the number of instalments ascertained in accordance with paragraph (a).

“(7) Where, but for this sub-section, the amount of an instalment would be an amount that includes a fraction of a cent, the last instalment in a rating year is increased by the least amount that will result in the earlier instalments for that year being equal instalments of an amount that does not include a fraction of a cent.

“(8) A reference in this section to rates does not include a reference to—

- (a) an amount of rates imposed in a rating year that becomes due at the end of a meter reading period that ends in the rating year, being an amount that is calculated by reference to the quantity of water in excess of a prescribed quantity supplied to a parcel of land in the meter reading period; or
- (b) in respect of land that is sub-divided into units and common property under the *Unit Titles Ordinance 1970*—rates payable by the corporation.

“(9) In this section, ‘instalment date’ means 15 October, 15 December, 15 February and 15 April.”.

Application

7. (1) The Principal Ordinance, as amended by this Ordinance, applies to and in relation to—

- (a) rates imposed in respect of the rating year that commenced on 1 July 1977 and each subsequent rating year; and
- (b) water supplied in the first meter reading period that ends on or after 1 July 1977 and in subsequent meter reading periods.

(2) The Principal Ordinance, as in force immediately before the commencement of this Ordinance, continues to apply to and in relation to—

- (a) rates imposed in respect of a rating year that commenced before 1 July 1977; and
- (b) water supplied in a meter reading period that ended before 1 July 1977.

(3) An expression in this section that is defined in the Principal Ordinance has the same meaning for the purposes of this section as it has in the Principal Ordinance.