
WATER

WA301

WATER AGENCIES (POWERS) ACT 1984

WATER AGENCIES (CHARGES) AMENDMENT BY-LAWS (No. 2) 1997

Made by the Minister under section 34 (1) of the Act.

Citation

1. These by-laws may be cited as the *Water Agencies (Charges) Amendment By-laws (No. 2) 1997*.

Principal by-laws

2. In these by-laws the *Water Agencies (Charges) By-laws 1987** are referred to as the principal by-laws.

[* *Published in Gazette 14 July 1987 pp. 2658-72.*
For amendments to 22 April 1997 see 1995 Index to Legislation of Western Australia, Table 4, pp. 312-4 and Gazettes 21 May, 28 June, 5 July, 9 July, 19 July, 23 August and 13 September 1996 and 7 January 1997.]

By-law 2 amended

3. By-law 2 of the principal by-laws is amended by inserting after the definition of "residential property" the following definition —

“**“single capital infrastructure charge”** means a charge set out in Schedule 1, Division 1, Part 5, Column 2;”

By-law 7 repealed and by-laws substituted

4. (1) By-law 7 of the principal by-laws is repealed and the following by-laws are substituted —

“**Manner of payment of charges other than quantity and single capital infrastructure charges**

7. (1) In this by-law —

“**charge**” means —

(a) a charge other than —

(i) a quantity charge; or

(ii) a single capital infrastructure charge;

or

(b) an amount payable in respect of rates under the *Land Drainage Act 1925*.

(2) Unless, in accordance with by-law 8, special arrangements for payment have been made a charge is payable in accordance with this by-law.

(3) Subject to sub-by-laws (4) and (8), a charge is payable to the Corporation in 2 equal instalments due on 31 July and 31 December, respectively, in the year for which the charge is made.

(4) Subject to sub-bylaws (5) and (8), a person may elect to pay an account relating to a charge —

- (a) in full (whether or not it also relates to other charges in respect of the same year) on or before 31 July in that year in which case the person is to receive a discount of —
 - (i) the amount prescribed in Schedule 6, item 1 in respect of the account (irrespective of whether it relates to one or more charges); and
 - (ii) interest calculated at the rate prescribed in Schedule 6, item 3 for a period of 5 months on one-half of the charge for the year;

or

- (b) in 4 equal instalments on or before 31 July, 31 October, 31 December, and 31 March, respectively, in that year, in which case the person is to be liable for an additional charge of —
 - (i) the amount prescribed in Schedule 6, item 2 in respect of the account (irrespective of whether it relates to one or more charges); and
 - (ii) interest calculated at the rate prescribed in Schedule 6, item 3 for a period of 3 months on one-half of the charge for the year.

(5) The options provided by sub-bylaw (4) do not apply where payment of any amount due and payable to the Corporation in relation to any water service in respect of the land concerned is outstanding.

(6) For the purposes of sub-bylaw (5), where payment of an amount has been deferred under the *Rates and Charges (Rates and Deferments) Act 1992* that amount shall not be regarded as due and payable until payment of it is required in accordance with that Act.

(7) The Corporation may, after having regard to the circumstances in a particular case, allow a person to elect to pay an account in accordance with the options provided in sub-bylaw (4), without the requirement for the appropriate amount to be paid on or before 31 July.

(8) Where —

- (a) a charge is for a period less than a full year; or
- (b) an account for a charge is given after 31 July in the year to which the charge relates,

the charge is due in full by the date stated in the account.

(9) For the purposes of sub-bylaw (8), a date stated in an account shall be a date not earlier than 28 days after the giving of the account.

Manner of payment of quantity charges

7A. (1) Unless, in accordance with by-law 8, special arrangements for payment have been made a quantity charge is due in full on the date stated in the account given for that charge.

(2) For the purposes of sub-bylaw (1), a date stated in an account shall be a date not earlier than 14 days after the giving of the account.

Manner of payment of single capital infrastructure charges

7B. (1) A single capital infrastructure charge is due in full on the date stated in the account given for that charge.

(2) For the purposes of sub-bylaw (1), a date stated in an account shall be a date not earlier than 28 days after the giving of the account.

By-law 8 amended

5. (1) By-law 8 (1) of the principal by-laws is amended by deleting "Where, in a particular case," and substituting the following —

" Subject to sub-by-law (4), where in a particular case "

(2) By-law 8 of the principal by-laws is amended by inserting after sub-by-law (3) the following sub-by-law —

" (4) This by-law does not apply to a single capital infrastructure charge. "

By-law 12 repealed and a by-law substituted

6. By-law 12 of the principal by-laws is repealed and the following by-law is substituted —

"

Exempt land

12. (1) In this by-law —

"**water supply connection**" does not include a local government standpipe.

(2) Where —

(a) land described in by-law 4; or

(b) land that is not classified Capital Infrastructure but is reasonably capable of being supplied by the Corporation with water from works provided in relation to land that is so classified,

is not provided with a water supply connection, the land is exempt from any charge set out in Schedule 1, Division 1 other than a charge specifically provided in respect of local government standpipes.

"

By-law 13 amended

7. By-law 13 of the principal by-laws is amended by inserting after sub-by-law (2) the following sub-by-law —

"

(3) For the purposes of this Division, land may, irrespective of any other classification under sub-by-law (1), be classified by the Corporation as Capital Infrastructure if —

(a) the Corporation determines that the land is in an area specified in Schedule 1, Division 1, Part 5, Column 1; and

(b) the Corporation provides or is to provide works to ensure the supply of water to the land.

"

By-law 19A inserted

8. After by-law 19 of the principal by-laws, the following by-law is inserted —

"

Capital infrastructure charges

19A. (1) In this by-law —

"**land**" means a residential property or any other land.

(2) Subject to sub-by-law (3), if land is classified as Capital Infrastructure, the charge —

- (a) set out in Schedule 1, Division 1, Part 5, Column 3; and
- (b) corresponding to the area within which the land is situated as specified in Schedule 1, Division 1, Part 5, Column 1,

is a charge for a year in respect of that land, applicable for the number of years specified in Schedule 1, Division 1, Part 5, Column 4.

(3) A person liable to pay a charge under sub-by-law (2) may, within 28 days of receiving notice of the charge from the Corporation, elect to pay the corresponding single charge specified in Schedule 1, Division 1, Part 5, Column 2.

(4) Where a person elects to pay a single charge under sub-by-law (3) the single charge is payable in relation to the land instead of the annual charges specified in sub-by-law (1).

(5) A charge set out in Schedule 1, Division 1, Part 5 is payable in addition to any other charges payable for water supply under these by-laws.

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Schedule 1 amended

9. (1) Schedule 1 to the principal by-laws is amended by deleting “[By-law 11, 20A and 20B]” and substituting the following —

“ [By-laws 11, 19A, 20A and 20B] ”.

(2) Schedule 1, Division 1 to the principal by-laws is amended by inserting after Part 4 the following Part —

“

Part 5 — Capital infrastructure charges determined under by-law 19A

Column 1	Column 2	Column 3	Column 4
<i>Area</i>	<i>Single Charge</i>	<i>Annual Charge</i>	<i>No. of years</i>
Golden Bay	\$215	\$27	10
Madora	\$200	\$25	10
Singleton	\$1 000	\$123	10

”.

Schedule 6 amended

10. Schedule 6 to the principal by-laws is amended —

(a) in item 1 by deleting “by-law 7 (1) (a) (i)” and substituting the following —

“ by-law 7 (4) (a) (i) ”;

(b) in item 2 by deleting “by-law 7 (1) (b) (i)” and substituting the following —

“ by-law 7 (4) (b) (i) ”;

(c) in item 3 by deleting “by-laws 7 (1) (a) (ii), 7 (1) (b) (ii),” and substituting the following —

“ by-laws 7 (4) (a) (ii), 7 (4) (b) (ii), ”.