

WESTERN AUSTRALIA

**ACTS AMENDMENT (WATER
AUTHORITY RATES AND
CHARGES) ACT 1987**

(No. 24 of 1987)

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- 148. Sections 40, 40A and 40B repealed
- 149. Section 40C repealed and a section substituted
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- 151. Section 42 amended
- 152. Sections 42AA, 42AB and 42B repealed
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- 156. Section 8 amended

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- 157. Principal Act
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- 159. Section 3 amended
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- 164. Principal Act
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- 167. Savings and transitional

ACTS AMENDMENT (WATER AUTHORITY RATES AND CHARGES) ACT

No. 24 of 1987

AN ACT to amend the *Water Authority Act 1984*, the *Metropolitan Water Authority Act 1982*, the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909*, the *Country Areas Water Supply Act 1947*, the *Country Towns Sewerage Act 1948*, the *Rights in Water and Irrigation Act 1914*, the *Acts Amendment (Water Authorities) Act 1985*, the *Pensioners (Rates Rebates and Deferments) Act 1966*, and the *Strata Titles Act 1985*, and for connected purposes.

[Assented to 25 June 1987.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title

1. This Act may be cited as the *Acts Amendment (Water Authority Rates and Charges) Act 1987*.

Commencement

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

PART I—WATER AUTHORITY ACT 1984

Principal Act

3. In this Part the *Water Authority Act 1984** is referred to as the principal Act.

[*Act No. 3 of 1984 as amended by Acts Nos. 25, 98 and 110 of 1985.]

Application of Part

4. The amendments effected by this part are of no effect in relation to the *Land Drainage Act 1925* or the doing of anything under or for the purposes of that Act and the principal Act applies in relation thereto as if this Part had not been enacted.

Section 3 amended

5. Section 3 of the principal Act is amended in subsection (1)—

(a) by inserting after the definition of “Chairman” the following definition—

“ “charge” does not include anything described under this Act as a fee; ”;

(b) in the definitions of “gross rental value”, “unimproved value” and “valuation”, by deleting “rateable”; and

(c) by deleting the definitions of “rateable land” and “ratepayer”.

Section 34 amended

6. Section 34 of the principal Act is amended in subsection (3)—
- (a) by deleting “and” after paragraph (i);
 - (b) by deleting the full stop at the end of paragraph (j) and substituting a semicolon; and
 - (c) by inserting at the end of the subsection the following paragraph—
 - “ (n) prescribe the entitlements, if any, arising from the payment of any charges by way of a rate or otherwise. ”.

Section 36 amended

7. Section 36 of the principal Act is amended in subsection (4) by deleting paragraph (d) and substituting the following paragraph—

- “ (d) may provide for fees to be payable to the Authority in relation to specified matters and make provision as to the recovery of any such fees; ”.

Part III, Division 1A inserted

8. After Division 1 of Part III of the principal Act, the following Division is inserted—

“ *Division 1A—Certain provisions as to charges*

By-laws relating to charges

41. (1) By-laws made under this Act may, for the purpose of obtaining moneys for the carrying out by the Authority of its functions under this Act and any relevant Act, provide for the payment to the Authority of charges relating to the provision by the Authority of water services and, in particular, may—

- (a) prescribe charges by reference to the quantity of water or wastewater concerned or the gross rental value, unimproved value, or area of the land in respect of which a water service is provided, or on such other basis as may be specified in the by-laws, and, where any such charges relate to a particular period or matter, may prescribe 2 or

more such charges (whether of the same kind or different kinds) in respect of particular land for the same period or matter;

- (b) make provision for determining the land in respect of which a water service shall be taken, for the purposes of this Act, to be provided, irrespective of whether it is actually connected to a water supply or sewerage, or drained or irrigated;
 - (c) prescribe, or make provision for the Authority to determine, the land that is to be the subject of a separate assessment of any charge;
 - (d) provide for certain classes of land that would otherwise be subject to a charge, whether by way of a rate or otherwise, under this Act to be exempt from the application of any such charge as is specified in the exemption;
 - (e) provide for differential rates and charges to apply and may, for the purposes of applying provisions for differential rates or charges, prescribe—
 - (i) classes of land according to the use to which land is put, the purpose for which water is used on the land, or such other factor as the Authority considers appropriate;
 - (ii) classes of water service according to the nature or quality of, or the source of, the water or wastewater concerned or such other factor as the Authority considers appropriate,
- and provide for the classification of land or water services according to any such class;
- (f) provide for concessional charges to be payable by persons of any prescribed class, and provide for those concessional charges to apply to such persons generally or in such circumstances as are prescribed;
 - (g) prescribe the minimum amount of any charge that, notwithstanding the limits imposed by sections 41A and 41B, shall apply and the maximum amount of any charge that, subject to those limits, shall apply, whether by setting out that minimum or maximum amount or by reference to any factor the Authority considers appropriate;

- (h) make provision for an additional charge to be made, or for a rebate or refund to be given, as the case requires, where a change in any matter that was relevant to the assessment of a charge in respect of land takes place during the period for which the charge was assessed;
- (j) in respect of land that has been the subject of a change in circumstances such that, for a period during which the change in circumstances occurred, a charge that was not made in respect of the land would have been made had the circumstances as changed existed from the commencement of that period, make provision for a charge to be made for the balance of the period remaining after the change occurred;
- (k) notwithstanding that charges have been prescribed in relation to the provision of any water service for a particular period, but subject to section 41A, prescribe such supplemental charges, by way of a rate or otherwise, in relation to the provision of such water service for the unexpired portion of that period as may, by reason of emergent circumstances, appear to the Authority to be necessary;
- (l) where a charge is to be assessed by reference to the quantity of water or wastewater concerned, provide for the estimation of the quantity of water or wastewater concerned for any period during which the quantity has not been measured, or properly measured, whether by reason of the malfunction of any measuring apparatus or for any other reason, and that the quantity of water or wastewater concerned shall be deemed to be the quantity so estimated;
- (m) require payment of any account for charges imposed otherwise than by measure to be made in advance of the provision of the service concerned and require the payment, in respect of any charge to be imposed by measure, of a deposit in advance of the provision of the service concerned;
- (n) make provision in relation to any charge, whether by way of a rate or otherwise, and any amount payable under section 41L, for—
 - (i) the time when payment or, where by-laws provide for payment by instalments, each instalment, is due and the manner in which payment is to be made;

- (ii) discounts to be allowed by the Authority where payment is made before a time specified in the by-laws;
- (iii) an additional amount by way of interest, as prescribed in the by-laws, to be included where payment is made by instalments;
- (iv) the amount payable to be increased as prescribed in the by-laws where payment is made in instalments or is not made in full by the time when it is due or such time thereafter as may be so prescribed;
- (v) where in a particular case the Authority is satisfied that there is proper cause, the making of special arrangements for payment, including such provision as to the payment of any additional charge and interest as the Authority considers appropriate.

(2) Pursuant to a determination under subsection (1) (b) land may be taken, for the purposes of this Act, to be land in respect of which drainage is provided notwithstanding that it is so determined by reason only that the land contributes to, or will contribute to, the need for drainage.

(3) A by-law may prescribe a charge for a period, or for water or wastewater supplied or discharged during a period, that commences before the by-law is made, but not so as to affect the amount of any charge that has already become due and payable before the by-law is made.

(4) The power to make charges relating to each of 2 or more matters includes the power to make one charge relating to both or all of those matters.

Limits on certain charges

41A. (1) For the purposes of this section “country land” means land that—

- (a) is not within a townsite as defined in section 6 (1) of the *Local Government Act 1960*; or
- (b) is within a townsite as so defined but is used, or primarily used, for agricultural, pastoral, grazing, dairying, beekeeping, orcharding, viticultural, silvicultural, or other farming purposes, or any combination of those purposes.

(2) Subject to any minimum charge prescribed under section 41 (1) (g), the amount of a charge assessed under the by-laws in respect of land for any one year shall not exceed—

(a) in the case of a charge relating to either the provision of a water supply or the provision of sewerage that is based on—

(i) the gross rental value of the land, an amount equal to 20 cents in the dollar;

(ii) the unimproved value of the land, an amount equal to 3.5 cents in the dollar;

(iii) the area of the land, that land being farmland within the meaning of the *Country Areas Water Supply Act 1947*, an amount equal to 30 cents per hectare;

(b) in the case of a charge relating to the provision of drainage that is based on—

(i) the gross rental value of the land, an amount equal to 5 cents in the dollar;

(ii) the area of the land, that land being country land as defined in subsection (1), an amount equal to \$10 per hectare.

(3) In subsection (2) (a) (i) and (ii) and (b) (i), a reference to an amount in the dollar refers, where the value assigned under the *Valuation of Land Act 1978* to the land concerned has, for the year concerned, been increased under section 41C or reduced under section 41D or 41E (3), to an amount in the dollar of the value as so increased or reduced, as the case requires.

(4) A reference in subsection (2) to a charge assessed in relation to a particular water service for any one year shall be read, where for that year a supplemental charge relating to the same service is made, on the same basis, under section 41 (1) (k), as a reference to the total amount of the charge in the first instance and the supplemental charge.

Limits related to
charges in previous year

41B. (1) Subject to any minimum charge prescribed under section 41 (1) (g) and to subsections (2), (4) and (5), where a charge for a year in respect of any separately assessed piece of land

is prescribed on the basis of value and would, but for this section, exceed an amount that is 40% as much again as a charge prescribed on the basis of value that was payable for the previous year in respect of the same land in relation to the same kind of water service (in this section referred to as "the corresponding charge" for the previous year), the charge shall be reduced to that amount.

(2) Where the difference between a charge to which subsection (1) applies and the corresponding charge for the previous year is wholly or in part attributable to—

- (a) a change in any matter or circumstance affecting the application to that land of a differential rate or charge made in accordance with section 41 (1) (e);
- (b) the charge not having been made for the whole or any part of the first of the 2 years concerned, or having been increased during either of those years as a result of the provision of a new or upgraded service; or
- (c) an interim valuation under the *Valuation of Land Act 1978* reflecting any development or change of use of that land,

the Authority shall estimate a notional charge for the first year, being the charge that would have been payable for the first year if, for the whole of that year—

- (d) the matters and circumstances currently prevailing had then prevailed;
 - (e) any new or upgraded service referred to in paragraph (b) had then been provided;
- and
- (f) an interim valuation reflecting any development or change of use referred to in paragraph (c) had then been made and in force,

and in applying subsection (1) the notional charge estimated under this subsection shall be regarded as having been the corresponding charge for the first year.

(3) Where a charge for a portion of a year in respect of any separately assessed land is prescribed on the basis of value, subsection (1) shall apply as if the charge were for a full year but for the purpose of so applying that subsection the corresponding charge for the previous year shall be adjusted according to the proportion of the year for which the charge is made.

(4) Any supplemental charge made under section 41 (1) (k) in either of the years concerned shall be disregarded for the purposes of applying subsection (1).

(5) The by-laws may prescribe a percentage less than 40% for the purposes of subsection (1), and where a lesser percentage is so prescribed that subsection shall have effect as if the reference therein to 40% were a reference to the percentage so prescribed.

Certain valuations may be indexed

41C. (1) Except where a value was assigned to the land pursuant to a general valuation under the *Valuation of Land Act 1978* that was expressed by a notice under section 21 or 22 of that Act to come into force, and came into force for the purposes of this Act, at the commencement of the period for which the charge is to be imposed, the by-laws may, subject to this Act, impose a charge by reference to the value assigned to the land under that Act increased by such factor as is prescribed in the by-laws.

(2) No objection or appeal lies in respect of any increase under this section.

Phasing-in of certain valuations

41D. (1) Where by reason only of a general valuation under the *Valuation of Land Act 1978* the value assigned to land is increased, the by-laws may impose a charge in respect of the land—

- (a) for the first year after the general valuation came into force, by reference to the value so assigned reduced by two-thirds of the amount of the increase;
- (b) for the second year after the general valuation came into force, by reference to the value so assigned reduced by one-third of the amount of the increase.

(2) Where, for the purposes of this Act, the coming into force of a general valuation is postponed under section 41F in relation to any land, the value assigned to that land under that general valuation or under an interim valuation referred to in subsection (3) of that section shall be taken for the purposes of subsection (1) to have been assigned pursuant to a general valuation coming into force when the postponed general valuation comes into force in relation to that land for the purposes of this Act.

Interim valuations

41E. (1) Where the value assigned to land under the *Valuation of Land Act 1978* is increased or decreased pursuant to an interim valuation under that Act, the Authority may, in the case of an increase, and shall, in the case of a decrease, re-assess any charge in respect of the land made for a period during which the interim valuation comes into force that is based on the value that has been changed and make such additional charge, or give such rebate or refund, for the period as is appropriate by reason of the change in value.

(2) Except to the extent expressly provided in subsection (1), that subsection does not limit the generality of section 41 (1) (h).

(3) Where, in accordance with subsection (1), a charge for a year may be re-assessed by reason that an increased value has been assigned to land pursuant to an interim valuation under the *Valuation of Land Act 1978*, and the value assigned pursuant to the interim valuation exceeds the value (in this section referred to as “the notional value”) that would have been assigned to that land immediately before the last general valuation if it had then been developed and used as it is at the time the value was in fact assigned pursuant to the interim valuation, the amount of the charge may be assessed—

- (a) if the last general valuation affecting that land came into force at the commencement of the year for which the charge is made, by reference to the value assigned pursuant to the interim valuation reduced by two-thirds of the amount of the notional increase in value as defined in subsection (4);
- (b) if the last general valuation affecting that land came into force one year before the commencement of the year for which the charge is made, by reference to the value assigned pursuant to the interim valuation reduced by one-third of the amount of the notional increase in value as defined in subsection (4).

(4) For the purposes of subsection (3), the notional increase in value of land referred to in that subsection is the amount by which the value assigned pursuant to the interim valuation exceeds the notional value.

(5) Where, for the purposes of this Act, the coming into force of a general valuation is postponed under section 41F in relation to any land, the value assigned to that land under that general valuation or under an interim valuation referred to in subsection (3) of that section shall be taken for the purposes of subsections

(3) and (4) to have been assigned pursuant to a general valuation coming into force when the postponed general valuation comes into force in relation to that land for the purposes of this Act.

Postponement of effect of
general valuation

41F. (1) Notwithstanding that a notice may have been published under section 21 of the *Valuation of Land Act 1978* requiring the Authority to use the valuations included in a general valuation of land within a valuation district for assessing any charge by way of a rate, where the Authority is of the opinion that the information contained in the valuation roll for the district, or a valuation roll for any other district in which the charge is to apply, available to the Authority pursuant to section 28 of that Act as at 31 March in any year is insufficient for the purpose of enabling the Authority to obtain the comprehensive information necessary to enable charges for the forthcoming year to be made on a basis of valuations different from those then shown in the records of the Authority, the Minister, by notice published in the *Government Gazette*, may authorize the Authority—

- (a) to refrain from adopting the valuations made pursuant to the general valuation in respect of any district in which the charge is to apply and instead to use for the forthcoming year the valuations shown in the records of the Authority in respect of the then current year; and
- (b) to calculate a rate on the basis of those valuations as if the general valuation had not been completed,

and for the purposes of making charges under this Act for the forthcoming year that general valuation shall be taken not to have come into force in relation to any such valuation district and the notice under section 21 of that Act shall not, in relation to any such district, apply in respect of the forthcoming year.

(2) Where, in relation to any district, a general valuation is not put into effect for a particular year by reason of an authorization given by the Minister to the Authority under subsection (1), the general valuation shall, subject to any further authorization under this section, be taken for the purposes of this Act to come into force in relation to that district immediately after the end of that year and thereupon values shall be taken to have been assigned in accordance with that general valuation.

(3) Notwithstanding subsection (2), where, before a general valuation would, for the purposes of this Act, otherwise come into force under that subsection in relation to a district, land in the

district is assigned a value pursuant to an interim valuation under the *Valuation of Land Act 1978*, the value assigned to the land pursuant to the interim valuation supersedes the value assigned pursuant to the general valuation notwithstanding that, in relation to that land, the general valuation is not yet in force for the purposes of this Act but until the general valuation so comes into force the value assigned pursuant to the interim valuation shall, for the purposes of this Act, be adjusted to the value that would have been assigned if the interim valuation had been made before the general valuation and the land had then been developed and used as it is at the time the interim valuation was in fact made.

Incomplete general valuation

41G. (1) Where the Authority is of the opinion that information in relation to any general valuation in respect of a valuation district as furnished to the Authority is not complete, the Minister may direct the Authority to adopt the valuations made in respect of that general valuation in so far as they are available to the Authority, and where such a valuation is not so available in relation to any land—

- (a) to refrain from making a charge based on the value of that land until the valuation of that land made under that general valuation is furnished to the Authority; or
- (b) to use the valuation shown in relation to that land in the records of the Authority in respect of the then current year and to make any charge upon that basis for the forthcoming year, but when a new valuation of that land under that general valuation is furnished to the Authority to adopt the new valuation and make such additional charge, or give such rebate or refund, as may be appropriate by reason of the different valuation,

and the Authority is authorized to give effect thereto.

(2) Notwithstanding a direction under subsection (1), the Authority may waive payment of an additional charge arising under that subsection where, having regard to the amount of the additional charge and the administrative and other costs that would otherwise be involved, the Authority considers it appropriate to do so.

Apportionment between joint owners or occupiers

41H. Where land is owned or occupied by a number of persons the Authority may, having regard to any relevant determination made under the *Valuation of Land Act 1978* and, where appropriate, to Division 5 of Part IV of the *Strata Titles Act 1985*, apportion the valuation in relation to the several interests and assess, or amend the assessment of, charges based upon valuation payable in relation to the respective interests in the land on a basis proportionate to those interests.

Accounts based on estimated quantities

41J. An account submitted on the basis of an estimate as provided for under section 41 (1) (l) shall be clearly marked as such and the Authority shall, upon request, give details of how the estimate was made.

Certain information to be made available

41K. Where a person is liable, pursuant to an agreement with the owner of any land, for payment of the whole or a portion of the charges that are payable in respect of that land, he shall be entitled, upon written request, to be informed by the Authority of the total of such charges payable in respect of the land together with any apportionment made by the Authority of such charges.

Interest on overdue amounts

41L. (1) Where the payment of the amount of a charge, whether by way of a rate or otherwise, or an instalment of such a charge, including any interest payable under this subsection, is not made by the time when it is due or such time thereafter as may be prescribed for the purposes of this section in the by-laws, interest calculated at the rate and in the manner prescribed shall be payable in accordance with the by-laws.

(2) Where, in accordance with the by-laws, the amount of a charge that is payable has been increased by reason that payment is made in instalments or that it was not paid in full by the time when it was due or such time thereafter as was prescribed, subsection (1) applies in respect of the total amount outstanding, including the amount of any such increase.

Authority may waive or reduce certain amounts

41M. The Authority may, where it is satisfied that there is proper cause to do so, waive the obligation to pay, or reduce the amount of, any interest or additional amount arising by reason of the amount of a charge not having been paid in full by the time when it is due or such time thereafter as was prescribed.

Charges payable notwithstanding liability to prosecution

41N. Where water is taken in contravention of this Act or a relevant Act, the liability to pay a charge imposed by the by-laws in respect of the water so taken is not affected by the fact that the taking of the water was unlawful, and the payment of the charge does not affect the liability of a person to be prosecuted as a result of the unlawful taking of the water. ”.

Section 69A amended**9. Section 69A of the principal Act is amended—****(a) in subsection (1)—**

- (i) by deleting all of the subsection before paragraph (a) and substituting the following—

“ Where charges are made under this Act in respect of land, the Authority shall compile, from time to time amend, and maintain records in respect of all land in respect of which such charges are made showing— ”;

- (ii) in paragraph (a), by deleting “rated”;

- (iii) in paragraph (d), by inserting before “the gross” the following—

“ where it is relevant to the making of any charge in respect of the land, ”; and

- (iv) by deleting paragraphs (e), (f) and (g) and “and” after paragraph (f) and substituting the following—

“ (e) the classification, if any, of the land for the purpose of the application of any charge in respect of the land;

- (f) any other information that the Authority requires for the assessment of any charge in respect of the land;
 - (g) the amount of any charge that has been assessed in respect of the land for a current period; and
 - (h) such other information, if any, as may be prescribed in the by-laws. ”;
- (b) in subsection (2)—
- (i) by deleting “liable to be rated under the relevant Act concerned” and substituting the following—
“ the subject of a charge under this Act ”;
 - (ii) in paragraph (a), by deleting “in the rating record”; and
 - (iii) in paragraph (c), by deleting “rate the land, and in respect of the rate” and substituting the following—
“ assess a charge in respect of the land and, in connection therewith ”; and
- (c) in subsection (3)—
- (i) by deleting “rating” and “rateable”; and
 - (ii) by deleting “ratepayer” and substituting the following—
“ person ”.

Section 69B inserted

10. After section 69A of the principal Act the following section is inserted—

Records to be basis of assessment

- “ 69B. (1) Except as otherwise provided in this Act the records maintained by the Authority under section 69A for a period shall be the basis on which charges are assessed for that period.
- (2) The reference in subsection (1) to the records under section 69A includes a reference to amendments made to those records from time to time.

(3) The records under section 69A may be amended not more than 5 years after the end of the period to which the records relate and the Authority may thereupon assess or reassess any charge for that period and for any subsequent period as a result of that amendment and issue such assessment, or give such rebate or refund, as may be appropriate.

(4) A person affected by an amendment of the records has the same rights of objection and appeal, if any, in relation to the amendment as he would have had if the amendment had been an entry in the records for the first time at the time of the amendment. ”.

PART II—METROPOLITAN WATER AUTHORITY ACT 1982

Principal Act

11. In this Part the *Metropolitan Water Authority Act 1982** is referred to as the principal Act.

[*Act No. 36 of 1982 as amended by Acts Nos 101 of 1982 and 25 and 110 of 1985.]

Section 4 amended

12. Section 4 of the principal Act is amended in subsection (2)—

- (a) by deleting paragraphs (a) and (e);
- (b) by inserting “and” after paragraph (c); and
- (c) by deleting “; and” at the end of paragraph (d) and substituting a comma.

Section 28 amended

13. Section 28 of the principal Act is amended in subsection (1) by deleting “and levy rates and impose charges” and substituting the following—

“ charges, by way of a rate or otherwise, ”.

Heading to Part IV deleted and a heading substituted

14. The heading to Part IV of the principal Act is deleted and the following heading is substituted—

“ PART IV—OBJECTIONS AND APPEALS ”.

Sections 39, 40 and 41 repealed

15. Sections 39, 40 and 41 of the principal Act are repealed.

Section 43 amended

16. Section 43 of the principal Act is amended—

(a) in subsection (1), by deleting “rateable land for the purposes of this Act,” and substituting the following—

“ land for the purposes of a charge made under the *Water Authority Act 1984* in relation to a water service provided under this Act or the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909* ”;

(b) by repealing subsection (2) and substituting the following subsection—

“ (2) A person, whether an owner or occupier, who is liable to pay any charge assessed in respect of land—

(a) by reference to a value as reduced under section 41D or 41E (3) of the *Water Authority Act 1984*;

(b) on the basis of an interim valuation, as mentioned in section 41E of the *Water Authority Act 1984*;

(c) on the basis of an apportionment of any valuation under section 41H of the *Water Authority Act 1984*,

may object to the assessment in accordance with this section.

(2a) Notwithstanding that a charge made under the *Water Authority Act 1984* is only in part assessed on the basis of a valuation of land adopted or apportioned by the Authority, a person, whether an owner or an occupier, to whom an account for the charge is rendered may object to the Authority as to the basis on which the charge is imposed

as though it were an objection to an assessment to which section 32 (1) (b) of the *Valuation of Land Act 1978* applied or to which subsection (2) of this section applied, but, except as otherwise provided by this section, any appeal to the Land Valuation Tribunal against the decision on that objection shall relate only to such part of the assessment of the charge as is based on a valuation of the land. ”;

- (c) in subsection (4), by deleting “this Act” and substituting the following—

“ the *Water Authority Act 1984* ”;

- (d) in subsection (5), by deleting “rated in respect of land, or is charged for water services,” and substituting the following—

“ charged in relation to water services in respect of land ”;

- (e) in subsection (10), by deleting “rate”;

- (f) in subsection (14), by deleting “the ratepayer to pay any rates or charges assessed under this Act” and substituting the following—

“ a person to pay the charges concerned ”;

- (g) in subsection (15), by deleting “rating records” and substituting the following—

“ records kept under section 69A of the *Water Authority Act 1984* ”; and

- (h) in subsection (16), by deleting “of rates under this Act”.

Sections 44 and 45 repealed

- 17.** Sections 44 and 45 of the principal Act are repealed.

Section 103 amended

- 18.** Section 103 of the principal Act is amended by deleting “to which paragraph (c) of section 44 (3) should apply”.

PART III—METROPOLITAN WATER SUPPLY,
SEWERAGE, AND DRAINAGE ACT 1909**Principal Act**

19. In this Part the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909** is referred to as the principal Act.

[*Reprinted as approved 13 December 1977 and amended by Acts Nos. 19, 76, and 105 of 1978; 3, 42, and 109 of 1979; 3 of 1980; 41, 63, and 72 (as amended by No. 25 of 1985, s.83) of 1981; 37 and 100 of 1982; 25 and 110 of 1985.]

Section 5 amended

20. Section 5 of the principal Act is amended in subsection (1)—

- (a) by deleting the definition of “rate”; and
- (b) by inserting in the appropriate alphabetical positions the following definitions—
 - “ “prescribed” means prescribed under the *Water Authority Act 1984* for the purposes of this Act or that Act, as the case requires; ”;
 - “ “sewerage charge”, in relation to land, means a water charge in respect of that land relating to the provision of sewerage under this Act; ”;
 - “ “water charge”, in relation to land, means a charge made under the *Water Authority Act 1984* in respect of that land relating to a water service provided under this Act or the *Metropolitan Water Authority Act 1982*; ”;
 - “ “water supply charge”, in relation to land, means a water charge in respect of that land relating to the provision of a water supply under this Act; ”.

Section 36 repealed and a section substituted

21. Section 36 of the principal Act is repealed and the following section is substituted—

Land to be supplied with water

“ 36. The owner or occupier of land in respect of which a water supply charge has been made for a period is entitled, as far as practicable and subject to this Act and the *Water Authority Act 1984*, to have water supplied to the land in that period by the Authority. ”.

Section 37 amended

22. Section 37 of the principal Act is amended by deleting “rated under this Act” and substituting the following—

“ referred to in section 36 ”.

Section 38 amended

23. Section 38 of the principal Act is amended in subsection (1) by deleting “rated under this Act” and substituting the following—

“ being land referred to in section 36 ”.

Section 39 amended

24. Section 39 of the principal Act is amended in subsection (3)—

(a) by deleting “the cost of” and substituting the following—

“ may prescribe a charge for ”; and

(b) by deleting “provided that no charge shall be made on meters supplied to private residences” and substituting the following—

“ except that, in respect of each separately assessed piece of land on which there is at least one private residence, one meter of the prescribed size shall be free of any such rent or other such charge ”.

Section 40A repealed

25. Section 40A of the principal Act is repealed.

Section 41 amended

26. Section 41 of the principal Act is amended—

(a) in subsection (1)—

(i) in paragraph (b), by deleting “rates or moneys due for water supplied, or agreed to be supplied, or any rent or charges for any meter or other fittings” and substituting the following—

“ water supply charges ”; and

(ii) in paragraph (c), by deleting “rates and moneys due and payable by such person to the Authority for water supplied to such land” and substituting the following—

“ water supply charges due and payable by that person to the Authority ”;

(b) in subsection (2), by deleting “water rates or other moneys due” and substituting the following—

“ moneys referred to in subsection (1) ”; and

(c) in subsection (3), by deleting “charges” and substituting the following—

“ fees ”.

Section 42 amended

27. Section 42 of the principal Act is amended by deleting “rates” and substituting the following—

“ supply charges ”.

Section 49 amended

28. Section 49 of the principal Act is amended in subsection (3) by deleting “rates” and substituting the following—

“ charges ”.

Section 57 amended

29. Section 57 of the principal Act is amended by deleting “rates” and substituting the following—

“ water supply charges ”.

Section 59 amended

30. Section 59 of the principal Act is amended in subsection (3) by deleting “sewerage rate” and substituting the following—

“ water charge ”.

Section 61A amended

31. Section 61A of the principal Act is amended in subsection (1) by deleting “rated under this Act” and substituting the following—

“ being land in respect of which a sewerage charge has been made ”.

Section 70 amended

32. Section 70 of the principal Act is amended in subsection (3) by deleting “rates” and substituting the following—

“ charges ”.

**Heading to Part VIII deleted
and a heading substituted**

33. The heading to Part VIII of the principal Act is deleted and the following heading is substituted—

“ PART VIII—LIABILITY FOR AND RECOVERY OF WATER
CHARGES ”.

**Part VIII, Divisions (4) and (5) repealed
and heading to Division (6) deleted****34. Part VIII of the principal Act is amended—**

- (a) by repealing all of the Part before the heading “(6) *Liability for and Recovery of Rates, Moneys due for Water Supplied and Prescribed Charges*”; and
- (b) by deleting the heading referred to in paragraph (a).

Section 103 amended**35. Section 103 of the principal Act is amended—**

- (a) by repealing subsections (1) and (2) and substituting the following subsection—

“ (1) The amount of any water charges made in respect of land is payable to the Authority by the owner of the land but, at the option of the Authority, may instead in the first instance be recovered from the occupier of the land. ”; and

- (b) in subsection (3)—

- (i) by deleting “any amount of such rates or prescribed charges” and substituting the following—

“ the amount of any water charges, not being charges according to the quantity of water supplied, ”;

- (ii) by deleting “any receipt for rates or prescribed charges” and substituting the following—

“ a receipt for any such amount ”;

and

- (iii) by deleting “any amount of such moneys due for” and substituting the following—

“ the amount of any charges according to the quantity of ”.

Section 104 repealed and a section substituted

36. Section 104 of the principal Act is repealed and the following section is substituted—

Payment by mortgagee

- “ 104. If a mortgagee of land pays the amount of any water charges made in respect of the land, which may include any interest due thereon, the amount so paid shall be added to, and deemed to be part of, the principal moneys advanced by him under the mortgage, and shall be recoverable as such, with interest, accordingly. ”.

Section 105 amended

37. Section 105 of the principal Act is amended—

(a) in subsection (1)—

- (i) by deleting “rate” in the first place where it occurs and substituting the following—

“ water charge, not being a charge according to the quantity of water supplied, ”; and

- (ii) by deleting “rate” in the other 3 places where it occurs and substituting the following—

“ charge ”; and

(b) in subsection (2)—

- (i) by deleting “rate levied” and substituting the following—

“ water charge made ”; and

- (ii) by deleting “during the rating year shall continue in force”, and substituting the following—

“ is recoverable from ”.

Section 105A amended

38. Section 105A of the principal Act is amended—

- (a) by deleting “rate” in the first place where it occurs and substituting the following—

“ water charge, not being a charge according to the quantity of water supplied, ”;

- (b) by deleting “rate” in the other 4 places where it occurs and substituting the following—

“ charge ”;

- (c) in paragraph (a), by deleting “the prescribed” and substituting the following—

“ any ”; and

- (d) in paragraph (b), by deleting “that prescribed quantity of water” and substituting the following—

“ a quantity of water referred to in paragraph (a) ”.

Section 105B inserted

39. After section 105A of the principal Act the following section is inserted—

Apportionment of water supplied

“ 105B. Where—

- (a) during a period for which a water supply charge is to be made according to the quantity of water supplied, a person ceases to be the owner or occupier of the land concerned; and
- (b) the Authority is not notified by either the person who ceases to be the owner or occupier of the land concerned or the person subsequently becoming the owner or occupier of the change in ownership or occupation within 14 days after it occurs,

the Authority may, by an officer authorized in that behalf, apportion the quantity of water supplied between each of the persons concerned as it sees fit and a charge for the water apportioned to him shall be payable by each of those persons as if it were a charge for a measured quantity of water. ”.

Section 106 amended

40. Section 106 of the principal Act is amended by deleting “rates or prescribed” and substituting the following—

“ water ”.

Sections 107 and 108 repealed

41. Sections 107 and 108 of the principal Act are repealed.

Section 109 amended

42. Section 109 of the principal Act is amended by deleting “in respect of any rate made and levied, moneys due for water supplied or prescribed charges made by, or interest due to, the former Board, the former Authority or the Authority” and substituting the following—

“ to the Authority in respect of any water charges, or interest due thereon, ”.

Section 110 repealed and a section substituted

43. Section 110 of the principal Act is repealed and the following section is substituted—

Records to be evidence

“ 110. In any proceeding to recover, or consequent on the recovering of, an amount due to the Authority in respect of water charges or interest thereon, an official record verified by an officer of the Authority or a copy or extract of any official record certified by an officer of the Authority to be such a copy or extract, is sufficient evidence of the matters shown in the record and of the obligation of the person proceeded against to pay the amount without any further evidence being required as to any such matter. ”.

Section 112 repealed

44. Section 112 of the principal Act is repealed.

Section 113 amended

45. Section 113 of the principal Act is amended—

- (a) in subsection (1), by deleting “rates or prescribed charges or interest or moneys due for water supplied owing to the former Board, the former Authority or the Authority” and substituting the following—

“ moneys due for water charges or interest thereon ”; and

- (b) in subsection (2), by deleting “rateable land” and substituting the following—

“ capable of being the subject of a further water charge ”.

Section 115 amended

46. Section 115 of the principal Act is amended in subsection (1) by deleting “rates and” in the 3 places where it occurs.

Section 116 amended

47. Section 116 of the principal Act is amended—

- (a) by deleting “rates and other” in both places where it occurs; and

- (b) by deleting “rates or other”.

Section 118 amended

48. Section 118 of the principal Act is amended in subsection (1)—

- (a) by deleting “rates or prescribed charges or interest or moneys due for water supplied owing to the former Board, the former Authority or the Authority” and substituting the following—

“ moneys due for water charges or interest thereon ”; and

- (b) by deleting “rates and other”.

Section 119 amended

49. Section 119 of the principal Act is amended—

(a) in subsection (1)—

(i) by deleting “rates or”; and

(ii) by deleting “rates and other”; and

(b) in subsection (2), by deleting “rates or”.

Section 120 amended

50. Section 120 of the principal Act is amended by deleting “rates or other”.

Section 121 amended

51. Section 121 of the principal Act is amended by deleting “rates and other moneys and interests due” and substituting the following—

“ moneys due to the Authority, and interest thereon, ”.

Section 124A amended

52. Section 124A of the principal Act is amended in subsection (1) by deleting “rates made and levied, moneys due for water supplied, or prescribed charges made by, or interest accrued to, the former Board, the former Authority or the Authority” and substituting the following—

“ water charges or interest thereon ”.

Section 146 amended

53. Section 146 of the principal Act is amended—

(a) in paragraph (4a), by deleting “, including the fees to be charged in respect thereof”;

(b) by deleting paragraphs (11), (12), (13), (14), (15), (25a) and (26);

(c) in paragraph (16), by deleting “including the fees and other charges applicable”;

- (d) in paragraph (17), by deleting “; and the price to be paid for water supplied for any specified purposes”; and
- (e) in paragraph (27), by deleting “Prescribing forms to be used for the purposes of this Act, and modifying” and substituting the following—
“ Modifying ”.

Section 152 amended

54. Section 152 of the principal Act is amended—

- (a) in subsection (1)—
 - (i) by deleting “rates imposed by the Authority on” and substituting the following—
“ water charges in respect of ”; and
 - (ii) by deleting “made in relation to” and substituting the following—
“ of the water charges in respect of ”;
- (b) in subsection (2), by deleting “rates” in the 3 places where it occurs and in each case substituting the following—
“ water charges ”;
- (c) in subsection (4), by deleting “rates” in the 4 places where it occurs and substituting the following—
“ water charges ”; and
- (d) by repealing subsection (5).

Section 165 amended

55. Section 165 of the principal Act is amended—

- (a) by inserting before “Metropolitan” the following—
“ *Water Authority Act 1984*, the ”; and
- (b) in paragraph (1), by deleting “is rated” and substituting the following—
“ has been charged ”.

Seventh Schedule amended

56. The Seventh Schedule to the principal Act is amended—

(a) by deleting “of Rates” and substituting the following—

“ of Water Charges ”; and

(b) by deleting “for water rates [*or water supplied or sewerage rates*], and substituting the following—

“ for [specify, ”.

Eighth Schedule amended

57. The Eighth Schedule to the principal Act is amended by deleting “for water rates [*or for water supplied or sewerage rates*], [” and substituting the following—

“ for [specify, ”.

Tenth Schedule amended

58. The Tenth Schedule to the principal Act is amended—

(a) by deleting “of Rates” and substituting the following—

“ of Water Charges ”;

(b) by deleting “that, under the provisions of the Metropolitan Water Supply, Sewerage, and Drainage Act, 1909, and amendments,” and substituting the following—

“ for the purposes of section 118 of the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909* that ”;

(c) by deleting “of water rates [*or*” and substituting the following—

“ of [specify, ”; and

(d) by deleting “rates accrued and other”.

Eleventh Schedule amended

59. The Eleventh Schedule to the principal Act is amended—

- (a) by deleting “that under the provisions of the Metropolitan Water Supply, Sewerage, and Drainage Act, 1909, and amendments,” and substituting the following—

“ for the purposes of section 118 of the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909* that ”;

- (b) by deleting “of water rates [*or*]” and substituting the following—

“ of [specify, ”]; and

- (c) by deleting “all rates accrued and other”.

Twelfth Schedule amended

60. The Twelfth Schedule to the principal Act is amended—

- (a) by deleting “under the provisions of the Metropolitan Water Supply, Sewerage, and Drainage Act, 1909, and amendments,” and substituting the following—

“ for the purposes of section 118 of the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909* ”;

- (b) by deleting “of rates” and substituting the following—

“ of water charges ”; and

- (c) by deleting “Rates [*or as the case may be*]” in both places where it occurs and substituting the following—

“ Charges ”.

PART IV—COUNTRY AREAS WATER SUPPLY ACT 1947**Principal Act**

61. In this Part the *Country Areas Water Supply Act 1947** is referred to as the principal Act.

[*Reprinted as approved 18 April 1980 and amended by Acts Nos. 75 of 1980; 63 and 97 of 1981; 14 of 1982; 41 of 1984 (as amended by No. 25 of 1985, s.156); and 25 and 110 of 1985.]

Section 5 amended

62. Section 5 of the principal Act is amended in subsection (1)—

- (a) by deleting the definitions of “rateable land” and “ratepayer”;
and
- (b) by inserting, in their appropriate alphabetical positions, the following definitions—
 - “ “prescribed” means prescribed under the *Water Authority Act 1984* for the purposes of this Act or that Act, as the case requires; ”;
 - “ “water supply charge”, in relation to land, means a charge made under the *Water Authority Act 1984* in respect of that land relating to the provision of a water supply under this Act; ”.

Section 10 repealed

63. Section 10 of the principal Act is repealed.

Section 12C amended

64. Section 12C of the principal Act is amended in subsection (2) by deleting “or charges”.

Section 19 amended

65. Section 19 of the principal Act is amended by deleting “rates and charges as in this Act provided” and substituting the following—

“ water supply charges ”.

Sections 26 and 27 repealed

66. Sections 26 and 27 of the principal Act are repealed.

Section 28 amended

67. Section 28 of the principal Act is amended—

- (a) by repealing subsection (1) and substituting the following subsection—

“ (1) The owner or occupier of land in respect of which a water supply charge has been made for a period is entitled, as far as practicable and subject to this Act and the *Water Authority Act 1984*, to have water supplied to the land in that period by the Authority. ”; and

- (b) in subsection (2), by deleting “The Authority may cause all land within a radius of 4.8 kilometres of a standpipe or other fitting to be rated according to the distance in a direct line of the land from the standpipe or fitting.”.

Section 29 amended

68. Section 29 of the principal Act is amended by deleting “rated under this Act” and substituting the following—

“ referred to in section 28 (1) ”.

Section 30 amended

69. Section 30 of the principal Act is amended in subsection (1) by deleting “rated under this Act” and substituting the following—

“ being land referred to in section 28 (1) ”.

Section 32 amended

70. Section 32 of the principal Act is amended by repealing subsections (5), (6) and (7) and substituting the following subsection—

“ (5) Notwithstanding by-laws under section 41 (1) (l) of the *Water Authority Act 1984*, the Authority may, where a meter is found to register less than the quantity of water actually passed through it, deem the quantity registered to be the quantity actually passed through the meter and supplied, and a certificate purporting to be signed by an officer of the Authority stating the quantity so registered shall, in any proceedings in which the quantity of water is in question, be sufficient evidence of the matters stated. ”.

Section 33 amended

71. Section 33 of the principal Act is amended—

(a) in subsection (1)—

(i) in paragraph (b), by deleting “rates or moneys due for water supplied or agreed to be supplied, or any charges for any meter or other fittings” and substituting the following—

“ water supply charges ”; and

(ii) in paragraph (c), by deleting “rates and moneys due and payable by him to the Authority for water supplied to the land” and substituting the following—

“ water supply charges due and payable by that person to the Authority ”;

(b) in subsection (2)—

(i) by deleting “water rates or other moneys due” and substituting the following—

“ moneys referred to in subsection (1) ”; and

(ii) by deleting “of rates”; and

(c) in subsection (3) (a) (i), by deleting “charges” and substituting the following—

“ fees ”.

Section 38 amended

72. Section 38 of the principal Act is amended in subsection (2) by deleting “rates under this Act” and substituting the following—

“ any charge under the *Water Authority Act 1984* specified in the contract ”.

Section 39 amended

73. Section 39 of the principal Act is amended by deleting all of the proviso from “the rates paid by him.” to the end of the proviso and substituting the following—

“ any charge paid by him in relation to the supply for that period and the amount of the rebate shall bear to the charge for the full period for which the charge was made the same ratio as the number of days during which the supply was discontinued bears to that full period. ”.

Section 42 amended

74. Section 42 of the principal Act is amended in subsection (2) by deleting “rates” and substituting the following—

“ supply charges ”.

Heading to Part VI, Division 1 deleted and a heading substituted

75. Part VI of the principal Act is amended by deleting the heading to Division 1 and substituting the following heading—

“ *Division 1—Mining Leases* ”.

Section 46A repealed

76. Section 46A of the principal Act is repealed.

Section 49 amended

77. Section 49 of the principal Act is amended by deleting “be rated in respect of the occupation” and substituting the following—

“ pay any water supply charge in respect of the land accordingly ”.

Sections 50, 54, 55, and 56 repealed

78. Sections 50, 54, 55, and 56 of the principal Act are repealed.

Section 58 amended

79. Section 58 of the principal Act is amended—

- (a) in subsection (1), by deleting “rating records, and who stands rated” and substituting the following—

“ records kept under section 69A of the *Water Authority Act 1984*, and who is liable to a water supply charge assessed ”;

- (b) in subsection (2), by deleting “rating records” and substituting the following—

“ records mentioned in subsection (1) ”;

- (c) in subsection (3), by deleting paragraphs (a) and (b) and “and” after paragraph (a) and substituting the following—

“ (a) in the case of a charge assessed by reference to the area of any land, that the area shown in the records is in excess of the actual area of the relevant land; and

(b) that the relevant land is incorrectly classified for the purposes of applying the charge. ”; and

- (d) in subsection (7), by deleting “rating”.

Section 59 amended

80. Section 59 of the principal Act is amended in subsection (1) by deleting “rating records”.

Section 60 amended

81. Section 60 of the principal Act is amended in subsection (1)—

- (a) by deleting “against an entry in the rating records”;

- (b) by deleting “to an entry in the rating records”; and

- (c) by deleting “against that entry”.

Section 61 amended

82. Section 61 of the principal Act is amended—

- (a) in subsection (1), by deleting “rateable land appearing in the rating records,” and substituting the following—

“ land for the purposes of a water supply charge ”; and

- (b) by repealing subsection (2).

Section 62 amended

83. Section 62 of the principal Act is amended—

- (a) by deleting “rating”;

- (b) by deleting “rateable”; and

- (c) by deleting “the ratepayer to pay any rates assessed under this Act” and substituting the following—

“ a person to pay the charges concerned ”.

Section 62A amended

84. Section 62A of the principal Act is amended—

- (a) in subsection (1), by deleting “rating”; and

- (b) in subsection (2), by deleting “rates under this Act” and substituting the following—

“ a water supply charge ”.

Part VI, Division 3 repealed

85. Part VI of the principal Act is amended by repealing Division 3.

**Heading to Part VII deleted
and a heading substituted**

86. The heading to Part VII of the principal Act is deleted and the following heading is substituted—

“ PART VII—PAYMENT OF WATER SUPPLY CHARGES ”.

Section 70 repealed

87. Section 70 of the principal Act is repealed.

Section 71 amended

88. Section 71 of the principal Act is amended by repealing subsection (1).

Sections 72 and 72A repealed

89. Sections 72 and 72A of the principal Act are repealed.

Section 73 amended

90. Section 73 of the principal Act is amended by deleting “rates, service charges in lieu of water rates or for water supplied by measure under the provisions of this Act fails to pay it within the time prescribed, an officer of the Authority or a person authorized by the Authority and” and substituting the following—

“ water supply charges fails to pay it within the time prescribed, ”.

Sections 74 and 75 amended

91. Sections 74 and 75 of the principal Act are amended by deleting “rates or water supplied” and substituting in each case the following—

“ water supply charges ”.

Section 76 repealed and a section substituted

92. Section 76 of the principal Act is repealed and the following section is substituted—

Records to be evidence

“ 76. In any proceeding to recover, or consequent on the recovering of, an amount due to the Authority in respect of water supply charges or interest thereon, an official record verified by an officer of the Authority or a copy or extract of any official record certified by an officer of the Authority to be such a copy or extract, is sufficient evidence of the matters shown in the record and of the obligation of the person proceeded against to pay the amount without any further evidence being required as to any such matter. ”.

Section 77 amended

93. Section 77 of the principal Act is amended—

(a) by repealing subsections (1) and (2) and substituting the following subsection—

“ (1) The amount of any water supply charges made in respect of land is payable to the Authority by the owner of the land but, at the option of the Authority, may instead in the first instance be recovered from the occupier of the land. ”;

(b) in subsection (3)—

(i) by deleting “any amount of such rates or service charges” and substituting the following—

“ the amount of any water supply charges, not being charges according to the quantity of water supplied, ”; and

(ii) by deleting “any receipt for rates or service charges” and substituting the following—

“ a receipt for any such amount ”;

and

(c) in subsection (4), by deleting “Any amount of such moneys due for” and substituting the following—

“ The amount of any charges according to the quantity of ”.

Section 78 amended

94. Section 78 of the principal Act is amended—

(a) in subsection (1)—

(i) by deleting “basic water rate” in the first place where it occurs and substituting the following—

“ water supply charge, not being a charge according to the quantity of water supplied, ”;

(ii) by deleting “rate was” and substituting the following—

“ charge was ”;

(iii) by deleting “basic water rate” in the second place where it occurs and substituting the following—

“ charge ”;

(b) in subsection (2), by deleting “basic water rate” and substituting the following—

“ charge ”;

(c) in subsection (3), by deleting “basic water rate made in respect of the land and any money due for water supplied” and substituting the following—

“ water supply charge made in respect of the land ”; and

(d) in subsection (4)—

(i) by deleting “In case any holding or any land rated as one property” and substituting the following—

“ Where any land that is, as one property, subject to a water supply charge for a period ”; and

(ii) by deleting “basic water rates imposed in respect of the period current when the division took place” and substituting the following—

“ such charge, not being a charge according to the quantity of water supplied, ”.

Section 79 repealed and a section substituted

95. Section 79 of the principal Act is repealed and the following section is substituted—

Payment by mortgagee

“ 79. If a mortgagee of land pays the amount of any water supply charges made in respect of the land, which may include any interest due thereon, the amount so paid shall be added to, and deemed to be part of, the principal moneys advanced by him under the mortgage, and shall be recoverable as such, with interest, accordingly. ”.

Section 80 repealed

96. Section 80 of the principal Act is repealed.

Section 81 amended

97. Section 81 of the principal Act is amended by deleting “in respect of any basic water rate or for water supplied under this Act or in respect of any other charges” and substituting the following—

“ to the Authority in respect of any water supply charges, or interest due thereon ”.

Section 82 amended

98. Section 82 of the principal Act is amended—

(a) by deleting “collector of water rates” and substituting the following—

“ officer of the Authority ”; and

(b) in paragraphs (a) and (c), by deleting “collector” and in each case substituting the following—

“ officer ”.

Section 83 repealed

99. Section 83 of the principal Act is repealed.

Section 84 amended

100. Section 84 of the principal Act is amended—

- (a) in subsection (1), by deleting “rates accrued thereon under this Act or any Act hereby repealed or any moneys due for water supplied” and substituting the following—

“ any moneys due for water supply charges or interest thereon ”; and
- (b) in subsection (2), by deleting “rateable land” and substituting the following—

“ capable of being the subject of a further water supply charge ”.

Section 86 amended

101. Section 86 of the principal Act is amended in subsection (1)—

- (a) by deleting “water rates and other moneys due in respect thereof or for water supplied” and substituting the following—

“ moneys due in respect thereof ”; and
- (b) by deleting “rates or other”.

Section 87 amended

102. Section 87 of the principal Act is amended in subsection (1)—

- (a) by deleting “water rates or water supplied in relation to”;
- (b) by deleting “water rates and other”; and
- (c) by deleting “under this Act”.

Section 89 amended

103. Section 89 of the principal Act is amended in subsection (1) by deleting “water rates accrued thereon under this Act or any Act hereby repealed or any moneys due for water supplied” and substituting the following—

“ moneys due for water supply charges or interest thereon ”.

Section 104 amended

104. Section 104 of the principal Act is amended by deleting “money due under this Act for rates or water supplied” and substituting the following—

“ moneys referred to in section 89 ”.

Section 105 amended

105. Section 105 of the principal Act is amended in subsection (1)—

- (a) by deleting paragraphs (viii), (ix), (x), and (xi);
- (b) in paragraph (xiii), by deleting “, and the price to be paid for water supplied or used for any specified purposes”; and
- (c) by deleting paragraphs (xxia), (xxii), (xxia), and (xxiii).

Section 120 amended

106. Section 120 of the principal Act is amended—

- (a) by inserting before “this Act” the following—

“ the *Water Authority Act 1984* or ”; and
- (b) in paragraph (1) (a), by deleting “is rated” and substituting the following—

“ has been charged ”.

PART V—COUNTRY TOWNS SEWERAGE ACT 1948

Principal Act

107. In this Part the *Country Towns Sewerage Act 1948** is referred to as the principal Act.

*[*Reprinted as approved 11 March 1980 and amended by Acts Nos. 63 and 104 of 1981; 14 of 1982; 16 of 1984 (as amended by No. 25 of 1985, s.216); and 25 and 110 of 1985.]*

Section 3 amended

108. Section 3 of the principal Act is amended in subsection (1) by deleting the definitions of “rateable land” and “ratepayer” and substituting the following definitions—

“ “prescribed” means prescribed under the *Water Authority Act 1984* for the purposes of this Act or that Act, as the case requires;

“sewerage charge”, in relation to land, means a charge made under the *Water Authority Act 1984* in respect of that land relating to the provision of sewerage under this Act; ”.

Section 4A repealed

109. Section 4A of the principal Act is repealed.

Section 23A amended

110. Section 23A of the principal Act is amended in subsection (1) by deleting “not rated under this Act” and substituting the following—

“ not being land in respect of which a sewerage charge has been made ”.

Section 29 amended

111. Section 29 of the principal Act is amended in subsection (3) by deleting “rates” and substituting the following—

“ charges ”.

Section 35 amended

112. Section 35 of the principal Act is amended in subsection (1) by deleting “whether rateable or not” and substituting the following—

“ , whether or not it is of a class of land exempted under the *Water Authority Act 1984* from the payment of sewerage charges, that is ”.

Section 40 amended

113. Section 40 of the principal Act is amended in subsection (2) by deleting “Subject to section 46B (2), the” and substituting the following—

“ The ”.

Section 45 amended

114. Section 45 of the principal Act is amended by deleting “rates” and substituting the following—

“ charges ”.

Heading to Part VII deleted and a heading substituted

115. The heading to Part VII of the principal Act is deleted and the following heading is substituted—

“ PART VII—SEWERAGE CHARGES ”.

Part VII amended

116. Part VII of the principal Act is amended by repealing all of that Part before the heading “(3) *Objections and Appeals*”.

Section 61 amended

117. Section 61 of the principal Act is amended—

- (a) in subsection (1), by deleting “rating records, and who stands rated” and substituting the following—

“ records kept under section 69A of the *Water Authority Act 1984*, and who is liable to a sewerage charge assessed ”;
- (b) in subsection (2), by deleting “rating records” and substituting the following—

“ records mentioned in subsection (1) ”; and
- (c) in subsection (6), by deleting “rating records”.

Section 62 amended

118. Section 62 of the principal Act is amended in subsection (1) by deleting “in the rating records”.

Section 63 amended

119. Section 63 of the principal Act is amended in subsection (1)—

- (a) by deleting “against an entry in the rating records”;
- (b) by deleting “to an entry in the rating records”; and
- (c) by deleting “against that entry”.

Section 64 amended

120. Section 64 of the principal Act is amended by deleting “rateable land appearing in the rating records” and substituting the following—

“ land for the purposes of a sewerage charge ”.

Section 65 amended

121. Section 65 of the principal Act is amended—

- (a) by deleting “rating”;
- (b) by deleting “rateable”; and
- (c) by deleting “the ratepayer to pay any rates assessed under this Act” and substituting the following—
“ a person to pay the charges concerned ”.

Section 65A amended

122. Section 65A of the principal Act is amended—

- (a) in subsection (1), by deleting “rating”; and
- (b) in subsection (2), by deleting “rates under this Act” and substituting the following—
“ a sewerage charge ”.

Part VII further amended

123. Part VII of the principal Act is further amended by repealing all of that Part from the heading “(4) *The Making of Rates*” to the end of section 74.

Heading after section 74 amended

124. The heading after section 74 of the principal Act is amended by deleting “*Rates*” and substituting the following—

“ *Charges* ”.

Section 75 amended

125. Section 75 of the principal Act is amended—

- (a) by repealing subsections (1) and (2) and substituting the following subsection—
“ (1) The amount of any sewerage charges made in respect of land is payable to the Authority by the owner of the land but, at the option of the Authority, may instead in the first instance be recovered from the occupier of the land. ”; and

(b) in subsection (3)—

(i) by deleting “any amount of such rates or charges” and substituting the following—

“ the amount of any sewerage charges ”; and

(ii) by deleting “any receipt for rates or charges” and substituting the following—

“ a receipt for any such amount ”.

Section 76 repealed and a section substituted

126. Section 76 of the principal Act is repealed and the following section is substituted—

Payment by mortgagee

“ 76. If a mortgagee of land pays the amount of any sewerage charges made in respect of the land, which may include any interest due thereon, the amount so paid shall be added to, and deemed to be part of, the principal moneys advanced by him under the mortgage, and shall be recoverable as such, with interest, accordingly. ”.

Section 77 amended

127. Section 77 of the principal Act is amended—

(a) in subsection (1), by deleting “rate” in the 4 places where it occurs and substituting the following—

“ sewerage charge ”;

(b) in subsection (2)—

(i) by deleting “rate” and substituting the following—

“ sewerage charge ”; and

(ii) by deleting “shall continue in force” and substituting the following—

“ is recoverable from ”;

(c) in subsection (3)—

(i) by deleting “rated as one property” and substituting the following—

“ that is, as one property, subject to a sewerage charge for a period ”; and

(ii) by deleting “rates imposed in respect of the period current when the division took place” and substituting the following—

“ such charge ”; and

(d) by repealing subsection (4).

Section 78 amended

128. Section 78 of the principal Act is amended by deleting “rates or” and substituting the following—

“ sewerage ”.

Section 78A repealed

129. Section 78A of the principal Act is repealed.

Section 79 amended

130. Section 79 of the principal Act is amended by deleting “in respect of any rate made or charge prescribed and levied under this Act” and substituting the following—

“ to the Authority in respect of any sewerage charges, or interest due thereon, ”.

Section 80 repealed and a section substituted

131. Section 80 of the principal Act is repealed and the following section is substituted—

Records to be evidence

“ 80. In any proceeding to recover, or consequent on the recovering of, an amount due to the Authority in respect of

sewerage charges or interest thereon, an official record verified by an officer of the Authority or a copy or extract of any official record certified by an officer of the Authority to be such a copy or extract, is sufficient evidence of the matters shown in the record and of the obligation of the person proceeded against to pay the amount without any further evidence being required as to any such matter. ”.

Section 81 amended

132. Section 81 of the principal Act is amended—

(a) by deleting “collector of rates” and substituting the following—

“ officer of the Authority ”; and

(b) in paragraph (a), by deleting “collector” and substituting the following—

“ officer ”.

Section 82 repealed

133. Section 82 of the principal Act is repealed.

Section 83 amended

134. Section 83 of the principal Act is amended in subsection (1) by deleting “sewerage rates or charges accrued thereon under this Act” and substituting the following—

“ moneys due for sewerage charges or interest thereon ”.

Section 98 amended

135. Section 98 of the principal Act is amended by deleting “money due under this Act for rates” and substituting the following—

“ moneys referred to in section 83 ”.

Section 102 amended

136. Section 102 of the principal Act is amended—

- (a) by deleting paragraphs (9) and (10);
- (b) in paragraph (12), by deleting “and the charge to be made in respect of that industry”; and
- (c) by deleting paragraphs (14), (21), (22a), (22b) and (23).

Section 102A repealed

137. Section 102A of the principal Act is repealed.

Section 118 amended

138. Section 118 of the principal Act is amended in subsection (1)—

- (a) by inserting before “this Act” the following—

“ the *Water Authority Act 1984* or ”; and
- (b) in paragraph (a), by deleting “is rated” and substituting the following—

“ has been charged ”.

PART VI—RIGHTS IN WATER AND IRRIGATION ACT 1914**Principal Act**

139. In this Part the *Rights in Water and Irrigation Act 1914** is referred to as the principal Act.

[*Reprinted as at 23 October 1986 and amended by Act No. 77 of 1986.]

Section 2 amended

140. Section 2 of the principal Act is amended in subsection (1)—

- (a) by deleting the definition of “irrigable”; and
- (b) by inserting, in their appropriate alphabetical positions, the following definitions—

“ “irrigation charge”, in relation to land, means a water charge in respect of that land relating to the provision of irrigation under this Act; ”;

“ “prescribed” means prescribed under the *Water Authority Act 1984* for the purposes of this Act or that Act, as the case requires; ”;

“ “water charge”, in relation to land, means a charge made under the *Water Authority Act 1984* in respect of that land relating to a water service provided under this Act; ”.

Heading to Part VII amended

141. The heading to Part VII of the principal Act is amended by deleting “, RATES AND” and substituting the following—

“ AND WATER ”.

Sections 39B, 39C and 39D repealed

142. Sections 39B, 39C and 39D of the principal Act are repealed.

Section 39E amended

143. Section 39E of the principal Act is amended—

- (a) in subsection (1), by deleting “rating records, and who stands rated” and substituting the following—

“ records kept under section 69A of the *Water Authority Act 1984*, and who is liable to a water charge assessed ”;

- (b) in subsection (2), by deleting “rating records” and substituting the following—

“ records mentioned in subsection (1) ”;

- (c) in subsection (3)—

- (i) by deleting paragraph (a) and substituting the following paragraph—

“ (a) that the land is not, according to by-laws made for the purposes of this Act, land in respect of which irrigation is provided under this Act; ”;

and

- (ii) in paragraph (b), by deleting “rating” before “records”;

and

- (d) in subsection (7), by deleting “rating”.

Section 39F amended

144. Section 39F of the principal Act is amended in subsection (1) by deleting “in the rating records”.

Section 39G amended

145. Section 39G of the principal Act is amended in subsection (1)—

- (a) by deleting “against an entry in the rating records”;
- (b) by deleting “to an entry in the rating records”; and
- (c) by deleting “against that entry”.

Section 39H amended

146. Section 39H of the principal Act is amended by deleting “the ratepayer to pay any rates assessed under this Act” and substituting the following—

“ a person to pay the charges concerned ”.

Section 39I amended

147. Section 39I of the principal Act is amended—

- (a) in subsection (1), by deleting “rating”; and
- (b) in subsection (2), by deleting “rates under this Act” and substituting the following—
“ a water charge ”.

Sections 40, 40A and 40B repealed

148. Sections 40, 40A and 40B of the principal Act are repealed.

Section 40C repealed and a section substituted

149. Section 40C of the principal Act is repealed and the following section is substituted—

Provisions concerning rates and charges

- “ 40C. Part VII of the *Country Areas Water Supply Act 1947* applies, with such modifications as are necessary, to water charges and to any other charges made for the purposes of this Act. ”.

Section 41 amended

150. Section 41 of the principal Act is amended—

- (a) by repealing subsection (1) and substituting the following subsection—

“ (1) The Authority may from time to time determine the periods during which a person who is entitled to be supplied by the Authority with water for irrigation shall, as far as practicable, and subject to this Act, be supplied with water for irrigation and the quantities of water with which he is entitled to be supplied for irrigation during those periods. ”; and

- (b) by repealing subsection (3) and substituting the following subsection—

“ (3) The by-laws may prescribe conditions to which the supply of water for irrigation, as mentioned in subsection (1), shall be subject. ”.

Section 42 amended

151. Section 42 of the principal Act is amended in subsection (1)—

- (a) by deleting “rateable lands in the Irrigation District shall” and substituting the following—

“ land in respect of which an irrigation charge has been made for a period and that is in the Irrigation District shall, in that period, ”; and

- (b) in the proviso—

- (i) by deleting “ratepayer” and substituting the following—

“ person who is entitled to be supplied with water ”;

and

- (ii) by deleting “in respect of rates pursuant to the provisions of the last preceding section”.

Sections 42AA, 42AB and 42B repealed.

152. Sections 42AA, 42AB and 42B of the principal Act are repealed.

Section 59 amended

153. Section 59 of the principal Act is amended in subsection (1) by deleting paragraphs (5), (6a), (7), (7a), (7b) and (11).

Section 62 amended

154. Section 62 of the principal Act is amended in the proviso to subsection (8) by deleting “rated under this Act” and substituting the following—

“ the subject of an irrigation charge ”.

Section 79 amended

155. Section 79 of the principal Act is amended—

(a) by inserting before “this Act” the following—

“ the *Water Authority Act 1984* or ”; and

(b) in paragraph (1), by deleting “is rated” and substituting the following—

“ has been charged ”.

PART VII—ACTS AMENDMENT (WATER AUTHORITIES) ACT 1985

Section 8 amended

156. Section 8 of the *Acts Amendment (Water Authorities) Act 1985** is amended—

(a) by deleting paragraphs (a) and (b);

(b) by deleting “and” after paragraph (b); and

(c) in paragraph (c)—

(i) by deleting “and” after the proposed paragraph (l); and

(ii) by deleting the full-stop at the end of the proposed paragraph (m) and substituting a semi-colon.

[**Act No. 110 of 1985.*]

**PART VIII—PENSIONERS (RATES REBATES AND DEFERMENTS) ACT
1966**

Principal Act

157. In this Part the *Pensioners (Rates Rebates and Deferrals) Act 1966** is referred to as the principal Act.

[**Reprinted as approved 22 October 1980 and amended by Acts Nos. 42 of 1982, 39 of 1984 and 25 of 1985.*]

Long title amended

158. The long title to the principal Act is amended by deleting “amounts payable for Rates or Charges under the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909*, as amended from time to time, and other Acts, as so amended” and substituting the following—

“ certain amounts payable under the *Water Authority Act 1984* or under other Acts ”.

Section 3 amended

159. Section 3 of the principal Act is amended—

(a) in subsection (1), in the definitions of “deferment” and “rebate”, by deleting “, or charges in lieu of rates”; and

(b) by inserting the following subsection—

“ (5) A reference in this Act to rates includes—

(a) a reference to charges, whether by way of a rate or otherwise, under the *Water Authority Act 1984* in respect of the provision, for a period, of a water service within the meaning of that Act; and

(b) a reference to service charges under section 141(10a) of the *Water Boards Act 1904*. ”.

Section 4 amended

160. Section 4 of the principal Act is amended—

(a) in subsection (1)—

(i) by deleting “, or charges in lieu of rates,”; and

(ii) by deleting “for water supplied, other than such quantity as is prescribed by way of allowance which the owner is entitled to receive in respect of rates or charges in lieu of rates, notwithstanding that such charges for water supplied comprise a component of a water rate or charge in lieu of rates” and substituting the following—

“ according to the quantity of water concerned ”;

(b) in subsection (2)—

(i) by deleting “, or a charge in lieu of rate,”; and

(ii) by deleting “twenty-five” and “seventy-five” and substituting in each case the following—

“ fifty ”; and

(c) by repealing subsection (4) and substituting the following subsection—

“ (4) A pensioner is not, in respect of any land, entitled pursuant to this Act to a rebate of amounts payable for rates if the rates were paid before the pensioner became an entitled pensioner. ”.

Section 12 amended

161. Section 12 of the principal Act is amended by deleting “or charges in lieu of rates”.

Second Schedule amended

162. The Second Schedule to the principal Act is amended by deleting the references to the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909*, the *Country Areas Water Supply Act 1947*, the *Country Towns Sewerage Act 1948*, the *Rights in Water and Irrigation Act 1914*, and the *Metropolitan Water Authority Act 1982*.

Further references to charges in lieu of rates deleted

163. The principal Act is amended by deleting “or charges” wherever it occurs in the provisions referred to in the Table to this section.

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*Acts Amendment (Water Authority Rates and
Charges) Act*

[No. 24

TABLE

Section 3 (1) in the definitions of “administrative authority” and “rebated amount”

Section 4 (2) and (5)

Section 5 (1) and (2)

Section 6

Section 7

Section 8

Section 9

Section 10 (1)

Section 10A (1)

Section 11 (1) (a)

Section 12 (a)

PART IX—*STRATA TITLES ACT 1985*

Principal Act

164. In this Part the *Strata Titles Act 1985** is referred to as the principal Act.

[**Act No. 33 of 1985 as amended by Act No. 42 of 1986.*]

Section 60 amended

165. Section 60 of the principal Act is amended by inserting the following subsection—

“ (3) A charge made under the *Water Authority Act 1984* that relates to the provision of a water service, within the meaning of that Act, in respect of land shall be taken, for the purposes of this section and section 61, to be a rate. ”.

Section 66 amended

166. Section 66 of the principal Act is amended—

(a) by deleting “water service” and substituting the following—

“ water supply connection ”; and

(b) by deleting “for water used by the proprietors in excess of the set allowance in relation to the scheme or that quantity (if any) for which no charge additional to rates is made, as the case may be,” and substituting the following—

“ according to the quantity of water used ”.

PART X—SAVINGS AND TRANSITIONAL

Savings and transitional

167. Without limiting the operation of the *Interpretation Act 1984*—

(a) this Act does not affect the application after the day of the coming into operation of this Act of a written law in force before that day in so far as that written law relates to a fee, rate or charge for a period commencing before that day or to a fee or charge for any matter or thing done before that day;

(b) a reference in an Act as amended by this Act to a charge or any other thing provided for or done under any Act as so amended includes, where the context permits, a reference to a corresponding charge or thing, however described, provided for or done under any Act so amended as in force before that amendment has effect.
