

WA302

WATER BOARDS ACT 1904
BUSSELTON WATER BOARD

By-law relating to penalties in respect of unpaid rates and charges for water supplied.

In pursuance of the powers conferred upon it by the abovementioned Act and of all the other powers enabling it, the Busselton Water Board hereby records having resolved on the 15th day of September 1994 to make and submit for confirmation by the Governor the following by-law.

By-law: Penalties

Part 1—Preliminary

Interpretation

1. In these by-laws "penalty" means a penalty added by force of section 141 (10b) of the Act.

"relevant date" means 31 March in each year.

Part 2—General

2. These by-laws apply to an amount payable by a person in respect of a rate or charge for water supplied if and only if—

- (a) The Board may charge a penalty subject to sub-by-law 2 (b) and sub-by-law 2 (c) where payment of a water rate (whether for the current rating year or a previous rating year) is overdue on 31 March or the date the amount was due and payable as determined by the Board in accordance with General By-law 29, whichever is the latest date.
- (b) The Board shall determine annually, for each rating year, a specified percentage for the calculating of the penalty pursuant to sub-by-law 2 (a).
- (c) The Board shall determine annually a maximum amount per annum for the purpose of sub-by-law 2 (a).

3. The Board may charge a penalty subject to sub-by-law 3 (b) and sub-by-law 3 (c) where payment of a water consumption charge (whether for the current rating year or a previous rating year) is overdue on 29 March or the date the amount was due and payable as determined by the Board, in accordance with General By-law 31, whichever is the latest date—

- (a) The Board shall determine annually, for each rating year, a specific percentage for the calculating of the penalty pursuant to sub-by-law 3 (a).
- (b) The Board shall determine annually a maximum amount per annum for the purpose of sub-by-law 3 (a).

4. A penalty calculated in accordance with by-law 2 and by-law 3 shall, on the relevant date, be added to the amount to which the penalty rates, by force of this by-law.

5. No penalty shall be added to an amount payable in respect of a rate if a person is entitled under the Rates and Charges (Rebates and Deferments) Act 1992 to a rebate or deferment in respect of that amount, or is registered with Commonwealth Employment Service and receiving unemployment benefits.

6. Any penalty added to an amount payable in respect of a rate or charge for water supplied, shall for the purpose of the addition of any subsequent penalty and for all other purposes of this by-law, be deemed to be part of that amount and shall be payable by the person or persons liable to pay that amount and shall be recoverable from any person liable to pay that amount and in such manner as if it were part of that amount.

Dated this 19th day of September 1994.

The Common Seal of the Busselton Water Board was affixed in the presence of—

I. W. DEVOY, Chairperson.
D. G. McCUTCHEON, Executive Officer.