

South Australia



**SOUTH EASTERN WATER CONSERVATION AND DRAINAGE
(CONTRIBUTIONS) AMENDMENT ACT 1996**

No. 102 of 1996

SUMMARY OF PROVISIONS

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ELIZABETHAE II REGINAE

A.D. 1996

No. 102 of 1996

An Act to amend the South Eastern Water Conservation and Drainage Act 1992.

[Assented to 19 December 1996]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *South Eastern Water Conservation and Drainage (Contributions) Amendment Act 1996*.

(2) The *South Eastern Water Conservation and Drainage Act 1992* is referred to in this Act as "the principal Act".

Substitution of s. 34A

2. Section 34A of the principal Act is repealed and the following section is substituted:

Contribution by landholders to cost of Board works

34A. (1) The Board may levy contributions from all landholders who own or occupy more than 10 hectares of private land (other than land referred to in subsection (2)) in the Upper South East Project area.

(2) Contributions will not, however, be levied in respect of private land that—

(a) is subject to a heritage agreement under the *Native Vegetation Act 1991*; or

(b) is exempted by the Minister, by notice in the *Gazette*, from the operation of this section.

(3) An exemption under subsection (2)(b) may operate in respect of a period commencing before publication of the notice.

(4) The money received by the Board under this section will (after deduction of administrative costs relating to collection of contributions) be applied towards the cost to the Board of carrying out the work involved in the Upper South East Project.

(5) The Minister may (after consultation with the Board), by notice in the *Gazette*, fix a rate, or rates, of contribution for the purposes of this section in respect of any specified financial year or years.

(6) Rates of contribution may vary according to factors specified by the Minister in the notice.

(7) The Minister may (after consultation with the Board), by notice in the *Gazette*, vary or revoke a notice under this section.

(8) A variation of a previously fixed rate of contribution for a particular financial year must be made before the commencement of that year.

(9) The Board is responsible for the collection of contributions, at the rate or rates fixed by the Minister, in accordance with a scheme approved by the Minister.

(10) A scheme may, for example, provide for—

- (a) an accelerated payment option or options under which contributions are discounted;
- (b) an extended payment option or options under which contributions include an interest component;
- (c) payment by instalments;
- (d) recalculation of contributions in the event of a landholder changing payment options;
- (e) the payment of refunds in specified circumstances.

(11) If an amount payable under this section is not paid on or before the date on which it falls due—

- (a) the amount will be regarded as being in arrears; and
- (b) a fine of five per cent of the amount is payable; and
- (c) on the expiration of each month from that date, interest at a rate not exceeding the prescribed percentage is payable in respect of the amount in arrears (including the amount of any previous unpaid fine and interest).

(12) The Board may remit an amount payable under subsection (11) in whole or in part.

(13) A contribution or other amount payable under this section—

- (a) is a charge over the land to which it relates ranking in priority before all other charges and mortgages (other than a charge or mortgage in favour of the Crown or a Crown instrumentality); and
- (b) if in arrears, is recoverable by the Board as a debt.

(14) In this section—

"the prescribed percentage" means a percentage calculated as follows:

$$p = \frac{PBR + 3\%}{12}$$

where—

p is the prescribed percentage

PBR is the prime bank rate for that financial year

"prime bank rate", for a particular financial year, means the published indicator rate for prime corporate lending of the Commonwealth Bank of Australia at the commencement of the financial year;

"private land" means land that is not—

- (a) unalienated land of the Crown; or
- (b) vested in or under the care, control or management of an agency or instrumentality of the Crown; or
- (c) vested in or under the care, control or management of a council;

"Upper South East Project" means the scheme described in the Assessment Report, published by the Department of Housing and Urban Development in January 1995, relating to the *Upper South East Dryland Salinity and Flood Management Plan* developed by the National Resources Council on behalf of the South Australian Government;

"the Upper South East Project area" means those areas of land in the South East that, in the Minister's opinion (which is not reviewable by a court or tribunal)—

- (a) have contributed to the problem that the Upper South East Project seeks to address; or
- (b) will benefit from the Project,

and that are described or delineated by the Minister, after consultation with the Board, by notice in the *Gazette*.

Amendment of s. 50—Power to waive or defer payments

3. Section 50 of the principal Act is amended by inserting after its present contents (now to be designated as subsection (1)) the following subsection:

(2) The relevant authority may waive or defer payment on such conditions as it thinks fit, including a condition providing for the payment of interest on an amount deferred.

Validation of notices relating to 1996/1997 financial year

4. A notice under section 34A of the principal Act fixing a rate of contribution in respect of the 1996/1997 financial year will not be invalidated on the ground that the notice was published in the *Gazette* after the commencement of that financial year.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

B. S. HETZEL, Governor's Deputy