



ANNO QUADRAGESIMO

ELIZABETHAE II REGINAE

A.D. 1991

No. 10 of 1991

An Act to amend the Waterworks Act 1932.

[Assented to 28 March 1991]

The Parliament of South Australia enacts as follows:

Short title

- 1. (1) This Act may be cited as the *Waterworks (Rating) Amendment Act 1991*.
- (2) The *Waterworks Act 1932* is in this Act referred to as “the principal Act”.

Commencement

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

Insertion of Division I of Part V

- 3. The following Division is inserted in Part V of the principal Act immediately before section 66:

DIVISION I—RATES ON RESIDENTIAL LAND

Interpretation

65a. (1) In this Division, unless the contrary intention appears—

“threshold value” means the value fixed by the Minister by notice in the *Gazette* under section 65c:

“ratable land” does not include land in a country lands water district:

“residential building” means a building that, in the opinion of the Minister, is used primarily for residential purposes but does not include—

(a) a hotel, motel, boarding house or hostel;

or

(b) a building comprising two or more flats:

“residential land” means ratable land on which a residential building is situated but does not include land—

(a) on which a hotel, motel, boarding house, hostel or two or more flats are also situated;

or

(b) that, in the opinion of the Minister, is used primarily for non residential purposes:

“water rate” means the water rate referred to in section 65b.

(2) For the purpose of determining the amount of the water rate payable in respect of land for a financial year the quantity of water supplied to the land in that financial year will be taken to be the quantity of water supplied to the land in the consumption year that ends in that financial year.

Rates on residential land

65b. (1) Rates on residential land are made up of—

(a) a rate (the access rate) which is payable for the right to a supply of water to the land by the Minister;

and

(b) a water rate based on the volume of water supplied to the land.

(2) The amount of the access rate is—

(a) where the capital value of the land is, or is less than, the threshold value—
an amount fixed by the Minister;

(b) where the capital value of the land exceeds the threshold value—the amount referred to in paragraph (a) plus an amount determined by application of a rate (fixed by the Minister) to the amount by which the capital value of the land exceeds the threshold value.

(3) The access rate is payable in respect of land notwithstanding that the land is not connected to the waterworks or that the Minister has lessened, discontinued or cut off the supply of water to the land under this Act.

Declaration of rates, etc., by Minister

65c. (1) The Minister may, by notice in the *Gazette*, fix—

(a) the threshold value;

(b) the access rate for land of or below the threshold value;

(c) the rate in the dollar for the purpose of determining the access rate for land exceeding the threshold value;

(d) the water rate in respect of water supplied to land.

(2) A notice under subsection (1)—

(a) may fix different water rates in relation to different classes of residential land;

(b) may, in relation to all residential land or to a particular class of residential land, fix a series of water rates that increase as the volume of water supplied to the land in a financial year increases;

and

(c) will have effect in relation to a financial year specified in the notice.

Water allocation

65d. (1) The Minister may, by notice in the *Gazette*, fix a quantity of water (the water allocation) in relation to residential land.

(2) The notice may fix different water allocations in respect of different classes of residential land.

(3) When determining the amount of the water rate payable in respect of residential land the water allocation (if any) in respect of that land will be deducted from the quantity of water supplied to the land.

(4) The Minister may, by subsequent notice in the *Gazette*, vary or revoke a notice under this section.

Insertion of heading

4. The following heading is inserted after section 65d of the principal Act:

DIVISION II—RATES ON NON-RESIDENTIAL LAND.

Insertion of s. 65e

5. The following section is inserted immediately before section 66 of the principal Act:

Interpretation

65e. In this Division, unless the contrary intention appears—

“non-residential land” means ratable land that is not residential land as defined in Division I.

Rates on non-residential land

6. Section 66 of the principal Act is amended—

(a) by striking out from subsection (1) “ratable land” and substituting “non-residential land”;

(b) by striking out from paragraphs (a), (b), (c) and (d) of subsection (4) “ratable land” and substituting, in each case, “non-residential land”;

(c) by striking out “ratable” from paragraph (b) of subsection (5);

and

(d) by striking out subsections (6), (7) and (8) and substituting the following subsection:

(6) The Minister may fix a series of rates under subsection (4) (a) that increase as the volume of water supplied to the land in a financial year increases.

Insertion of heading

7. The following heading is inserted after section 66 of the principal Act:

DIVISION III—GENERAL.

Insertion of s. 66a

8. The following section is inserted after section 66 of the principal Act:

Capital value of land

66a. (1) For the purposes of this Part the capital value of land is the capital value of the land in force under the *Valuation of Land Act 1971* at the commencement of the financial year to which the water rates relate but is subject to correction or amendment upon objection, review or appeal under that Act.

(2) If, at the commencement of the financial year to which the water rates relate, there is no capital value of the land in force under the *Valuation of Land Act 1971* the capital value of the land will be the capital value subsequently determined under that Act.

Right to recover rates not to be suspended

9. Section 67 of the principal Act is amended by striking out “The water rates calculated under section 66 of this Act may be recovered by the Minister in accordance with this Act and his right so to recover them shall not be suspended or delayed” and substituting “The Minister’s right to recover water rates is not suspended”.

Time for payment of water rates, etc.

10. Section 94 of the principal Act is amended—

(a) by striking out from paragraph (a) of subsection (1) “the base rates” and substituting “the access rate or the base rates”;

and

(b) by striking out from subsection (4) “the base rates” and substituting “the access rate or base rates”;

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

ROMA MITCHELL Governor