

AUSTRALIAN CAPITAL TERRITORY.

No. 19 of 1959.

AN ORDINANCE

To provide for the Imposition of Water Rates.

THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1959*.

Dated this eighteenth day of December, 1959.

W. J. SLIM

Governor-General.

By His Excellency's Command,

GORDON FREETH

Minister of State for the Interior.

WATER RATES ORDINANCE 1959.

PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Water Rates Ordinance 1959*.^{*} Short title.

2.—(1.) This Ordinance shall come into operation on the first day of January, One thousand nine hundred and sixty. Commencement and application.

(2.) The power conferred by section four of the *Building and Services Ordinance 1924-1942* does not, after the commencement of this Ordinance, extend to or in relation to the making of regulations imposing charges or rates for water supplied to, or for sewerage services to, a parcel of land.

(3.) Subject to the next succeeding sub-section, the Canberra Sewerage and Water Supply Regulations in force under the *Building and Services Ordinance 1924-1942* immediately before the commencement of this Ordinance imposing charges or rates for water supplied to, or for sewerage services to, a parcel of land continue, notwithstanding the last preceding sub-section, and, if any of those Regulations are, after the commencement of this Ordinance, repealed, notwithstanding

* Notified in the *Commonwealth Gazette* on 23rd December, 1959.
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the repeal of those regulations, to apply in relation to a parcel of land in respect of the year that ends on the thirty-first day of December, One thousand nine hundred and fifty-nine.

(4.) Where, in relation to a parcel of land for which rates are levied under section six or ten of this Ordinance, charges under sub-regulation (2.) of regulation one hundred and fifteen or under regulation one hundred and sixteen, as the case may be, of the Canberra Sewerage and Water Supply Regulations were imposed immediately before the commencement of this Ordinance, the charges so imposed continue to be payable for water supplied to the parcel of land until the date on which the meter installed on that parcel of land is first read under this Ordinance.

(5.) Nothing in this Ordinance affects the liability of a person liable to pay any charges or rates imposed in respect of a parcel of land for a period before the commencement of this Ordinance under the Canberra Sewerage and Water Supply Regulations as in force during that period.

Parts.

3. This Ordinance is divided into Parts, as follows:—

Part I.—Preliminary (Sections 1-4).

Part II.—Water Rates (Sections 5-15).

Part III.—Reading of Meters (Sections 16-21).

Part IV.—Miscellaneous (Sections 22-34).

Interpretation.

4.—(1.) In this Ordinance, unless the contrary intention appears—

“building containing residential flats” means—

(a) a building erected on a parcel of land in pursuance of a provision in a lease from the Commonwealth for a period of years in respect of the parcel of land requiring the erection of a building containing residential flats; or

(b) a building containing residential flats owned by the Commonwealth;

“flat” means a residential flat in a building containing residential flats;

“lease for rural purposes” means a lease granted for one or more of the following purposes:—

(a) agriculture;

(b) horticulture;

- (c) grazing;
- (d) viticulture;
- (e) fruitgrowing;
- (f) apiculture;
- (g) dairy farming;
- (h) poultry farming; and
- (i) any other business consisting of the cultivation of soil, the gathering of crops or the rearing of live-stock;

“ meter ” means a water meter;

“ meter reader ” means a person authorized by the Minister to read meters for the purposes of this Ordinance;

“ meter reading year ”, in relation to a parcel of land to which water is supplied through a meter, means the period between—

(a) the day on which the meter installed on the parcel of land is read in pursuance of section seventeen of this Ordinance; and

(b) the day on which it is next read in pursuance of that section;

“ proper authority ” means a person appointed by the Minister to be the proper authority for the purposes of this Ordinance;

“ rates ” means water rates under this Ordinance;

“ rating year ”, in relation to a parcel of land, means each period of twelve months commencing on the first day of January;

“ system of works ” means a system of works for the supply of water.

(2.) For the purposes of this Ordinance, water shall be deemed to be supplied from a system of works to a parcel of land from the time when a pipe from the parcel of land is first connected to the system of works.

(3.) Where a person becomes entitled to the grant of a lease of a parcel of land for a period of years as from a specified date, that person shall, for the purposes of this Ordinance, be deemed to be the lessee of the parcel of land as from that date notwithstanding that the lease is not granted until a subsequent date.

PART II.—WATER RATES.

Imposition of rates.

5. Rates are imposed in accordance with this Ordinance in respect of parcels of land for the supply of water to which a system of works has been constructed.

Rates for metered land on which flats not erected.

6.—(1.) Where water is supplied from a system of works through a meter to a parcel of land, not being a parcel of land on which a building containing residential flats is erected or a parcel of land held under a lease for rural purposes, the amount of rates in respect of water supplied to the parcel of land in a meter reading year is an amount calculated at the rate of One shilling for each one thousand gallons of water supplied through the meter.

(2.) An amount of Five pounds becomes due at the commencement of the meter reading year for a parcel of land in respect of water to be supplied to the parcel of land in the meter reading year.

(3.) The amount by which the amount calculated at the rate specified in sub-section (1.) of this section for water supplied to a parcel of land in a meter reading year exceeds the amount of Five pounds becomes due at the end of the meter reading year.

Rates—residential flats.

7. The amount of rates in respect of water to be supplied in a rating year from a system of works to a parcel of land on which a building containing residential flats is erected is an amount of Five pounds for each flat in the building and that amount becomes due at the commencement of the rating year.

Rates—un-metered land.

8. The amount of rates in respect of water to be supplied in a rating year from a system of works to a parcel of land (not being a parcel of land upon which a building containing residential flats is erected) otherwise than through a meter is Five pounds and that amount becomes due at the commencement of the rating year.

Rates where land not connected to system of works.

9. Where a parcel of land, for the supply of water to which a system of works has been constructed, is not connected to that system of works, the amount of rates in respect of the parcel of land for a rating year is One pound and that amount becomes due at the commencement of the rating year.

Rates—rural leases.

10.—(1.) The amount of rates in respect of water supplied through a meter to a parcel of land held under a lease for rural purposes in a meter reading year is—

(a) where the total quantity of water so supplied does not exceed one hundred and eighty-two thousand gallons—an amount calculated at the rate of One shilling for each one thousand gallons of water so supplied; and

(b) where the total quantity of water so supplied to the parcel of land exceeds one hundred and eighty-two thousand gallons—the sum of an amount of Nine pounds two shillings and an amount calculated at the rate of One shilling and sixpence for each one thousand gallons so supplied in excess of one hundred and eighty-two thousand gallons.

(2.) An amount of Five pounds becomes due at the commencement of the meter reading year for a parcel of land held under a lease for rural purposes in respect of water to be supplied to the parcel of land in the meter reading year.

(3.) The amount by which the amount determined under sub-section (1.) of this section for water supplied to a parcel of land in a meter reading year exceeds the amount of Five pounds becomes due at the end of the meter reading year.

11. Where the quantity of water supplied from a system of works through a meter in a meter reading year is less than one hundred thousand gallons, the amount of rates payable in respect of the parcel of land in that meter reading year is, notwithstanding sub-section (1.) of section six of this Ordinance or sub-section (1.) of the last preceding section, as the case may be, Five pounds.

Minimum rates
for metered
land.

12.—(1.) The rates imposed by section six, eight or ten of this Ordinance are, subject to this Ordinance, payable—

Persons by
whom rates
are payable.

(a) in the case of a parcel of land held under a lease from the Commonwealth for a period of years—by the person who is the lessee of the parcel of land at the commencement of the meter reading year or the rating year, as the case may be, for that parcel of land;

(b) in the case of a parcel of land which is under a weekly, fortnightly, monthly or quarterly tenancy from the Commonwealth—by the person who so holds the parcel of land at the commencement of the meter reading year or rating year, as the case may be, for that parcel of land; and

(c) in the case of a parcel of land which is held in fee simple—by the person in whom the fee simple is vested at the commencement of the meter reading year or rating year, as the case may be, for that parcel of land.

(2.) The rates imposed by section seven of this Ordinance are payable—

- (a) in the case of a parcel of land on which a building containing residential flats is erected and which is held under a lease from the Commonwealth for a period of years—by the person who is the lessee of the parcel of land at the commencement of the rating year; and
- (b) in the case of a parcel of land which is not held under a lease from the Commonwealth for a period of years and upon which is erected a building containing residential flats, which are held under a weekly, fortnightly, monthly or quarterly tenancy from the Commonwealth—by each person who holds a flat on such a tenancy at the commencement of the rating year.

(3.) The rates imposed by section nine of this Ordinance are payable by the person who is the lessee of a parcel of land under a lease from the Commonwealth for a period of years at the commencement of the rating year for the parcel of land.

Payment of rates under section 6 or 10 where change of lessees.

13. Where a parcel of land is held under a lease from the Commonwealth for a period of years and the person who was the lessee of the parcel of land at the commencement of a meter reading year for the parcel of land is not the lessee at the end of the meter reading year, the amount of rates payable under sub-section (3.) of section six, or sub-section (3.) of section ten, as the case may be, of this Ordinance is payable by the person who is the lessee of the parcel of land at the end of the meter reading year and any question of apportionment of the rates payable in respect of the parcel of land between persons who were lessees during the meter reading year is a matter for agreement between those persons.

Proportionate liability for rates for metered land for part of a meter reading year where there is a change in fortnightly, &c., tenancy.

14.—(1.) Where water is supplied through a meter to a parcel of land, not being a parcel of land on which a building containing residential flats is erected, which is held under a weekly, fortnightly, monthly or quarterly tenancy from the Commonwealth and two or more persons held the parcel of land for different periods during a meter reading year—

- (a) rates are payable in respect of each of the different periods for which the parcel of land was so held;
- (b) the rates in respect of each of those different periods are payable by the person who so held the parcel of land for that period; and

(c) the amount of the rates payable in respect of each of those different periods is—

- (i) an amount which bears the same proportion to Five pounds as the number of days in the period bears to three hundred and sixty-five; or
- (ii) the amount calculated at the rate of One shilling for each one thousand gallons of water supplied through the meter in that period,

whichever is the greater.

(2.) This section applies notwithstanding anything contained in section eleven of this Ordinance.

(3.) Where a person liable to pay rates under this section has, by reason of the operation of this Ordinance, paid an amount of rates in excess of the amount of rates which he is liable to pay under this section, the amount of the excess shall be refunded to him.

15.—(1.) Where—

- (a) a system of works for the supply of water to a parcel of land was not constructed at the commencement of a rating year, but such a system of works is constructed during that rating year and the parcel of land is not connected to that system of works after the system of works is constructed and before the end of that rating year;
- (b) a parcel of land in an area in which a system of works is constructed is connected to the system of works for a part only of a rating year;
- (c) no person was, at the commencement of a rating year, the lessee under a lease from the Commonwealth for a period of years of a parcel of land in an area in which a system of works is constructed but a person becomes such a lessee for a part of that rating year;
- (d) water is first supplied in a rating year to a parcel of land otherwise than through a meter, or to a parcel of land on which a building containing residential flats is erected, after the commencement of a rating year;

Proportionate liability for rates for part of a rating year where rates are fixed by section 7, 8 or 9.

(e) water is supplied to a parcel of land upon which a building containing residential flats, which are held under a weekly, fortnightly, monthly or quarterly tenancy from the Commonwealth and two or more persons held the same flat in that building for different periods during the rating year; or

(f) water is supplied otherwise than through a meter to a parcel of land held under a weekly, fortnightly, monthly or quarterly tenancy from the Commonwealth and two or more persons held the parcel of land for different periods during the rating year,

rates are payable in respect of the parcel of land for the part of the rating year after the system of works has been constructed, for the part of the rating year before the parcel of land is connected to the system of works, for the part of the rating year during which the person is the lessee, for the part of the rating year during which the water was supplied, or for each of the different parts of the rating year for which the flat or parcel of land was so held, as the case may be.

(2.) The amount of rates payable under the last preceding sub-section in respect of that parcel of land for that part of the rating year is an amount which bears the same proportion to the amount of the rates prescribed by section seven, eight or nine of this Ordinance, as the case may be, in respect of that parcel of land for the whole of a rating year as the number of days in that part of the rating year bears to three hundred and sixty-five.

(3.) Where a person liable to pay rates under this section in the circumstances referred to in paragraph (e) of sub-section (1.) of this section has, by reason of the operation of this Ordinance, paid an amount of rates in excess of the amount of rates which he is liable to pay under this section, the amount of the excess shall be refunded to him.

PART III.—READING OF METERS.

16. For the purposes of this Ordinance, the quantity of water which is supplied through a meter to a parcel of land in any period shall be taken to be the quantity—

(a) shown to have been supplied through the meter by reference to the recording, in thousands of gallons, without regard to any quantity that is

Quantity of
water supplied
through a
meter.

less than one thousand gallons, shown on the meter at the reading of the meter at the commencement of the period and the recording, in thousands of gallons, without regard to any quantity that is less than one thousand gallons, shown on the meter at the reading of the meter at the end of the period; or

- (b) estimated under section nineteen of this Ordinance where that section is applicable.

17.—(1.) The proper authority shall cause the first reading of a meter to be made as soon as practicable—

Reading of
meters.

- (a) if the meter is, at the date of commencement of this Ordinance, installed on a parcel of land—after that date; or

- (b) if the meter is installed on a parcel of land after that date—

(i) in the case of a parcel of land leased for the first time on a weekly, fortnightly, monthly or quarterly tenancy from the Commonwealth—after the tenancy commences; or

(ii) in any other case—after the meter is installed and the fitting is inspected and approved.

(2.) The proper authority shall cause a meter to be read in each subsequent rating year on a date which is not earlier than fourteen days before, and not later than fourteen days after, the anniversary of the date on which the meter was read in accordance with the last preceding sub-section.

(3.) Notwithstanding anything contained in the last preceding sub-section, the proper authority may, for the purpose of enabling all meters in the same neighbourhood to be read on or about the same day, direct that the meter installed on a parcel of land shall be read on or about a specified day and shall cause the meter to be read on or about the day so specified.

(4.) Where a meter is read in accordance with the last preceding sub-section, the proper authority shall cause the meter to be read in each subsequent rating year on a date which is not earlier than fourteen days before, and not later than fourteen days after, the anniversary of the date on which the meter was read in accordance with that sub-section.

Additional
meter readings.

18. In addition to the meter readings referred to in this Part, the proper authority may cause a meter for a parcel of land to be read—

- (a) if the parcel of land is leased from the Commonwealth on a weekly, fortnightly, monthly or quarterly tenancy—as soon as practicable after a tenancy of the parcel of land is terminated;
- (b) upon a request from the owner or lessee of the parcel of land and upon payment of a fee of Ten shillings; and
- (c) at such times as the proper authority thinks fit.

Meter not
registering.

19.—(1.) Where a meter does not register for a period or is, for a period, registering inaccurately, the proper authority may estimate the quantity of water supplied during the period for which the meter is not registering or is registering inaccurately by reference to the quantity of water supplied during a corresponding period while the meter was registering or was registering accurately, as the case may be, or after the meter again registers or registers accurately.

(2.) Where a quantity of water is so estimated, that quantity shall be deemed to be the quantity recorded on the meter and shall be substituted for the quantity, if any, actually recorded on the meter.

Notice of
results of
meter reading.

20. The proper authority shall cause written notice of the recording shown on each meter at the first meter reading and the quantity of water shown at each other meter reading to have been supplied through the meter since the last occasion on which the meter was read, or which he has estimated under the last preceding section to have been supplied, to be given to the person liable under this Ordinance for the payment of rates in respect of the parcel of land on which the meter is installed.

Testing of
meters.

21.—(1.) The person liable to pay rates under this Ordinance in respect of a parcel of land to which water is supplied through a meter may request, by notice in writing, to the proper authority, accompanied by a fee of One pound, that the accuracy of the meter on the parcel of land be tested and thereupon the proper authority shall cause the meter to be tested by a person appointed by the proper authority.

(2.) If the meter is found by the person so appointed to be registering more than two per centum in excess of the quantity of water passing through the meter, the meter shall be repaired or replaced without charge and the fee of One pound shall be returned to the person by whom it was paid.

PART IV.—MISCELLANEOUS.

22. Notwithstanding sub-section (2.) of section six, or sub-section (2.) of section ten, of this Ordinance, where the quantity of water supplied through a meter to a parcel of land, not being a parcel of land on which a building containing residential flats is erected, during a meter reading year that ended on the date on which the meter was read in pursuance of a direction under sub-section (3.) of section seventeen of this Ordinance is less than one hundred thousand gallons, the amount of rates payable under sub-section (2.) of section six, or sub-section (2.) of section ten, of this Ordinance, as the case may be, at the commencement of the meter reading year next after that first-mentioned meter reading year shall be reduced by—

Reduction of rates in meter reading year after short meter reading period.

- (a) an amount calculated at the rate of One shilling for each one thousand gallons of water by which the quantity of water supplied through the meter in that first-mentioned meter reading year is less than one hundred thousand gallons; or
- (b) an amount which bears the same proportion to Five pounds as the number of days by which the number of days in the first-mentioned meter reading year is less than three hundred and sixty-five days bears to three hundred and sixty-five,

whichever is the less.

23.—(1.) The Minister may determine that the rates provided in the preceding provisions of this Ordinance do not apply in relation to water supplied or to be supplied to a parcel of land in circumstances which the Minister considers to be unusual or to warrant special treatment and the Minister may, in lieu of those rates, fix special rates in respect of water so supplied.

Special rates.

(2.) The Minister may require an owner or lessee of a parcel of land in respect of the supply of water to which special rates are fixed under the last preceding sub-section to pay in advance such amount as rates as the Minister determines before water is supplied to that parcel of land.

24. The proper authority shall cause a notice in writing of the amount of rates that have become due and the time within which the amount is to be paid to be given to each person liable to pay rates under this Ordinance.

Accounts for rates.

25.—(1.) Where the proper authority has, in pursuance of paragraph (c) of section eighteen of this Ordinance, caused the meter for a parcel of land held under a lease from the

Special accounts for rates.

Commonwealth for a period of years or held in fee simple to be read on a day before the end of a meter reading year and the quantity of water shown to have been supplied through the meter since the reading of the meter at the commencement of the meter reading year exceeds one hundred thousand gallons, the proper authority may cause a notice in writing of the amount of rates payable in respect of any quantity of water in excess of one hundred thousand gallons supplied through the meter since the commencement of the meter reading year to be given to the person who is, on that day, the lessee or owner of the parcel of land.

(2.) Where, in pursuance of paragraph (c) of section eighteen of this Ordinance, a meter is, in a meter reading year, read on one or more other days after the reading of the meter referred to in the last preceding sub-section, the proper authority may cause a notice in writing of the amount of rates payable in respect of water shown to have been supplied at such a reading through the meter since the last preceding meter reading to be given to the person who is, on the day on which the meter is read, the lessee or owner of the parcel of land.

(3.) Notwithstanding sub-section (3.) of section six, or sub-section (3.) of section ten, of this Ordinance, the amount of rates specified in a notice given under either of the last two preceding sub-sections becomes due on the date of the notice and is payable by the person to whom the notice is given within such time as is specified in the notice.

Recovery of rates.

26. Rates payable under this Ordinance are a debt due and payable to the Commonwealth and may be recovered by action in a court of competent jurisdiction.

Closing or cutting off of water pipes for non-payment of rates.

27.—(1.) If rates payable in respect of a parcel of land are not paid within the time applicable under section twenty-four of this Ordinance, the proper authority may close or cut off any of the pipes or means by or through which water is supplied or may be supplied to that parcel of land so long as the rates remain unpaid.

(2.) The closing or cutting off of pipes or means by or through which water is supplied or may be supplied to a parcel of land does not relieve the person liable to pay rates of his liability to pay the rates and does not affect the power to recover those rates.

Exemption from rates.

28.—(1.) The Minister may exempt any parcel of land from payment of rates under this Ordinance or from payment of a portion of those rates.

(2.) An exemption under this section may be for a specified period and may be revoked or varied at any time.

29. The Minister may refund or remit any rates or a portion of rates under this Ordinance if the Minister considers it just and equitable so to do. Refund of rates

30. A certificate by the Secretary, Department of the Interior, that any rates payable under this Ordinance specified in the certificate have not been paid is evidence that the rates so specified are payable and have not been paid. Certificate that rates not paid.

31.—(1.) The service on, or the giving to, the person liable to pay rates of a notice under this Ordinance, shall be deemed to have been duly effected if the notice or a true copy of it is— Service of notices.

- (a) delivered to that person personally;
- (b) delivered to a person apparently over the age of sixteen years on, and apparently an occupant of, the parcel of land or flat; or
- (c) posted in a prepaid letter addressed to the person liable to pay rates at his last-known place of residence.

(2.) Where the service of a notice, or the giving of a notice to, a person liable to pay rates is effected under paragraph (c) of the last preceding sub-section, the notice shall (in the absence of proof by that person to the contrary) be deemed to have been served or given to that person on the date on which in the ordinary course of post it would have been delivered at the address to which it was posted.

32.—(1.) Joint owners of a parcel of land held in fee simple in respect of which rates are payable, or joint lessees of a parcel of land in respect of which rates are payable, as the case may be, are jointly and severally liable for the whole of the amount of the rates due, but as between themselves, each of them is liable only for the part of the rates proportionate to the value of his interest in the parcel of land. Joint owners.

(2.) If such a person pays to the Commonwealth more than his proportionate part, he may recover the excess by way of contribution from the other joint owner or lessee, as the case may be.

33.—(1.) The proper authority or a meter reader may, for the purposes of this Ordinance, at all reasonable times enter upon any lands or premises which are connected to a system of works. Entry of land by proper authority or meter reader.

(2.) A person shall not hinder or obstruct the proper authority or a meter reader in the execution of his duties or performance of his powers under this Ordinance.

Penalty: Ten pounds.

Regulations.

34. The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters which, by this Ordinance, are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance.

By Authority: A. J. ARTHUR, Commonwealth Government Printer, Canberra.