

# CONCURRENCE COPY

## **BROKEN HILL WATER AND SEWERAGE (AMENDMENT) BILL, 1983**

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### **EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The object of this Bill is to amend the Broken Hill Water and Sewerage Act, 1938, so as—

- (a) to enable the Broken Hill Water Board ("the board") to postpone payment of part of the rates payable in respect of land which is zoned or reserved for the purposes of industry, commerce or the erection of residential flat buildings, where the land is used or occupied solely as the site of a single dwelling-house (Schedule 1 (1)); and
  - (b) to remove the requirement that for rates, charges and fees to be written off the books of account of the board a certificate must be given by the Auditor-General to the effect that the writing off is in accordance with a regulation in that behalf (Schedule 1 (2)).
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**BROKEN HILL WATER AND SEWERAGE (AMENDMENT)  
BILL, 1983**

No. , 1983.

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**A BILL FOR**

An Act to amend the Broken Hill Water and Sewerage Act, 1938, to provide for the postponement, in certain circumstances, of rates levied and to remove the requirement that rates, charges and fees shall not be written off until a certificate has been given by the Auditor-General.

[MR FERGUSON—8 *March*, 1983.]

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*Broken Hill Water and Sewerage (Amendment).*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**5 Short title.**

**1.** This Act may be cited as the "Broken Hill Water and Sewerage (Amendment) Act, 1983".

**Amendment of Act No. 20, 1938.**

**2.** The Broken Hill Water and Sewerage Act, 1938, is amended in the 10 manner set forth in Schedule 1.

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SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE BROKEN HILL WATER AND SEWERAGE ACT,  
1938.

**15 (1) Section 87B—**

After section 87A, insert:—

**Power to reduce rates.**

**20** 87B. (1) Where part (in this section referred to as the "attributable part") of the land value of any parcel of land upon which is erected a single dwelling-house is attributable to the fact that the parcel is, under any environmental planning instrument, within the meaning of the Environmental Planning and Assessment Act, 1979, within a zone or reservation in which land may be used for the purposes of industry, commerce or the erection of residential flat buildings,  
**25** the ratable person in respect of the land may make application to the board for relief from payment of part of the rates levied on the land in the current rating year.

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*Broken Hill Water and Sewerage (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE BROKEN HILL WATER AND SEWERAGE ACT,  
1938—*continued.*

5 (2) If, on receipt of an application referred to in subsection  
(1), the board is satisfied that the land concerned is used or occupied  
solely as the site of a single dwelling-house, it shall require the  
Valuer-General, in cases where the valuation is made under the  
Valuation of Land Act, 1916, or the valuer appointed by the board,  
10 as the case may be, to determine the amount of the attributable part  
of the land value of the land and the valuer shall furnish the deter-  
mination to the board.

15 (3) In determining pursuant to subsection (2) the amount  
of the attributable part, the valuer shall not take into consideration  
any portion of the parcel which he considers is in excess of that  
which is reasonably necessary to be occupied or used in conjunction  
with the single dwelling-house and which might, but for the fact that  
it forms part of the site of a single dwelling-house, be occupied or  
used for the purposes of industry, commerce or the erection of  
residential flat buildings (defined as provided in subsection (1)).

20 (4) Where a determination of the attributable part of the  
land value of a parcel of land has been made by the valuer, he shall  
not be required to make a further determination of that part while  
the valuation, in respect of which the determination was made,  
remains in use for rating purposes or unless the valuation is altered  
25 on objection or correction of a clerical error or misdescription.

30 (5) Where a valuation is altered as referred to in subsec-  
tion (4), the board shall require the valuer to redetermine the amount  
of such attributable part and the valuer shall furnish such redetermi-  
nation to the board and a due adjustment shall be made and amounts  
paid in excess shall be refunded and amounts short-paid shall be  
recoverable as arrears.

(6) The amount determined or redetermined by the valuer  
under subsection (2) or (5) as the attributable part of the land value  
shall be the attributable part for the purposes of subsection (1)

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*Broken Hill Water and Sewerage (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE BROKEN HILL WATER AND SEWERAGE ACT,  
1938—*continued.*

5 while the land is used or occupied solely as the site of a single dwelling-house and the valuation in respect of which the determination or redetermination is made remains in use for rating purposes.

10 (7) The board shall postpone payment of such part of the rates levied in any rating year to which a determination or redetermination under subsection (2) or (5) relates as remains after calculating the amount of rates that would be payable in respect of that part of the land value of the land other than the attributable part and deducting the amount so calculated from the whole amount of the rates so levied.

15 (8) Where a ratable person pays the whole or part of the rates levied before the board postpones under subsection (7) the payment of part thereof, any amounts paid in excess shall be refunded.

(9) Where there is a postponement of rates under this section and the land concerned ceases to be used or occupied solely as the site of a single dwelling-house—

20 (a) the ratable person shall, within 1 month of the land concerned ceasing to be so used or occupied, inform the board of the date upon which the land ceased to be so used or occupied;

25 (b) the ratable person shall cease to be entitled to a postponement of rates under this section;

30 (c) the amount of rates postponed under this section during any rating year which is within the 5 rating years next preceding the date on which the land ceased to be so used or occupied shall become due and payable to the board and shall be recoverable by the board on the expiration of 1 month from the date the land ceased to be so used or occupied; and

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*Broken Hill Water and Sewerage (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE BROKEN HILL WATER AND SEWERAGE ACT,  
1938—*continued.*

5 (d) all amounts of rates postponed under this section (other than those due and payable under paragraph (c)) shall be written off.

(10) The provisions of this section shall apply only to a rate levied by the board on or after 1st January, 1983.

(11) In this section—

10 “ratable person” means a person liable under this Act to pay a rate;

“rating year”, in relation to a rate, means the period of 12 months commencing on the first day of January in any year for which that rate is levied;

15 “single dwelling-house” means a dwelling used or adapted for use solely for habitation by not more than one family and includes a dwelling in a row of 2 or more dwellings attached to each other, such as are commonly known as semi-detached or terrace buildings, but does not include a flat;

20 “valuer” means the Valuer-General or the valuer appointed by the board and directed by the board to make valuations for the purposes of this section.

(2) First Schedule, clause 30A—

25 Omit “and then only upon the certificate of the Auditor-General that the abandonment or writing off is in accordance with such regulation”.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1983

