

WATER BOARD (AMENDMENT) ACT 1990 No. 15

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Water Board Act 1987 No. 141
4. Repeal of s. 26A of Sydney Opera House Trust Act 1961 No. 9

SCHEDULE 1 - AMENDMENTS

WATER BOARD (AMENDMENT) ACT 1990 No. 15

NEW SOUTH WALES



Act No. 15, 1990

An Act to amend the Water Board Act 1987 in relation to service charges; and for other purposes. [Assented to 7 June 1990]

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Water Board (Amendment) Act 1990.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Water Board Act 1987 No. 141

3. The Water Board Act 1987 is amended as set out in Schedule 1.

Repeal of s. 26A of Sydney Opera House Trust Act 1961 No. 9

4. The Sydney Opera House Trust Act 1961 is amended by omitting section 26A (certain land not ratable).

SCHEDULE 1 - AMENDMENTS

(Sec. 3)

(1) Section 3 (**Definitions**):

In section 3 (1), after the definition of "special area", insert:
"special environmental program area" means an area of land declared by an order in force under section 28 to be a special environmental program area;

(2) Section 28 (**Orders for purpose of service charges**):

After section 28 (5), insert:

(5A) The Minister may, by order published in the Gazette, declare any land described in the order to be a special environmental program area for the purposes of this Act.

(3) Section 30 (**Board may levy service charges and impose fees and other charges**):

(a) From section 30 (1) (g), omit "and".

SCHEDULE 1 - AMENDMENTS - *continued*

- (b) After section 30 (1) (g), insert:
(g1) special environmental service charges; and
- (c) After section 30 (1), insert:

(1A) The Board is not to levy special environmental service charges with respect to any period commencing after 30 June 1994, but nothing in this subsection prevents the Board from re-assessing or recovering a special environmental service charge after that date.

- (4) Section 31 (**Land in respect of which the Board may levy service charges**):

After section 31 (6), insert:

(6A) The Board may only levy special environmental service charges on land within a special environmental program area.

- (5) Section 35 (**Assessment of service charges**):
Omit section 35 (3).

- (6) Section 36A:

After section 36, insert:

Information to be provided on fees and charges

36A. (1) Any notice issued by the Board requiring payment of a service charge, or any other fee or charge relating to the use of water or of sewerage facilities, must include a statement to the effect that information as to the calculation and assessment of the service charge, fee or charge will be provided by the Board at the request of the person who is liable to pay the service charge, fee or charge.

(2) The Board must, at the request of a person who is liable to pay a service charge, fee or charge imposed by the Board, provide information as to the calculation and

SCHEDULE 1 - AMENDMENTS - *continued*

assessment of the service charge, fee or charge within a reasonable time.

- (7) Schedule 3, Part 1 (**Land exempt from service charges**):
- (a) From item 4, omit "public hospital,".
 - (b) From item 4, omit "the hospital,", insert instead "the".
 - (c) Omit items 6, 8, 15 and 18.
 - (d) From item 9 (c), omit "or" where thirdly occurring.
 - (e) At the end of item 9 (d), insert:
 - ; or
 - (e) any building used or occupied solely as a hospital and not conducted for private gain.
 - (f) From item 13, omit "the Bursary Endowment Act 1912, or any certified school under the Public Instruction (Amendment) Act 1916", insert instead "the Education and Public Instruction Act 1987".
- (8) Schedule 3, Part 2 (**Exceptions**):
- Omit item 3, insert instead:
3. Land vested in the Crown or an authority (within the meaning of the Public Finance and Audit Act 1983) that:
- (a) is used or occupied by the Crown or such an authority for a purpose specified in item 1, 2, 3, 5 or 7 of Part 1 of this Schedule; or
 - (b) is land referred to in item 10 of Part 1 of this Schedule (other than a public road or the permanent way of a railway).

[*Minister's second reading speech made in -
Legislative Assembly on 21 May 1990
Legislative Council on 23 May 1990*]



FIRST PRINT

WATER BOARD (AMENDMENT) BILL 1990

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to amend the Water Board Act 1987:

- (a) to enable the Board to levy special environmental service charges as a separate category of service charges until 30 June 1994; and
- (b) to provide for certain information (which is currently required to be specified in notices setting out service charges) to be available on request only; and
- (c) to remove certain exemptions from service charges currently applying to land which is vested in the Crown or in certain authorities.

The Bill also repeals section 26A (certain land not ratable) of the Sydney Opera House Trust Act 1961 which currently excludes the land on which the Sydney Opera House is situated from being ratable land.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on a day or days to be appointed by proclamation.

Clause 3 is a formal provision which gives effect to the Schedule of amendments.

Clause 4 repeals section 26A (certain land not ratable) of the Sydney Opera House Trust Act 1961.

Special environmental service charges

Schedule 1 (1)-(4) enables the Board to levy charges described as special environmental service charges as a separate category of charges on land which the Minister has, by order published in the Gazette, declared to be a special

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environmental program area. The Board may only levy charges in that category until 30 June 1994.

Notices of fees and charges

Schedule 1 (5) and (6) remove the requirement that a notice as to the service charges payable on a parcel of land must specify certain information as to the calculation and assessment of those service charges. Instead, such notices and notices as to other fees and charges relating to the use of water or of sewerage facilities are to contain a statement to the effect that such information will be provided by the Board at the request of the owner of the land.

The Board is also required to make information on the calculation and assessment of other fees and charges available on request.

Service charges on properties vested in the Crown and certain authorities

Schedule 1 (7) and (8) amend Schedule 3 to the Principal Act which deals with exemptions from service charges. Generally speaking, all land vested in the Crown or an "authority" (broadly defined in the Public Finance and Audit Act 1983) is currently exempt. The proposed amendment will to a large extent remove the exemption. The only Crown/authority land that will now be exempt is the following:

- * land used or occupied (not by the Crown or an authority) for certain public, benevolent or charitable purposes;
- * public roads and railways.

As part of the amendment the following specific exemptions are removed:

- * land belonging to a public hospital or vested in an area health service;
- * land vested in a university;
- * land vested in the Mines Rescue Board.

The current exemption relating to the Sydney Opera House is removed by clause 4 of the Bill.

The Crown will still be able to avail itself of exemptions available to private individuals (e.g. unoccupied land below highwater mark).

FIRST PRINT

WATER BOARD (AMENDMENT) BILL 1990

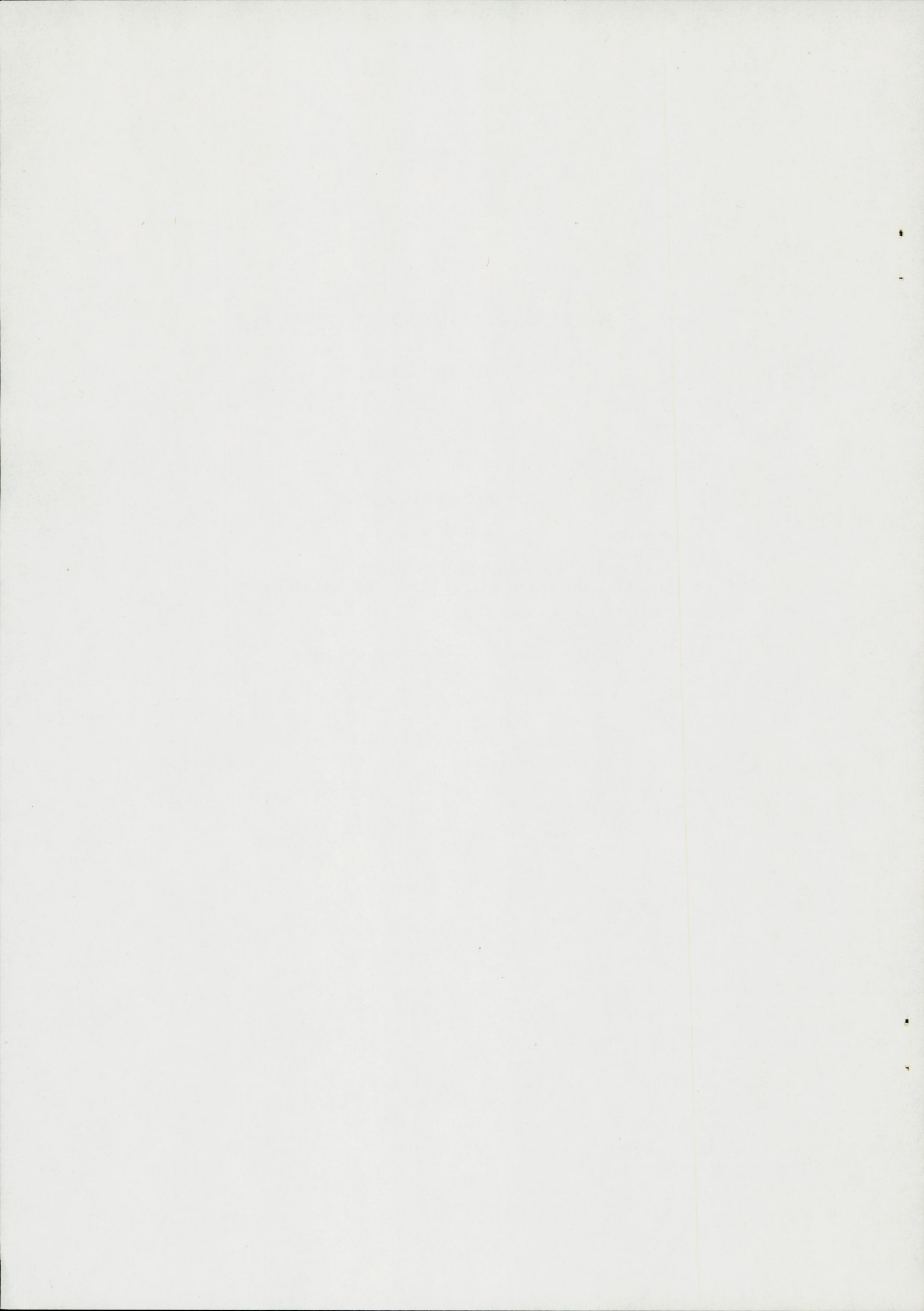
NEW SOUTH WALES



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SCHEDULE 1 - AMENDMENTS



WATER BOARD (AMENDMENT) BILL 1990

NEW SOUTH WALES



No. , 1990

A BILL FOR

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Amendment of Water Board Act 1987 No. 141

3. The Water Board Act 1987 is amended as set out in Schedule 1.

Repeal of s. 26A of Sydney Opera House Trust Act 1961 No. 9

4. The Sydney Opera House Trust Act 1961 is amended by omitting section 26A (certain land not ratable).

SCHEDULE 1 - AMENDMENTS

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(a) From section 30 (1) (g), omit "and".

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- (b) After section 30 (1) (g), insert:
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- (c) After section 30 (1), insert:
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After section 31 (6), insert:
(6A) The Board may only levy special environmental service charges on land within a special environmental program area.
- (5) Section 35 (**Assessment of service charges**):
Omit section 35 (3).
- (6) Section 36A:
After section 36, insert:
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36A (1) Any notice issued by the Board requiring payment of a service charge, or any other fee or charge relating to the use of water or of sewerage facilities, must include a statement to the effect that information as to the calculation and assessment of the service charge, fee or charge will be provided by the Board at the request of the person who is liable to pay the service charge, fee or charge.
(2) The Board must, at the request of a person who is liable to pay a service charge, fee or charge imposed by the Board, provide information as to the calculation and

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assessment of the service charge, fee or charge within a reasonable time.

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- (a) From item 4, omit "public hospital,".
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 - (e) At the end of item 9 (d), insert:
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