

LEGISLATIVE ASSEMBLY

Read 1° 3 October 1984

(Brought in by Mr Simpson and Mr Fordham)

A BILL

To provide concessions to certain persons in relation to the supply of water, to amend the *Water Act* 1958, the *Geelong Waterworks and Sewerage Act* 1958, the *Mildura Irrigation Trusts and Sunraysia Water Board Act* 1958 and the *Melbourne and Metropolitan Board of Works Act* 1958 and for other purposes.

5 BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

PART I.—PRELIMINARY

Short title.

1. This Act may be cited as the *Water Charge Concessions Act* 1984.

10 Commencement.

2. This Act shall come into operation on the day upon which it receives the Royal Assent.

12—[500]—1000/9.10.1984—70440/83 (Revision No. 5) (921)

**PART II.—AMENDMENTS TO THE MELBOURNE AND
METROPOLITAN BOARD OF WORKS ACT 1958**

Principal Act.

Principal Act No.
6310.

Reprinted to No.
9427.

Subsequently
amended by Nos.
9549, 9558,
9573, 9684,
9699, 9700,
9720, 9735,
9746, 9754,
9824, 9895,
9921, 9945,
9999, 10081 and
10087.

3. In this Part the *Melbourne and Metropolitan Board of Works Act 1958* is called the Principal Act.

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Amendment of Principal Act. New sections inserted.

4. After section 239^{EA} of the Principal Act there shall be inserted the following sections:

Remission of water by measure charges.

‘239^{EAA}. (1) In this section—

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“**Approved form**” means the form approved by the Board.

“**Eligible person**” means a person who—

(a) is a pensioner within the meaning of the *Municipalities Assistance Act 1973*;

(b) is a person—

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(i) who is a disadvantaged person under section 4C;
or

(ii) in respect of whom there is in force a declaration
under section 5, 5B, 5D or 5E—

of the *Health Insurance Act 1973* of the Commonwealth
as amended and in force for the time being; or

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(c) is receiving a sickness benefit under Part VII. of the
Social Security Act 1947 of the Commonwealth as
amended and in force for the time being.

“**Most recent water rate**”, in relation to a person who is liable to
pay a water by measure charge in respect of a residence,
means a water rate made or levied in respect of the residence
during the period to which the charge relates.

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“**Relevant period**”, in relation to a person who is liable to pay a
water by measure charge, means the period commencing on
the day of the annual reading of the water meter, and
finishing on the day of payment of the charge or the due
date for payment of the charge (whichever is the earlier).

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5 **“Unused water rate remission entitlement”**, in relation to a water rate made or levied on a person’s residence, means the amount by which the water rate remission entitlement which would have been available to the person if the water rate had been more than \$135 exceeds the person’s water rate remission entitlement.

10 **“Water rate remission entitlement”**, in relation to a water rate made or levied on a person’s residence, means the amount of water rate excused under section 239EA, or which under that section is required to be excused upon application by the person in the appropriate form.

(2) Where a person is liable to pay a water by measure charge in respect of the person’s sole or principal place of residence and—

15 (a) the person, during the period to which the charge relates or during the relevant period, is or has been an eligible person; and

(b) the person makes application in the approved form to have that charge reduced—

20 the Board shall excuse payment of the amount (if any) calculated in accordance with sub-section (3).

(3) For the purposes of sub-section (2)—

25 (a) where the person is or has been an eligible person during the relevant period and has no water rate remission entitlement in respect of the most recent water rate, the amount is 50 per cent of the charge up to a maximum of \$67.50;

30 (b) where the person is or has been an eligible person during the relevant period and had an unused water rate remission entitlement in respect of the most recent water rate, the amount is the lesser of—

(i) 50 per cent of the charge; and

(ii) the amount of that unused water rate remission entitlement; and

35 (c) where the person was an eligible person during the period to which the charge relates but is not, and has not during the relevant period been, an eligible person, the amount is the amount calculated in accordance with paragraph (a) or (b), reduced proportionately according to the proportion (if any) of the period for which the person was not an eligible person.

40 (4) Subject to sub-section (5), a person is not entitled, under this section, to a refund after a payment is made.

(5) Where a person has paid a water by measure charge but would otherwise be entitled under this section to be excused payment of an

amount, the Board may, if it thinks fit, make a refund or grant a credit of that amount.

(6) A person who wilfully makes a false or misleading statement in an application made under this section shall be guilty of an offence.

Penalty: 10 penalty units. 5

(7) Subject to sub-section (4), this section applies to water by measure charges which persons become liable to pay on or after 1 July 1984.’.

Payment by Treasurer.

“239EAB. (1) Where, under section 239EAA, the Board excuses a person from payment or refunds or grants a credit of an amount, it may make application to the Treasurer for payment to the Board of that amount. 10

(2) Upon application in accordance with sub-section (1), the Treasurer shall pay to the Board from the Consolidated Fund (which is hereby to the necessary extent appropriated accordingly) an amount equal to the amount which the Board excused the person from paying or refunded or credited to the person (as the case may be). 15

(3) The Treasurer may require from the Board any information which the Treasurer considers necessary for the purposes of this section.”. 20

PART III.—AMENDMENTS TO THE WATER ACT 1958

Principal Act.

5. In this Part the *Water Act* 1958 is called the Principal Act.

Principal Act No. 6413.
Reprinted to No. 9394. Since amended by Nos. 9490, 9549, 9573, 9576, 9684, 9686, 9699, 9706, 9707, 9720, 9755, 9820, 9844, 9861, 9895, 9921, 9945, 9994, 9996, 10017, 10045, 10048, 10060 and 10081.

Amendment of Principal Act. New sections inserted 25

6. After section 360A of the Principal Act there shall be inserted the following sections:

Remission of water by measure charges.

‘360B. (1) In this section—
“Approved form” means the form approved by the Authority. 30

“Eligible person” means a person who—

(a) is a pensioner within the meaning of the *Municipalities Assistance Act 1973*;

(b) is a person—

(i) who is a disadvantaged person under section 4C; or

(ii) in respect of whom there is in force a declaration under section 5, 5B, 5D or 5E—

of the *Health Insurance Act 1973* of the Commonwealth as amended and in force for the time being; or

(c) is receiving a sickness benefit under Part VII. of the *Social Security Act 1947* of the Commonwealth as amended and in force for the time being.

“Most recent water rate”, in relation to a person who is liable to pay a water by measure charge in respect of a residence, means a water rate made or levied in respect of the residence during the period to which the charge relates.

“Relevant period”, in relation to a person who is liable to pay a water by measure charge, means the period commencing on the day of the annual reading of the water meter, and finishing on the day of payment of the charge or the due date for payment of the charge (whichever is the earlier).

“Unused water rate remission entitlement”, in relation to a water rate made or levied on a person’s residence, means the amount by which the water rate remission entitlement which would have been available to the person if the water rate had been more than \$135 exceeds the person’s water rate remission entitlement.

“Water rate remission entitlement”, in relation to a water rate made or levied on a person’s residence, means the amount of water rate excused under section 360A, or which under that section is required to be excused upon application by the person in the appropriate form.

(2) Where a person is liable to pay a water by measure charge in respect of the person’s sole or principal place of residence and—

(a) the person, during the period to which the charge relates or during the relevant period, is or has been an eligible person; and

(b) the person makes application in the approved form to have that charge reduced—

the Authority shall excuse payment of the amount (if any) calculated in accordance with sub-section (3).

(3) For the purposes of sub-section (2)—

- (a) where the person is or has been an eligible person during the relevant period and had no water rate remission entitlement in respect of the most recent water rate, the amount is 50 per cent of the charge up to a maximum of \$67.50; 5
- (b) where the person is or has been an eligible person during the relevant period and had an unused water rate remission entitlement in respect of the most recent water rate, the amount is the lesser of— 10
 - (i) 50 per cent of the charge; and
 - (ii) the amount of that unused water rate remission entitlement; and
- (c) where the person was an eligible person during the period to which the charge relates but is not, and has not during the relevant period been, an eligible person, the amount is the amount calculated in accordance with paragraph (a) or (b), reduced proportionately according to the proportion (if any) of the period for which the person was not an eligible person. 15 20

(4) Subject to sub-section (5), a person is not entitled, under this section, to a refund after a payment is made.

(5) Where a person has paid a water by measure charge but would otherwise be entitled under this section to be excused payment of an amount, an Authority may, if it thinks fit, make a refund or grant a credit of that amount. 25

(6) A person who wilfully makes a false or misleading statement in an application made under this section shall be guilty of an offence.

Penalty: 10 penalty units.

(7) Subject to sub-section (4), this section applies to water by measure charges which persons become liable to pay on or after 1 July 1984. 30

Payment by Treasurer.

“360c. (1) Where, under section 360B, an Authority excuses a person from payment or refunds or grants a credit of an amount, it may make application to the Treasurer for payment to the Authority of that amount. 35

(2) Upon application in accordance with sub-section (1), the Treasurer shall pay to the Authority from the Consolidated Fund (which is hereby to the necessary extent appropriated accordingly) an amount equal to the amount which the Authority excused the person from paying or refunded or credited to the person (as the case may be). 40

(3) The Treasurer may require from an Authority any information which the Treasurer considers necessary for the purposes of this section.”.

5 PART IV.—AMENDMENTS TO THE GEELONG WATERWORKS AND SEWERAGE ACT 1958

Principal Act

7. In this Part the *Geelong Waterworks and Sewerage Act 1958* is called the Principal Act.

Principal Act No.
6263.
Reprinted to No.
9385. Since
amended by Nos.
9549, 9576,
9631, 9658,
9684, 9686,
9699, 9720,
9820, 9895,
9896, 9902,
9921, 10048,
10081 and
10087.

Amendment of Principal Act. New sections inserted.

10 8. After section 124AA, of the Principal Act there shall be inserted the following sections:

Remission of water by measure charges.

‘124AB. (1) In this section—

“Approved form” means the form approved by the Board.

15 “Eligible person” means a person who—

(a) is a pensioner within the meaning of the *Municipalities Assistance Act 1973*;

(b) is a person—

20 (i) who is a disadvantaged person under section 4C;
or

(ii) in respect of whom there is in force a declaration
under section 5, 5B, 5D or 5E—

of the *Health Insurance Act 1973* of the Commonwealth
as amended and in force for the time being; or

25 (c) is receiving a sickness benefit under Part VII. of the
Social Security Act 1947 of the Commonwealth as
amended and in force for the time being.

30 “Most recent water rate”, in relation to a person who is liable to
pay a water by measure charge in respect of a residence,
means a water rate made or levied in respect of the residence
during the period to which the charge relates.

“Relevant period”, in relation to a person who is liable to pay a
water by measure charge, means the period commencing on
the day of the annual reading of the water meter, and

finishing on the day of payment of the charge or the due date for payment of the charge (whichever is the earlier).

“Unused water rate remission entitlement”, in relation to a water rate made or levied on a person’s residence, means the amount by which the water rate remission entitlement which would have been available to the person if the water rate had been more than \$135 exceeds the person’s water rate remission entitlement. 5

“Water rate remission entitlement”, in relation to a water rate made or levied on a persons’s residence, means the amount of water rate excused under section 124AA, or which under that section is required to be excused upon application by the person in the appropriate form. 10

(2) Where a person is liable to pay a water by measure charge in respect of the person’s sole or principal place of residence and— 15

(a) the person, during the period to which the charge relates or during the relevant period, is or has been an eligible person; and

(b) the person makes application in the approved form to have that charge reduced— 20

the Board shall excuse payment of the amount (if any) calculated in accordance with sub-section (3).

(3) For the purposes of sub-section (2)—

(a) where the person is or has been an eligible person during the relevant period and had no water rate remission entitlement in respect of the most recent water rate, the amount is 50 per cent of the charge up to a maximum of \$67.50; 25

(b) where the person is or has been an eligible person during the relevant period and had an unused water rate remission entitlement in respect of the most recent water rate, the amount is the lesser of— 30

(i) 50 per cent of the charge; and

(ii) the amount of that unused water rate remission entitlement; and 35

(c) where the person was an eligible person during the period to which the charge relates but is not, and has not during the relevant period been, an eligible person, the amount is the amount calculated in accordance with paragraph (a) or (b), reduced proportionately according to the proportion (if any) of the period for which the person was not an eligible person. 40

(4) Subject to sub-section (5), a person is not entitled, under this section, to a refund after a payment is made.

(5) Where a person has paid a water by measure charge but would otherwise be entitled under this section to be excused payment of an amount, the Board may, if it thinks fit, make a refund or grant a credit of that amount.

- 5 (6) A person who wilfully makes a false or misleading statement in an application made under this section shall be guilty of an offence.

Penalty: 10 penalty units.

- 10 (7) Subject to sub-section (4), this section applies to water by measure charges which persons become liable to pay on or after 1 July 1984.

Payment by Treasurer.

- 15 “124AC. (1) Where, under section 124AB, the Board excuses a person from payment or refunds or grants a credit of an amount, it may make application to the Treasurer for payment to the Board of that amount.

- 20 (2) Upon application in accordance with sub-section (1), the Treasurer shall pay to the Board from the Consolidated Fund (which is hereby to the necessary extent appropriated accordingly) an amount equal to the amount which the Board excused the person from paying or refunded or credited to the person (as the case may be).

- (3) The Treasurer may require from the Board any information which the Treasurer considers necessary for the purposes of this section.”.

25 PART V.—AMENDMENTS TO THE MILDURA IRRIGATION TRUSTS AND SUNRAYSIA WATER BOARD ACT 1958

Principal Act.

9. In this Part the *Mildura Irrigation Trusts and Sunraysia Water Board Act 1958* is called the Principal Act.

Principal Act No.
6316.
Reprinted to No.
9204. Since
amended by Nos.
9385, 9480,
9576, 9684,
9686, 9699,
9838, 9895,
10048 and
10081.

Amendment of Principal Act. New sections inserted.

- 30 10. After section 159A of the Principal Act there shall be inserted the following sections:

Remission of water by measure charges.

‘159B. (1) In this section—

“Approved form” means the form approved by the Trust.

“**Eligible person**” means a person who—

(a) is a pensioner within the meaning of the *Municipalities Assistance Act 1973*;

(b) is a person—

(i) who is a disadvantaged person under section 4C; 5
or

(ii) in respect of whom there is in force a declaration under section 5, 5B, 5D or 5E—

of the *Health Insurance Act 1973* of the Commonwealth as amended and in force for the time being; or 10

(c) is receiving a sickness benefit under Part VII. of the *Social Security Act 1947* of the Commonwealth as amended and in force for the time being.

“**Most recent water rate**”, in relation to a person who is liable to pay a water by measure charge in respect of a residence, means a water rate made or levied in respect of the residence during the period to which the charge relates. 15

“**Relevant period**”, in relation to a person who is liable to pay a water by measure charge, means the period commencing on the day of the annual reading of the water meter, and finishing on the day of payment of the charge or the due date for payment of the charge (whichever is the earlier). 20

“**Unused water rate remission entitlement**”, in relation to a water rate made or levied on a person’s residence, means the amount by which the water rate remission entitlement which would have been available to the person if the water rate had been more than \$135 exceeds the person’s water rate remission entitlement. 25

“**Water rate remission entitlement**”, in relation to a water rate made or levied on a person’s residence, means the amount of water rate excused under section 159A, or which under that section is required to be excused upon application by the person in the appropriate form. 30

(2) Where a person is liable to pay a water by measure charge in respect of the person’s sole or principal place of residence and— 35

(a) the person, during the period to which the charge relates or during the relevant period, is or has been an eligible person; and

(b) the person makes application in the approved form to have that charge reduced— 40

the Trust shall excuse payment of the amount (if any) calculated in accordance with sub-section (3).

(3) For the purposes of sub-section (2)—

(a) where the person is or has been an eligible person during the relevant period and had no water rate remission 45

entitlement in respect of the most recent water rate, the amount is 50 per cent of the charge up to a maximum of \$67.50;

5 (b) where the person is or has been an eligible person during the relevant period and had an unused water rate remission entitlement in respect of the most recent water rate, the amount is the lesser of—

(i) 50 per cent of the charge; and

10 (ii) the amount of that unused water rate remission entitlement; and

(c) where the person was an eligible person during the period to which the charge relates is not, and has not during the relevant period been, an eligible person, the amount is the amount calculated in accordance with paragraph (a) or (b), reduced proportionately according to the proportion (if any) of the period for which the person was not an eligible person.

(4) Subject to sub-section (5), a person is not entitled, under this section, to a refund after a payment is made.

20 (5) Where a person has paid a water by measure charge but would otherwise be entitled under this section to be excused payment of an amount, the Trust may, if it thinks fit, make a refund or grant a credit of that amount.

(6) A person who wilfully makes a false or misleading statement in an application made under this section shall be guilty of an offence.

25 Penalty: 10 penalty units.

(7) Subject to sub-section (4), this section applies to water by measure charges which persons become liable to pay on or after 1 July 1984.

Payment by Treasurer.

30 “159C. (1) Where, under section 159B, the Trust excuses a person from payment or refunds or grants a credit of an amount, it may make application to the Treasurer for payment to the Trust for that amount.

35 (2) Upon application in accordance with sub-section (1), the Treasurer shall pay to the Trust from the Consolidated Fund (which is hereby to the necessary extent appropriated accordingly) an amount equal to the amount which the Trust excused the person from paying or refunded or credited to the person (as the case may be).

40 (3) The Treasurer may require from the Trust any information which the Treasurer considers necessary for the purposes of this section.”.

