

LEGISLATIVE ASSEMBLY

Read 1^o 27 November 1980

(Brought from the Legislative Council)

A BILL

for

An Act to amend the *Sewerage Districts Act 1958* in respect of certain Rebates on Rates in relation to the Construction of Sewers, and for other purposes.

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 5 to say):

1. (1) This Act may be cited as the *Sewerage Districts (Rebates) Act 1980* Short title.

[(2) In this Act the *Sewerage Districts Act 1958* is called the Principal Act. Principal Act.
No. 6386.
Reprinted to
No. 9139.
Subsequently
amended by
Nos. 9204,
9241, 9291, 9385,
9427.

10 (3) This Act shall come into operation on the day on which it receives the Royal Assent. Commence-
ment.

2. (a) After section 87A of the Principal Act there shall be inserted the following sections: New ss. 87B
87C and 87D.

15 '87B. (1) Where pursuant to section 120A an owner of land is liable for payment of any costs arising out of Rebates.

the construction of a sewer, then, unless the Minister in writing directs otherwise, the Sewerage Authority shall, as determined in this section, grant to the owner a rebate on the rates payable to the Sewerage Authority in respect of the land. 5

(2) The rebate so granted by the Sewerage Authority—

- (a) shall for each year be an amount equivalent—
 - (i) to 50 per centum of the full rates for that year payable by the owner in respect of the land; or 10
 - (ii) to 10 per centum of the amount the owner is required to pay as his share of the cost of the scheme and by way of contribution— whichever is less; and 15
- (b) shall be deducted annually from the full rates as determined by the Sewerage Authority over a period of ten years.

Interpretation of "full rates".

(3) In sub-section (2), "full rates", in respect of any year, means the amount which would have been payable by way of rates for that year by an owner of land to the Sewerage Authority where no rebate or remission is granted. 20

Retrospective rebates.

87C. (1) Where on the coming into operation of the *Sewerage Districts (Rebates) Act 1980* an owner of land is, pursuant to section 120A, liable for payment of or has so paid any costs arising out of the construction of a sewer which were incurred before the coming into operation of that Act, then, unless the Minister in writing directs otherwise the Sewerage Authority shall grant him a rebate in the same manner as is granted to an owner referred to in section 87B. 25 30

(2) The provisions of section 87B shall, with such modifications as are necessary, apply to and with respect to an owner of land referred to in this section, and without affecting the generality of the foregoing, in particular with the modification that in section 87B (2) (b) the ten-year period referred to shall be deemed to have commenced with the year when the Sewerage Authority first granted the rebate. 35 40

Rebate to apply only to contributing owners.

87D. (1) The rebate so granted to an owner of land—
 (a) applies only to the person to whom it is granted as owner (in this section called the "contributing owner"); and

(b) is

(b) is not transferable to a subsequent owner of the land—

and on the contributing owner ceasing to be owner of the land all outstanding moneys due from him in respect of costs arising out of the construction of the sewer shall forthwith become payable by him to the Sewerage Authority.

(2) Where an owner of land to whom a rebate is granted defaults on payment of any instalment, further entitlement to a rate rebate by that owner shall cease unless the Sewerage Authority determines otherwise.’

(b) In section 120A of the Principal Act—

S. 120A.

(i) in sub-section (1) for the words “may recover” there shall be substituted the expression “may, subject to sub-section (1AA), recover”;

(ii) after sub-section (1) there shall be inserted the following sub-section:

“(1AA) The maximum amount recoverable by a Sewerage Authority from an owner of land pursuant to sub-section (1) shall be limited to an amount determined by or calculated pursuant to a scale or formula determined by the Minister.”;

(iii) in sub-section (3)—

the word “and” appearing at the end of paragraph (d) is repealed;

after paragraph (d) there shall be inserted the following paragraph and expression:

“(da) a statement relating to the granting of a rebate of rates to owners of such land; and”;

(iv) for sub-section (13) there shall be substituted the following sub-section:

“(13) Where the Sewerage Authority resolves to adopt the scheme (whether with or without modifications)—

(a) it shall forthwith send or cause to be sent to the Minister for his sanction details of the scheme as adopted, and also send or cause to be sent to the Minister any other particulars that he may from time to time require; and

(b) it shall not commence construction of the works required to carry out the scheme until it has received the sanction of the Minister.”

3. In

Amendment of
s. 192.
Application of
ss. 87B, 87C and
87D to the
Geelong
Waterworks and
Sewerage Trust.

3. In section 192 of the Principal Act after the words "eighty-five and sections" there shall be inserted the expression "eighty-seven B, eighty-seven C, eighty-seven D,".