



NORTHERN TERRITORY OF AUSTRALIA

No. 69 of 1986

AN ACT

to amend the *Water Supply and Sewerage Act*

[Assented to 19 December 1986]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Water Supply and Sewerage Amendment Act 1986*.

2. COMMENCEMENT

This Act shall be deemed to have commenced on 1 July 1986.

3. PRINCIPAL ACT

The *Water Supply and Sewerage Act* is in this Act referred to as the Principal Act.

4. INTERPRETATION

Section 6(1) of the Principal Act is amended -

- (a) by omitting the definitions of "additional water charge", "basic water charge", "consumer" and "occupier";
- (b) by omitting from the definition of "private service" the words "a consumer's premises" and substituting "the fixed point of discharge of the water"; and
- (c) by omitting from the definition of "service pipe" the word "consumer's".

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5. SUPPLY OF SERVICES

Section 9 of the Principal Act is amended -

- (a) by omitting from subsection (1) "or occupier"; and
- (b) by omitting from subsection (2) "as the case may be".

6. WATER SUPPLY AREAS

Section 13 of the Principal Act is amended by omitting subsections (2) and (3).

7. APPLICATION FOR WATER SERVICE

Section 17 of the Principal Act is amended by omitting subsections (1) and (2) and substituting the following:

"(1) The owner of land to which a service pipe has been installed may apply to the Director for the supply of a water service for use on the land.

"(2) An application under subsection (1) shall -

- (a) be in the approved form;
- (b) be accompanied by the prescribed fee;
- (c) give the name and address of the applicant; and
- (d) be signed by the applicant or his agent."

8. DISCONNECTION OR RESTRICTION OF WATER SUPPLY

Section 23 of the Principal Act is amended -

- (a) by omitting from subsection (2) "water supply to a consumer" and substituting "water supply to land";
- (b) by omitting from subsection (2)(d) "where the consumer or other person" and substituting "where a person";
- (c) by omitting from subsection (2)(e) "where the consumer" and substituting "where a person on the land"; and
- (d) by omitting from subsection (4) "and occupier of their respective liabilities" and "them" and substituting "of his liability" and "his" respectively.

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9. RE-CONNECTION

Section 25 of the Principal Act is amended -

- (a) by omitting "An owner or occupier of land" and substituting "An owner of land or his agent";
- (b) by omitting from subsection (3)(b) "the consumer or other person" and substituting "a person";
- (c) by omitting from subsection (3)(c) "by the consumer" and substituting "by a person on the land";
- (d) by omitting from subsection (3)(h) "the consumer" and substituting "the owner or occupier"; and
- (e) by omitting subsection (3)(j)(i) and substituting the following:

"(i) the owner or the occupier of the land has given an undertaking in writing that the relevant notice under section 14 will be complied with; or".

10. METERS

Section 26 of the Principal Act is amended -

- (a) by omitting from subsection (1) "to a consumer";
- (b) by omitting subsection (5) and substituting the following:

"(5) The owner of land to which water is supplied may, on payment of the prescribed fee, apply in writing to the Director for the meter through which the water is supplied to the land to be tested."; and

- (c) by omitting from subsection (6) "the consumer has been or would be charged for a greater quantity of water than that supplied to him" and substituting "the owner of the land has been or would be charged for a greater quantity of water than that supplied to the land".

11. METER READINGS

Section 28 of the Principal Act is amended by omitting subsection (1) and substituting the following:

"(1) A meter shall be read -

- (a) when it is installed;

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- (b) as soon as practicable after the owner of the relevant land requests that it be read and pays the prescribed fee; and
- (c) at such other times as the Minister thinks fit."

12. ACCESS TO METER

Section 29 of the Principal Act is amended -

- (a) by omitting from subsection (1) "A consumer" and "him" and substituting "The owner of land" and "the land" respectively;
- (b) by omitting from subsection (3) "consumer" (twice occurring) and substituting "owner"; and
- (c) by omitting from subsection (3) "a special reading" and substituting "a reading referred to in section 28(1)(b)".

13. POWER TO ASSESS CONSUMPTION

Section 32 of the Principal Act is amended -

- (a) by omitting from subsection (1)(d) "the consumer" and substituting "the owner of land";
- (b) by omitting from subsection (1) "consumption of water by a consumer" and substituting "the quantity of water supplied to the relevant land";
- (c) by omitting subsections (2), (3) and (4) and substituting the following:

"(2) When assessing the quantity of water supplied to land for the purposes of subsection (1), the Minister may base his assessment on -

- (a) the quantity supplied to the land over a comparable period in a previous financial year;
- (b) where access could not be gained to the meter, the largest quantity recorded in respect of that land by the meter over a comparable period; or
- (c) where no previous record exists, the quantity that is supplied to the land over a comparable period in a subsequent financial year.

"(3) Where the Minister considers that none of the methods of assessment in subsection (2) are suitable in a particular case, he may make an assessment based on the average quantity of water supplied during the period of the assessment to a number, not less than 10, of areas of land of comparable size, selected at random from land of comparable use in the same locality.

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"(4) Where the Minister assesses under this section the quantity of water supplied to land, the quantity so assessed shall, for the purposes of Division 4, be deemed to have been supplied to that land."; and

- (d) by omitting from subsection (5) "a consumer" and "the consumer" and substituting "an owner" and "the owner" respectively.

14. CHARGES FOR SUPPLY

Section 33 of the Principal Act is amended -

- (a) by omitting subsections (2) to (6) inclusive and substituting the following:

"(2) Subject to section 19, charges for the supply of water to land in a water supply area are payable by the owner of the land and are as prescribed."; and

- (b) by omitting subsection (7)(h) and substituting the following:

"(h) the raising and method of calculation of *pro rata* sewerage charges where a service first becomes available;".

15. ADJUSTMENT OF CHARGES

Section 34(b) of the Principal Act is amended by omitting all words after "was discovered" and substituting "and the commencement of the financial year".

16. REMISSION OF, OR EXEMPTIONS FROM, CHARGES

Section 35(2) of the Principal Act is amended by omitting "consumer" (twice occurring) and "consumers" and substituting "person" and "persons" respectively.

17. REPEAL AND SUBSTITUTION

Section 36 of the Principal Act is repealed and the following substituted:

"36. DISPUTED CONSUMPTION

"(1) An owner of land who disputes the quantity of water shown as having been supplied to land in an account given to him may, within 28 days after receiving the account, notify the Director, in writing, that he disputes the account.

"(2) An account may not be challenged in a court on the grounds that the quantity of water shown in it as having been supplied to land during a specified period was not so supplied, unless the owner of the land has, in accordance with subsection (1), notified the Director that the owner disputes the account.".

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18. CHANGE OF ADDRESS, &c.

Section 71 of the Principal Act is amended by omitting subsections (2), (3) and (4).

19. AMENDMENT OF WATER SUPPLY AND SEWERAGE REGULATIONS

The Water Supply and Sewerage Regulations as in force on 1 July 1986 are amended -

- (a) by omitting from regulation 2 the definition of "water allowance";
- (b) by inserting in regulation 3A, after "of the Act", the words "but subject to subregulation (2)";
- (c) by adding at the end of regulation 3A the following:

"(2) The Minister may, by notice in the Gazette, fix charges for sewerage services to land to which they are made available and the periods to which those charges relate.

"(3) Where the Minister fixes a charge and a period under subregulation (2) the charge so fixed is the charge payable for the service during that period."; and

- (d) by omitting regulations 3B, 3C and 4 and substituting the following:

"3B. DATE FOR PAYMENT OF SEWERAGE CHARGES

"(1) Subject to regulation 3A(3), the amounts referred to in regulation 3A(1) are due on 1 July of each year and payable in advance for the period commencing on that date to and including 30 June next following.

"(2) Where the Minister fixes a charge and a period under regulation 3A(2), the amount so fixed is due on the first day of that period and payable in advance.

"3C. WATER CHARGES

"(1) For the purposes of section 33(2) of the Act, the charge for the supply of water to land in a water supply area in respect of a financial year is \$0.25 per kilolitre or part of a kilolitre for the first 1000 kilolitres supplied and \$0.30 per kilolitre thereafter.

"(2) For the purposes of subregulation (1), the quantity of water supplied to land in a financial year shall be taken to be the quantity of water supplied between the date of the first reading of the meter through which the water was supplied in that financial year and the first reading of that meter in the next succeeding financial year.

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"3D. PAYMENT FOR WATER

"(1) The Director shall, as soon as practicable after a meter through which water is supplied to land is read, give to the owner of the land an account of the water supplied in the period between the reading of the meter and the next previous reading of that meter.

"(2) An account referred to in subregulation (1) may be given by posting it to the owner of the land at his usual or last-known business or residential address or, where his address is not known, at his address shown in the certificate of title to the land in the relevant Register Book under the *Real Property Act*.

"(3) The charge for water supplied shown in an account referred to in subregulation (1) is due and payable to the Territory 28 days after the account is or shall be deemed to have been received by the owner of the land.

"4. PRO RATA SEWERAGE CHARGES

"(1) For the purposes of section 33(7)(h) of the Act, *pro rata* sewerage charges shall be calculated by multiplying the amount of the charge by the fraction formed by the number of days in the charge period after the date when the sewerage service first became available divided by the number of days in the charge period.

"(2) Where a sewerage service first becomes available during a charge period, the amount calculated under subregulation (1) is the charge for the service during that period and is payable in advance."

20. SAVING OF CONTRACTUAL ARRANGEMENT

Where immediately before 1 July 1986 or after that date but before the date on which the Administrator's assent to this Act was given, land was occupied under a lease, or a tenancy or other agreement, a term or condition of which provided that one party to the lease or agreement was responsible for basic water charges and the other for additional water charges (in both cases, however described) in respect of water supplied to that land, those parties shall be responsible, between themselves under that term or condition, for water charges in respect of each financial year commencing on or after 1 July 1986 on the basis that the basic water charge is the charge in respect of the first 500 kilolitres of water supplied in that financial year and the additional water charge is the charge in respect of water supplied in that financial year in excess of that quantity, and the lease or agreement shall be construed accordingly.