



Victoria Government Gazette

No. S 174 Friday 24 November 2000
By Authority, Victorian Government Printer

SPECIAL

Water Industry Act 1994

STATE CONCESSIONS FOR WATER AND SEWERAGE CHARGES ORDER 2000

I, SHERRYL GARBUTT, Minister for Environment and Conservation, being the Minister administering the **Water Industry Act 1994**, make the following Order :

1. Title

This Order is called “**Water Industry Act 1994: State Concessions for Water and Sewerage Charges Order 2000**”.

2. Authorising provision

This Order is made under section 26 of the **Water Industry Act 1994**.

3. Objective

The purpose of this Order is to specify the circumstances in which a licensee under the **Water Industry Act 1994** must excuse the whole or any part of a service charge or usage charge.

4. Commencement

This Order has effect from the date on which it is published in the Government Gazette.

5. Interpretation

In this Order –

“**Act**” means the **Water Industry Act 1994**;

“**eligible beneficiary**” means a person who is an eligible beneficiary within the meaning of the **State Concessions Act 1986**;

“**eligible recipient**” means a person who is an eligible recipient within the meaning of the **State Concessions Act 1986**;

“**financial year**” means the year ending 30 June;

“**licensee**” means the holder of a water or sewerage licence issued under Division 1 of Part 2 of the Act;

“**most recent sewerage service charge**” in relation to a person who is liable to pay a sewage disposal charge in respect of a residence, means the sewerage service charge imposed by the licensee in respect of the residence in the same financial year in which the sewage disposal charge is imposed;

“**most recent water service charge**” in relation to a person who is liable to pay a water usage charge in respect of a residence, means the water service charge imposed by the licensee in respect of the residence in the same financial year in which the water usage charge is imposed;

“**relevant period**” in relation to a person who is liable to pay a usage charge, means the period commencing on the day of the reading of the water meter and finishing on the day of payment of the charge or the due date for payment of the charge (whatever is the earlier);

“**service charge**” means a water service charge or a sewerage service charge;

“**sewage disposal charge**” means a sewage disposal charge imposed under section 22 of the Act;

“**sewerage service charge**” means the amount included in a service charge imposed under section 22 of the Act for the provision of sewerage services to a property in respect of a financial year, or part thereof;

“**sewerage service charge remission entitlement**” in relation to a sewerage service charge imposed by a licensee in respect of a person’s residence, means the amount excused under this Order or which under this Order is required to be excused on application by the person in the approved form;

“unused sewerage service charge remission entitlement” in relation to a sewerage service charge imposed by a licensee in respect of a person’s residence, means the amount by which the sewerage service charge remission entitlement which would have been available to the person if the sewerage service charge had been more than \$135, exceeds the person’s sewerage service charge remission entitlement;

“unused water service charge remission entitlement” in relation to a water service charge imposed by a licensee in respect of a person’s residence, means the amount by which the water service charge remission entitlement which would have been available to the person if the water service charge had been more than \$135, exceeds the person’s water service charge remission entitlement;

“water service charge remission entitlement” in relation to a water service charge imposed by a licensee in respect of a person’s residence, means the amount of water service charge excused under this Order or which under this Order is required to be excused on application by the person in the approved form;

“water service charge” means the amount included in a service charge imposed under section 22 of the Act for the provision of a supply of water to a property in respect of a financial year, or part thereof; and

“water usage charge” means a water usage charge imposed under section 22 of the Act.

6. Service charges

- (1) If a person is liable to pay a service charge in respect of the person’s sole or principal place of residence and –
 - (a) the person is or has been an eligible recipient in the financial year to which the charge relates; and
 - (b) the person applies in accordance with this Order to have that charge reduced, the relevant licensee must excuse payment of the amount (if any) calculated in accordance with sub-clause (2).
- (2) The total amount to be excused in respect of a financial year is –
 - (a) if the person either alone or together with his or her spouse, is liable to pay the service charge, 50% of the service charge up to a maximum of \$67.50;
 - (b) if the person, together with one or more other persons, is liable to pay the service charge, 50% of the service charge up to a maximum of \$67.50, divided by the total number of persons liable to pay the service charge;
 - (c) if the person, together with one or more other persons and his or her spouse, is liable to pay the service charge, 50% of the service charge up to a maximum of \$67.50, divided by the total number of persons liable to pay the service charge less one person; and
 - (d) if the person was not an eligible recipient at all times during the period to which the charge relates, the amount is the amount calculated in accordance with paragraph (a) or (b) or (c), reduced proportionately according to the proportion of the financial year for which the person was not an eligible recipient.

7 Water usage charges

- (1) If a person is liable to pay a water usage charge in respect of the person’s sole or principal place of residence and –
 - (a) the person is or has been an eligible beneficiary during the relevant period; and
 - (b) the person applies in accordance with this Order to have that charge reduced, the relevant licensee must excuse payment of the amount (if any) calculated in accordance with sub-clause (2).

- (2) The total amount to be excused in respect of a financial year is –
 - (a) if the person has no water service charge remission entitlement in respect of the most recent water service charge, 50% of the total amount of the water usage charges imposed in the financial year up to a maximum of \$67.50;
 - (b) if the person has an unused water service charge remission entitlement in respect of the most recent water service charge, the lesser of –
 - (i) 50% of the total amount of the water usage charges imposed in the financial year; and
 - (ii) the amount of that unused water service charge remission entitlement; and
 - (c) if the person was not an eligible beneficiary at all times during the financial year, the amount calculated in accordance with paragraph (a) or (b), reduced proportionately according to the proportion of the financial year for which the person was not an eligible beneficiary.

8. Sewage disposal charges

- (1) If a person is liable to pay a sewage disposal charge in respect of the person's sole or principal place of residence and –
 - (a) the person is or has been an eligible beneficiary during the relevant period; and
 - (b) the person applies in accordance with this Order to have that charge reduced, the relevant licensee must excuse payment of the amount (if any) calculated in accordance with sub-clause (2).
- (2) The total amount to be excused in respect of a financial year is –
 - (a) if the person has no sewerage service charge remission entitlement in respect of the most recent sewerage service charge, 50% of the total amount of the sewage disposal charges imposed in the financial year up to a maximum of \$67.50;
 - (b) if the person has an unused sewerage service charge remission entitlement in respect of the most recent sewerage service charge, the lesser of –
 - (i) 50% of the total amount of the sewage disposal charges imposed in the financial year; and
 - (ii) the amount of that unused sewerage service charge remission entitlement; and
 - (c) if the person was not an eligible beneficiary at all times during the financial year, the amount calculated in accordance with paragraph (a) or (b), reduced proportionately according to the proportion of the financial year for which the person was not an eligible beneficiary.

9. Applications

- (1) For the purpose of this Order, an application must be –
 - (a) in the form approved by the licensee; and
 - (b) in respect of an application to have a service charge reduced, made during the financial year to which the service charge relates.
- (2) Despite sub-clause (1), a licensee may, with the consent of the Minister administering the **State Concessions Act 1986**, accept a late application to have a service charge reduced if the licensee is satisfied there was good cause as to why the application was late.
- (3) A licensee must treat any eligible recipient who was excused an amount of the last service charge, as having made a continuing application in respect of the same property and an on the same basis as the last application actually made.

10. Notice

Before the beginning of each financial year the licensee must cause a notice to be published in a newspaper circulating generally in its licence area setting out the general effect of this Order.

11. Refund or Credit

- (1) If a licensee is required by this Order to excuse part of a service charge and the service charge has already been paid, the licensee must refund to or credit the eligible recipient an amount equal to the amount excused.
- (2) If a licensee is required by this Order to excuse part of a water usage charge or a sewage disposal charge and the charge has already been paid, the licensee may refund to or credit the eligible beneficiary an amount equal to the amount excused.

Dated 23 November 2000

SHERRYL GARBUTT MP
Minister for Environment and Conservation

Water Act 1989

STATE CONCESSIONS FOR WATER AND SEWERAGE CHARGES ORDER 2000

I, SHERRYL GARBUTT, Minister for Environment and Conservation, being the Minister administering the **Water Act 1989**, make the following Order:

1. Title

This Order is called "**Water Act 1989**: State Concessions for Water and Sewerage Charges Order 2000".

2. Authorising provision

This Order is made under section 283 of the **Water Act 1989**.

3. Objective

The purpose of this Order is to specify the circumstances in which a water authority under the **Water Act 1989** must waive the whole or any part of a water or sewerage charge or tariff, together with interest payments for certain capital contributions.

4. Commencement

This Order has effect from the date on which it is published in the Government Gazette.

5. Interpretation

In this Order –

“**Act**” means the **Water Act 1989**;

“**Authority**” means an Authority under the **Water Act 1989**;

“**eligible beneficiary**” means a person who is an eligible beneficiary within the meaning of the **State Concessions Act 1986**;

“**eligible recipient**” means a person who is an eligible recipient within the meaning of the **State Concessions Act 1986**;

“**financial year**” means the year ending 30 June;

“**interest payment**” means the interest that is payable each financial year on payments of an amount due under section 268(1) of the Act, as a contribution to the cost of works in a water or sewerage district;

“**most recent sewerage service charge**” in relation to a person who is liable to pay a sewage disposal charge in respect of a residence, means the sewerage service charge imposed by the

Authority in respect of the residence in the same financial year in which the sewage disposal charge is imposed;

“most recent water service charge” in relation to a person who is liable to pay a water usage charge in respect of a residence, means the water service charge imposed by the Authority in respect of the residence in the same financial year in which the water usage charge is imposed;

“relevant period” in relation to a person who is liable to pay a usage charge, means the period commencing on the day of the 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);

“service charge” means a water service charge, a sewerage service charge or a development charge under section 259(1)(b) of the Act;

“sewage disposal charge” means that part of a fee or charge imposed under section 259 or section 264 of the Act for the collection of sewage, that is the amount fixed according to the extent of the use of the service provided;

“sewerage service charge” means that part of a fee or charge imposed under section 259(1)(a) or section 264 of the Act for the collection of sewage that does not include an amount fixed according to the extent of the use of the service;

“sewerage service charge remission entitlement” in relation to a sewerage service charge imposed by an Authority in respect of a person’s residence, means the amount waived under this Order or which under this Order is required to be waived on application by the person in the approved form;

“unused sewerage service charge remission entitlement” in relation to a sewerage service charge imposed by an Authority in respect of a person’s residence, means the amount by which the sewerage service charge remission entitlement which would have been available to the person if the sewerage service charge had been more than \$135, exceeds the person’s sewerage service charge remission entitlement;

“unused water service charge remission entitlement” in relation to a water service charge imposed by an Authority in respect of a person’s residence, means the amount by which the water service charge remission entitlement which would have been available to the person if the water service charge had been more than \$135, exceeds the person’s water service charge remission entitlement;

“water service charge remission entitlement” in relation to a water service charge imposed by an Authority in respect of a person’s residence, means the amount of water service charge waived under this Order or which under this Order is required to be waived on application by the person in the approved form;

“water service charge” means that part of a fee or charge imposed under section 259 or section 264 of the Act for the supply of water for domestic requirements, that does not include an amount fixed according to the extent of the use of the service; and

“water usage charge” means that part of a fee or charge imposed under section 259 or section 264 of the Act for the supply of water for domestic requirements according to the extent of the use of the service provided.

6. Service charges

- (1) If a person is liable to pay a service charge in respect of the person’s sole or principal place of residence and –
 - (a) the person is or has been an eligible recipient in the financial year to which the charge relates; and
 - (b) the person applies in accordance with this Order to have that charge reduced, the relevant Authority must waive payment of the amount (if any) calculated in accordance with sub-clause (2).

- (2) The total amount to be waived in respect of a financial year is –
- (a) if the person either alone or together with his or her spouse, is liable to pay the service charge, 50% of the service charge up to a maximum of \$67.50;
 - (b) if the person, together with one or more other persons, is liable to pay the service charge, 50% of the service charge up to a maximum of \$67.50, divided by the total number of persons liable to pay the service charge;
 - (c) if the person, together with one or more other persons and his or her spouse, is liable to pay the service charge, 50% of the service charge up to a maximum of \$67.50, divided by the total number of persons liable to pay the service charge less one person; and
 - (d) if the person was not an eligible recipient at all times during the period to which the charge relates, the amount is the amount calculated in accordance with paragraph (a) or (b) or (c), reduced proportionately according to the proportion of the financial year for which the person was not an eligible recipient.

7. Interest Payments

- (1) If a person liable to pay a service charge is also liable to pay an interest payment in respect of the person's sole or principal place of residence and –
- (a) the person is or has been an eligible recipient in the financial year to which the payments relate;
 - (b) the person applies in accordance with this Order to have the service charge and interest payment reduced,
- the relevant Authority must waive payment of the amount (if any) calculated in accordance with sub-clause (2).
- (2) The total amount to be waived in respect of a financial year is –
- (a) if the person either alone or together with his or her spouse, is liable to pay the service charge and interest payment –
 - (i) in relation to the service charge – 50% of the service charge up to a maximum of \$67.50; and
 - (ii) in relation to the interest payment – 50% of the sum of the service charge and interest payment up to a maximum of \$67.50 less the amount calculated in accordance with (i);
 - (b) if the person, together with one or more other persons, is liable to pay the service charge and interest payment,
 - (i) in relation to the service charge – 50% of the service charge up to a maximum of \$67.50 divided by the total number of persons liable to pay the service charge; and
 - (ii) in relation to the interest payment – 50% of the sum of the service charge and interest payment up to a maximum of \$67.50, less the amount calculated in accordance with (i), divided by the total number of persons liable to pay the service charge;
 - (c) if the person, together with one or more other persons and his or her spouse, is liable to pay the service charge and interest payment,
 - (i) in relation to the service charge – 50% of the service charge up to a maximum of \$67.50 divided by the total number of persons liable to pay the service charge less one person; and
 - (ii) in relation to the interest payment – 50% of the sum of the service charge and interest payment up to a maximum of \$67.50, less the amount calculated in

- accordance with (i), divided by the total number of persons liable to pay the service charge less one person; and
- (d) if the person was not an eligible recipient at all times during the period to which the charge relates, the amount is the amount calculated in accordance with paragraph (a) or (b) or (c), reduced proportionately according to the proportion of the financial year for which the person was not an eligible recipient.
- (3) The waiver of part of an interest payment must be applied progressively, to the extent of the amount waived:
- (a) to reduce the first instalment of interest payable;
 - (b) to reduce each subsequent instalment; and
 - (c) if the whole of the interest and contributions to works payable under section 268(1) of the Act become payable during the year, to the repayment of the total amount of interest payable in that year.

8. Water usage charges

- (1) If a person is liable to pay a water usage charge in respect of the person's sole or principal place of residence and –
- (a) the person is or has been an eligible beneficiary during the relevant period; and
 - (b) the person applies in accordance with this Order to have that charge reduced, the relevant Authority must waive payment of the amount (if any) calculated in accordance with sub-clause (2).
- (2) The total amount to be waived in respect of a financial year is –
- (a) if the person has no water service charge remission entitlement in respect of the most recent water service charge, 50% of the total amount of the water usage charges imposed in the financial year up to a maximum of \$67.50;
 - (b) if the person has an unused water service charge remission entitlement in respect of the most recent water service charge, the lesser of –
 - (i) 50% of the total amount of the water usage charges imposed in the financial year; and
 - (ii) the amount of that unused water service charge remission entitlement; and
 - (c) if the person was not an eligible beneficiary at all times during the financial year, the amount calculated in accordance with paragraph (a) or (b), reduced proportionately according to the proportion of the financial year for which the person was not an eligible beneficiary.

9. Sewage disposal charges

- (1) If a person is liable to pay a sewage disposal charge in respect of the person's sole or principal place of residence and –
- (a) the person is or has been an eligible beneficiary during the relevant period; and
 - (b) the person applies in accordance with this Order to have that charge reduced, the relevant Authority must waive payment of the amount (if any) calculated in accordance with sub-clause (2).
- (2) The total amount to be waived in respect of a financial year is –
- (a) if the person has no sewerage service charge remission entitlement in respect of the most recent sewerage service charge, 50% of the total amount of the sewage disposal charges imposed in the financial year up to a maximum of \$67.50;
 - (b) if the person has an unused sewerage service charge remission entitlement in respect of the most recent sewerage service charge, the lesser of –

- (i) 50% of the total amount of the sewage disposal charges imposed in the financial year; and
- (ii) the amount of that unused sewerage service charge remission entitlement; and
- (c) if the person was not an eligible beneficiary at all times during the financial year, the amount calculated in accordance with paragraph (a) or (b), reduced proportionately according to the proportion of the financial year for which the person was not an eligible beneficiary.

10. Applications

- (1) For the purpose of this Order, an application must be –
 - (a) in the form approved by the Authority; and
 - (b) in respect of an application to have a service charge reduced, made during the financial year to which the service charge relates.
- (2) Despite sub-clause (1), an Authority may, with the consent of the Minister administering the **State Concessions Act 1986**, accept a late application to have a service charge reduced if the Authority is satisfied there was good cause as to why the application was late.
- (3) Unless otherwise advised by the eligible recipient, an Authority must treat an eligible recipient who was waived an amount of the last service charge, as having made a continuing application in respect of the same property and on the same basis as the last application actually made.

11. Notice

The Authority must include in a notice given under section 260 information about the general effect of this Order.

12. Refund or Credit

- (1) If an Authority is required by this Order to waive part of a service charge and the service charge has already been paid, the Authority must refund to or credit the eligible recipient an amount equal to the amount waived.
- (2) If an Authority is required by this Order to waive part of a water usage charge or a sewage disposal charge and the charge has already been paid, the Authority may refund to or credit the eligible beneficiary an amount equal to the amount waived.

Dated 23 November 2000

SHERRYL GARBUTT MP
Minister for Environment and Conservation

Planning and Environment Act 1987

MELBOURNE PLANNING SCHEME

Notice of Approval of Amendment

Amendment C36

The Minister for Planning has approved Amendment C36 to the Melbourne Planning Scheme.

The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment inserts a new incorporated document titled 'Federation Arch and Sports and Entertainment Precinct Signs, November 2000' and deletes incorporated document titled 'Olympic Games Football Tournament, Yarra Park, Jolimont, June 2000' in the schedule to Clause 81 and the schedule to Clause 52.03 (Specific Sites and Exclusions) of the Melbourne Planning Scheme, that

permits the use and development of the land for the purpose of Federation Arch and signs in accordance with endorsed plans.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Infrastructure, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Melbourne City Council, 6th Floor, Council House, 200 Little Collins Street, Melbourne.

PAUL JEROME
Executive Director
Planning, Heritage and
Building Division
Department of Infrastructure

Department of Treasury and Finance

SALE OF CROWN LAND
BY PUBLIC AUCTION

Date of Auction: 9 December 2000 at 11.00
a.m. on site.

Reference: 2000/02274.

Address of Property: Beauchamp Street West,
Kyneton.

Crown Description: Crown Allotment 7A,
Section 12, Parish of Lauriston.

Terms of Sale: Deposit 10%, Balance 60 days.

Area: 1059 m².

Selling Agent: L. J. Hooker, Kyneton, 2 High
Street, Kyneton, Vic. 3444.

LYNNE KOSKY
Minister for Finance

Gazette Services

The *Victorian Government Gazette* (VGG) is published by The Craftsman Press Pty. Ltd. for the State of Victoria and is produced in three editions.

VGG General is published each Thursday and provides information regarding Acts of Parliament and their effective date of operation; Government notices; requests for tenders; as well as contracts accepted. Private Notices are also published.

VGG Special is published any day when required for urgent or special Government notices. VGG Special is made available automatically to subscribers of VGG General.

VGG Periodical is published when required and includes specialised information eg. Medical, Dental, Pharmacist's Registers, etc.

Subscriptions

VGG is available by three subscription services:

The Victoria Government Gazette
 General and Special — \$170.00 each year
 General, Special and Periodical — \$227.00 each year
 Periodical — \$113.00 each year.

Subscriptions are payable in advance and accepted for a period of one year. All subscriptions are on a firm basis and refunds will not be given.

All payments should be made payable to
 The Craftsman Press Pty. Ltd.

Subscription enquiries:

The Craftsman Press Pty. Ltd.
 125 Highbury Road, Burwood Vic 3125
 Telephone: (03) 9926 1233
 Fax (03) 9926 1292

The Victoria Government Gazette is published by
 The Craftsman Press Pty. Ltd. with the authority of the
 Government Printer for the State of Victoria

© State of Victoria 2000

ISSN 0819-5471

This publication is copyright. No parts may be reproduced
 by any process except in accordance with the provisions of
 the Copyright Act.

Products and services advertised in this publication are not
 endorsed by The Craftsman Press Pty. Ltd. or the State of
 Victoria and neither of them accepts any responsibility for
 the content or the quality of reproduction. The Craftsman
 Press Pty. Ltd. reserves the right to reject any advertising
 material it considers unsuitable for government
 publication.

Address all inquiries to the Government Printer for the
 State of Victoria

Government Information and Communications Branch

Department of Premier and Cabinet

Level 3, 356 Collins Street

Melbourne 3000

Victoria Australia

Subscriptions

The Craftsman Press Pty. Ltd.

125 Highbury Road, Burwood

Victoria, Australia 3125

Telephone enquiries: (03) 9926 1233

Facsimile (03) 9926 1292

Retail Sales

Information Victoria Bookshop

356 Collins Street Melbourne 3000.

Telephone enquiries 1300 366 356

City Graphics

Level 1, 520 Bourke Street

Melbourne 3000

Telephone enquiries (03) 9600 0977

Price Code A