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SPECIAL

Water Act 1989

WAIVER OF WATER AND SEWERAGE CHARGES ORDER 2002

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: Waiver of Water and Sewerage Charges Order 2002**.

2. **Authorising provision**

This Order is made under section 283 (3B) of the **Water Act 1989**.

3. **Objective**

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

4. **Commencement**

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

5. **Definitions**

In this Order

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

“**Authority**” has the same meaning as in the **Water Act 1989**;

“**customer**” means the person named as a domestic customer on a Water Account;

“**Department of Veterans’ Affairs Gold Card**” means a Gold Card issued in the name of a Customer by the Commonwealth Department of Veterans’ Affairs, but does not include a Gold Card issued by the Commonwealth of Australia in respect of a dependant of a veteran;

“**eligible beneficiary**” means a customer who holds a Pensioner Concession Card, Health Care Card or Department of Veterans’ Affairs Gold Card, which is current during the relevant period;

“**eligible concession cardholder**” means a customer who is an eligible beneficiary or an eligible recipient;

“**eligible recipient**” means a customer who holds a Pensioner Concession Card, a War Widow Gold Card issued by the Department of Veterans’ Affairs or a Totally and Permanently Incapacitated Gold Card issued by the Department of Veterans’ Affairs, which is current during the relevant period;

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

“**Health Care Card**” means a Health Care Card issued by the Commonwealth of Australia in the name of a customer but does not include a Health Care Card issued by the Commonwealth of Australia in respect of foster care payments or the child disability allowance or the Commonwealth Seniors Health Card;

“**Pensioner Concession Card**” means a Pensioner Concession Card issued by the Commonwealth of Australia in the name of a customer;

“**relevant period**” means the period commencing on the day of the reading of the water meter and finishing on the due date for payment of the charge;

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

“**sewerage charges**” includes sewerage service charges, sewage disposal charges and sewerage interest payments;

“**sewerage concession entitlement**” in relation to the sewerage charges imposed by an Authority, means the amount waived under this Order or which under this Order is required to be waived on application by the customer.

“sewage disposal charge” means that part of a fee under a tariff 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 interest payment” means the interest that is payable each financial year on charges due under section 268(1) of the Act, as a contribution to the cost of works in a sewerage district;

“sewerage service charge” means that part of a fee under a tariff 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;

“water account” means an invoice issued from time to time by the Authority to a customer for water charges or sewerage charges;

“water charges” includes water service charges, water usage charges and water interest payments;

“water concession entitlement” in relation to the water charges imposed by an Authority, means the amount waived under this Order or which under this Order is required to be waived on application by the customer.

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

“water service charge” means that part of a fee under a tariff or charge imposed under section 259(1)(a) 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;

“water usage charge” means that part of a fee under a tariff 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. Water Charges

(1) Where an eligible concession cardholder is issued a water account in respect of that person’s sole or principal place of residence and:

(a) the water account includes one or all of the following charges:

- (i) water service charges;
- (ii) water usage charges;
- (iii) water interest charges; and

(b) the person applies in accordance with this order to have one or all of these charges reduced, the relevant Authority must waive payment of the amount (if any) calculated in accordance with sub-clause (2).

(2) The total water concession entitlement of a person on their water account shall be no greater than \$67.50 in a financial year and is to be calculated as follows:

(a) where the person is an eligible recipient, a waiver is available on water charges calculated as 50% of water charges and capped each billing period, where the annual cap of \$67.50 per annum is apportioned over each billing period in the financial year to determine the cap for each billing period;

OR

(b) where the person is an eligible beneficiary, a waiver is available on water usage charges calculated as 50% of water usage charges and capped each billing period, where the annual cap of \$67.50 per annum is apportioned over each billing period in the financial year to determine the cap for each billing period.

7. Sewerage Charges

- (1) Where an eligible concession cardholder is issued a water account in respect of that person's sole or principal place of residence and:
 - (a) the water account includes one or all of the following charges:
 - (i) sewerage service charges;
 - (ii) sewage disposal charges;
 - (iii) sewerage interest charges; and
 - (b) the person applies in accordance with this order to have one or all of these charges reduced, the relevant Authority must waive payment of the amount (if any) calculated in accordance with sub-clause (2).
- (2) The total sewerage concession entitlement of a person on their water account shall be no greater than \$67.50 in a financial year and is to be calculated as follows:
 - (a) where the person is an eligible recipient, a waiver is available on sewerage charges calculated as 50% of sewerage charges and capped each billing period, where the annual cap of \$67.50 per annum is apportioned over each billing period in the financial year to determine the cap for each billing period.

OR

 - (b) where the person is an eligible beneficiary, a waiver is available on sewage disposal charges calculated as 50% of sewage disposal charges and capped each billing period, where the annual cap of \$67.50 per annum is apportioned over each billing period in the financial year to determine the cap for each billing period.

8. Application

- (1) Applications for concessions are to be made in a form determined by the Minister administering the **State Concessions Act 1986**.
- (2) To be eligible for a water concession, a claim must be made to the Authority during the relevant period.
- (3) Eligibility for claims made outside of the relevant period is to be determined by the Minister administering the **State Concessions Act 1986**.

9. Refund or Credit

If an Authority is required by this Order to waive part of a water charge or sewerage charge and the water charge or sewerage charge has already been paid, the Authority must refund to or credit the eligible concession cardholder an amount equal to the amount waived.

10. Notice

The Authority must publish a notice about this Order.

11. Responsibility of the Minister administering the State Concessions Act 1986

- (1) In accordance with this Order, the Minister administering the **State Concessions Act 1986** may issue guidelines to assist Authorities administer the delivery of concessions.

Dated 30 October 2002

SHERRYL GARBUTT MP
Minister for Environment and Conservation

Water Industry Act 1994

CONCESSIONS FOR WATER AND SEWERAGE CHARGES ORDER 2002

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: Concessions for Water and Sewerage Charges Order 2002**.

2. Authorising provision

This Order is made under section 26(1) of the **Water Industry Act 1994**.

3. Objective

The objective 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 on the date on which it is published in the Government Gazette.

5. Definition

In this Order

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

“**customer**” means the person named as a domestic customer on a water account;

“**Department of Veterans’ Affairs Gold Card**” means a Gold Card issued in the name of a customer by the Commonwealth Department of Veterans’ Affairs, but does not include a Gold Card issued by the Commonwealth of Australia in respect of a dependant of a veteran;

“**eligible beneficiary**” means a customer who holds a Pensioner Concession Card, Health Care Card or Department of Veterans’ Affairs Gold Card, which is current during the relevant period;

“**eligible concession cardholder**” means a customer who is an eligible beneficiary or an eligible recipient;

“**eligible recipient**” means a customer who holds a Pensioner Concession Card, a War Widow Gold Card issued by the Department of Veterans’ Affairs or a Totally and Permanently Incapacitated Gold Card issued by the Department of Veterans’ Affairs, which is current during the relevant period;

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

“**Health Care Card**” means a Health Care Card issued by the Commonwealth of Australia in the name of a customer but does not include a Health Care Card issued by the Commonwealth of Australia in respect of foster care payments or the child disability allowance or the Commonwealth Seniors Health Card;

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

“**Pensioner Concession Card**” means a Pensioner Concession Card issued by the Commonwealth of Australia in the name of a customer;

“**relevant period**” means the period commencing on the day of the reading of the water meter and finishing on the due date for payment of the charge;

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

“**sewerage charges**” includes sewerage service charges and sewerage disposal charges;

“**sewerage concession entitlement**” in relation to the sewerage charges imposed by a licensee, means the amount excused under this Order or which under this Order is required to be excused on application by the customer.

“**sewage disposal charge**” means a sewage disposal charge imposed under section 22(1) of the Act;

“**sewerage service charge**” means the amount included in a service charge imposed under section 22(1) of the Act for the provision of sewerage services to a property in respect of a financial year, or part thereof;

“**water account**” means an invoice issued from time to time by a licensee to a customer for water charges or sewerage charges;

“**water charges**” includes water service charges and water usage charges;

“**water concession entitlement**” in relation to the water charges imposed by a licensee, means the amount excused under this Order or which under this Order is required to be excused on application by the customer.

“**water service charge**” means the amount included in a service charge imposed under section 22(1) of the Act for the provision of a supply of water to a property in respect of a financial year, or part thereof;

“**water usage charge**” means a water usage charge imposed under section 22(1) of the Act.

6. Water Charges

(1) Where an eligible concession cardholder is issued a water account in respect of that person’s sole or principal place of residence and:

- (a) the water account includes one or all of the following charges:
 - (i) water service charges;
 - (ii) water usage charges; and
- (b) the person applies in accordance with this Order to have one or all of these charges reduced, the relevant licensee must excuse payment of the amount (if any) calculated in accordance with sub-clause (2).

(2) The total water concession entitlement of a person on their water account shall be no greater than \$67.50 in a financial year and is to be calculated as follows:

- (a) where the person is an eligible recipient, a waiver is available on water charges calculated as 50% of water charges and capped each billing period, where the annual cap of \$67.50 per annum is apportioned over each billing period in the financial year to determine the cap for each billing period;

OR

- (b) where the person is an eligible beneficiary a waiver is available on water usage charges calculated as 50% of water usage charges and capped each billing period, where the annual cap of \$67.50 per annum is apportioned over each billing period in the financial year to determine the cap for each billing period.

7. Sewerage Charges

(1) Where an eligible concession cardholder is issued a water account in respect of that person’s sole or principal place of residence and:

- (a) the water account includes one or all of the following charges:
 - (i) sewerage service charges;
 - (ii) sewage disposal charges; and
- (b) the person applies in accordance with this order to have one or all of these charges reduced, the relevant licensee must waive payment of the amount (if any) calculated in accordance with sub-clause (2).

- (2) The total sewerage concession entitlement of a person on their water account shall be no greater than \$67.50 in a financial year and is to be calculated as follows:
- (a) where the person is an eligible recipient, a waiver is available on sewerage charges calculated as 50% of sewerage charges and capped each billing period, where the annual cap of \$67.50 per annum is apportioned over each billing period in the financial year to determine the cap for each billing period.
- OR
- (b) where the person is an eligible beneficiary, a waiver is available on sewage disposal charges calculated as 50% of sewage disposal charges and capped each billing period, where the annual cap of \$67.50 per annum is apportioned over each billing period in the financial year to determine the cap for each billing period.

8. Application

- (1) Applications for concessions are to be made in a form determined by the Minister administering the **State Concessions Act 1986**.
- (2) To be eligible for a water concession, a claim must be made to the licensee during the relevant period.
- (3) Eligibility for claims made outside of the relevant period is to be determined by the Minister administering the **State Concessions Act 1986**.

9. Refund or Credit

If a licensee is required by this Order to excuse part of a water charge or sewerage charge and the water charge or sewerage charge has already been paid, the licensee must refund to or credit the eligible concession cardholder an amount equal to the amount excused.

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 about this Order.

11. Responsibility of the Minister administering the State Concessions Act 1986

- (1) In accordance with this order, the Minister administering the **State Concessions Act 1986** may issue guidelines to assist licensees administer the delivery of concessions.

Dated 30 October 2002

SHERRYL GARBUTT MP
Minister for Environment and Conservation

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