Commonwealth Coat of Arms

Water and Sewerage Services Fees and Charges (Christmas Island) Determination 2013

I, Jon Stanhope, Administrator of the Indian Ocean Territories, make the following determination under the *Utilities and Services Ordinance 1996* (Territory of Christmas Island).

Dated: 26 June 2013

Jon Stanhope

Administrator of the Indian Ocean Territories

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Part 1—Preliminary

1 Name of determination

This determination is the *Water and Sewerage Services Fees and Charges (Christmas Island) Determination 2013*.

2 Commencement

This determination commences on 1 July 2013.

3 Authority

This determination is made under the *Utilities and Services Ordinance 1996* (Territory of Christmas Island).

4 Repeal

The *Water and Sewerage Services Fees and Charges Determination 2012* (Federal Register of Legislative Instruments No. F2012L01453), made on 27 June 2012 under section 4 of the *Utilities and Services Ordinance 1996* of the Territory of Christmas Island, is repealed.

5 Definitions

In this determination:

***Authority*** means the Administrator or the contracted agent of the Administrator.

***charitable purposes land***: see subsection 6(10).

***commercial land***: see subsection 6(4).

***commercial/residential land***: see subsection 6(3).

***discharge factor*** has the meaning given by clause 3 of Schedule 3.

***eligible pensioner*** has the same meaning as in subsection 3(1) of the *Rates and Charges (Rebates and Deferments) Act 1992* (WA).

***eligible senior*** has the same meaning as in subsection 3(1) of the *Rates and Charges (Rebates and Deferments) Act 1992* (WA).

***fire service*** means a water supply connection provided for fire‑fighting purposes.

***government land***: see subsection 6(7).

***holiday accommodation***, of an owner or occupier, means accommodation that is:

(a) held out as being available, or made available, by the owner or occupier for occupation for holiday purposes by persons other than the owner or occupier; and

(b) not held out, or made available, substantially:

(i) by way of trade or business; or

(ii) for the purpose of any trade or business.

***industrial land***: see subsection 6(5).

***institutional/public land***: see subsection 6(9).

***local government land***: see subsection 6(11).

***major fixture*** means any of the following:

(a) a water closet;

(b) each urinal outlet contained within a floor‑mounted urinal;

(c) each stand of wall‑hung urinals contained within a separate ablution area;

(d) a pan washer.

***mining land***: see subsection 6(8).

***occupier*** means the person in occupation of the land or, if there is no person in occupation, the person entitled to possession of the land.

***owner*** has the same meaning as in section 1.4 of the *Local Government Act 1995* (WA).

***residence*** means a private dwelling house, home unit or flat, including any yard, garden, outhouse or appurtenance belonging to, or usually enjoyed with, the private dwelling house, home unit or flat.

***residential land***: see subsection 6(2).

***vacant land***: see subsection 6(6).

6 Categories of land

(1) This section defines categories of land that are mentioned in Schedules 1 to 5.

(2) Land is ***residential land*** if:

(a) the land is used wholly or primarily for the purpose of providing a residence for one or more of the following:

(i) the owner or occupier of the land;

(ii) the family of the owner or occupier of the land;

(iii) the employees of the owner or occupier of the land; and

(b) the Authority is satisfied that the land is not used, in whole or in part, for the purpose of providing holiday accommodation.

(3) Land is ***commercial/residential land*** if:

(a) the land is used, though not wholly or primarily, for the purpose mentioned in paragraph (a) of the definition of ***residential land***; and

(b) the land is used for one or more of the following purposes:

(i) a shop;

(ii) a workshop;

(iii) an office;

(iv) a bakery;

(v) a surgery;

(vi) any other business purpose.

(4) Land is ***commercial land*** if:

(a) the land is used for one or more of the following purposes:

(i) conducting a business;

(ii) the practice of a profession;

(iii) holiday accommodation;

(iv) any other commercial purpose; and

(b) the land is not used for any other purpose mentioned in this section.

(5) Land is ***industrial land*** if:

(a) the land is used for manufacturing or processing; and

(b) the manufacturing or processing cannot be conducted without the use of water; and

(c) the land is not used for any other purpose mentioned in this section.

(6) Land is ***vacant land*** if:

(a) there is no building on the land; and

(b) the land is not used for any other purpose mentioned in this section.

(7) Land is ***government land*** if:

(a) the land is used by the Commonwealth Government or the government of a State for business, professional, commercial, or office purposes, or as a power station; and

(b) the land is not used for any other purpose mentioned in this section.

(8) Land is ***mining land*** if:

(a) the land is used for the purposes of mining; and

(b) the land is not used for any other purpose mentioned in this section.

(9) Land is ***institutional/public land*** if:

(a) the land is used for a club, institutional or public purpose that has been approved by the Authority; and

(b) the land is not used for any other purpose mentioned in this section.

(10) Land is ***charitable purposes land*** if the Authority is satisfied that the land is used for one of the following purposes:

(a) providing relief or assistance to persons who are sick, aged, disadvantaged, unemployed or young;

(b) conducting other activities, by a private organisation that is not operated:

(i) for the purpose of profit or gain to individual members, shareholders or owners; or

(ii) for the benefit of the public; or

(iii) in the interests of social welfare.

(11) Land is ***local government land*** if:

(a) the land is used by a local government for business or office purposes; and

(b) the land is not used for any other purpose mentioned in this section.

Part 2—Fees and charges

7 Fees and charges

(1) This determination determines fees and charges applicable to the provision of water and sewerage services for the financial year commencing on 1 July 2013.

Note: In addition, headworks charges are payable in relation to building developments, subdivisional developments and upgrading of existing water and wastewater services. In 2013, information about headworks charges was accessible at http://www.watercorporation.com.au.

(2) In this determination:

(a) fixed charges that may be imposed for the provision of water services are set out in Schedule 1; and

(b) fixed charges that may be imposed for the provision of sewerage services are set out in Schedule 2; and

(c) quantity charges for the use of water and sewerage services that may be imposed are set out in Schedule 3; and

(d) building application fees related to the provision of water and sewerage services that may be imposed are set out in Schedule 4; and

(e) other fees related to the provision of water and sewerage services are set out in Schedule 5.

(3) Despite paragraph (2)(c), the Authority may agree on the amount of quantity charges related to the provision of water and sewerage services for a particular case.

(4) If this determination imposes a fee or charge for the provision of a water or sewerage service to an owner or occupier:

(a) the Authority may issue the fee or charge, by sending a notice to the owner or occupier; and

(b) the owner or occupier is liable to pay the fee or charge; and

(c) the owner or occupier must pay the fee or charge to the Authority.

(5) The day specified in the notice must be at least 16 days after the day the notice was issued to the owner or occupier.

8 Concessions

(1) Despite paragraphs 7(2)(a) and (b), an eligible pensioner may pay a charge mentioned in Schedule 1 or 2 at the pensioner rate if:

(a) the pensioner is the owner and occupier of residential land; and

(b) a fixed charge mentioned in Schedule 1 or 2 applies in relation to the land.

(2) Despite paragraph 7(2)(c), an eligible pensioner may pay a charge mentioned in Schedule 3 at the pensioner rate, for consumption up to 600 kilolitres, if:

(a) the pensioner is the occupier of residential land; and

(b) the charge applies in relation to the land.

(3) Despite paragraphs 7(2)(a) and (b), an eligible senior may pay a charge mentioned in Schedule 1 or 2 at the senior rate if:

(a) the senior is the owner and occupier of residential land; and

(b) the charge applies in relation to the land.

(4) In this section:

***pensioner rate*** means the charge mentioned in Schedule 1, 2 or 3, reduced by 50%.

***senior rate*** means the charge mentioned in Schedule 1 or 2, reduced by 25%.

9 Payment of fees and charges

(1) A fee or charge, which applies to an owner or occupier in accordance with this determination, is due for payment on or before the day specified in a notice issued to the owner or occupier under paragraph 7(4)(a).

(2) This section is subject to a special payment arrangement entered into with the owner or occupier under section 11.

10 When a fee or charge is not paid

(1) This section applies if:

(a) an owner or occupier has not paid a fee or charge in accordance with a notice issued to the owner or occupier under paragraph 7(4)(a); and

(b) a further 14 days have passed after the day specified in the notice.

(2) The Authority must send a reminder notice to the owner or occupier advising the owner or occupier that the Authority may restrict access to the service to which the fee or charge relates if the fee or charge is not paid within 10 days of the reminder notice.

(3) If the fee or charge is not paid within 10 days of the date of the reminder notice, the Authority may send the owner or occupier a notice to restrict.

(4) The notice to restrict must tell the owner or occupier that, unless the fee or charge is paid within the period stated in the notice to restrict, action may be taken to restrict the property’s access to the service.

(5) The period mentioned in subsection (4) must not be less than 7 days.

(6) If an owner or occupier does not make a payment within the period stated in the notice to restrict, the Authority may restrict the supply of a water service to the owner or occupier until:

(a) payment of any outstanding fees and charges, including any fee imposed under subsection (7), is made; or

(b) a special payment arrangement is entered into, under section 11.

(7) If the Authority restricts the supply of a water service under subsection (6), the Authority may charge a fee for any costs incurred in removing any restriction on the supply of the service.

11 Special payment arrangements

The Authority may agree to a special payment arrangement with an owner or occupier if:

(a) the owner or occupier is experiencing difficulties in paying fees or charges mentioned in this determination; and

(b) the owner or occupier notifies the Authority of the difficulties.

Schedule 1—Fixed charges for provision of water services (financial year commencing on 1 July 2013)

Note: See paragraph 7(2)(a).

1 Provision of water services

(1) The table in this clause sets out charges for the provision of a water service.

Note: An eligible pensioner or eligible senior may pay a charge at a reduced rate—see subsections 8(1) and (3).

(2) If an additional water service is required, the charges mentioned in the table would apply to that additional service.

| Fixed charges for provision of water services | | |
| --- | --- | --- |
| Item | Provision of water services to ... | Fixed charge |
| 1 | residential land | $205.71 |
| 2 | commercial land, commercial/residential land, industrial land, mining land, government land or shipping with:  (a) no meter or a 15 or 20 mm meter;  (b) a 25 mm meter;  (c) a 40 mm meter;  (d) a 50 mm meter;  (e) a 80 mm meter;  (f) a 100 mm meter;  (g) a 150 mm meter | $205.71  $321.42  $822.83  $1 285.67  $3 291.31  $5 142.67  $11 571.02 |
| 3 | institutional/public land, charitable purposes land or local government land | Nil |
| 4 | vacant land | $205.71 |
| 5 | a fire service | $205.71 |
| 6 | strata‑titled commercial land or industrial land, if sharing a water service | $205.71 |

Schedule 2—Fixed charges for provision of sewerage services (financial year commencing on 1 July 2013)

Note: See paragraph 7(2)(b).

1 Provision of sewerage services

The following table sets out charges for the provision of a sewerage service.

Note: An eligible pensioner or eligible senior may pay a charge at a reduced rate—see subsections 8(1) and (3).

| Fixed charges for provision of sewerage services | | |
| --- | --- | --- |
| Item | Provision of sewerage services to ... | Fixed charge |
| 1 | residential land:  (a) rate in the dollar;  (b) minimum annual charge;  (c) maximum annual charge | $0.12 per $ of gross rental value  $331.99  $827.22 |
| 2 | commercial land, industrial land or mining land (other than land mentioned in item 6):  (a) first major fixture;  (b) second major fixture;  (c) third major fixture;  (d) each subsequent major fixture;  (e) minimum annual charge | $772.10  $330.51  $441.38  $479.97  $772.10 |
| 3 | vacant land:  (a) rate in the dollar;  (b) minimum annual charge;  (c) maximum annual charge (if zoned for future residential use) | $0.12 per $ of gross rental value  $218.47  $827.22 |
| 4 | institutional/public land, charitable purposes land or local government land:  (a) first major fixture;  (b) each subsequent major fixture | $207.44  $91.27 |
| 5 | government land:  (a) first major fixture;  (b) second major fixture;  (c) third major fixture;  (d) each subsequent major fixture | $772.10  $330.51  $441.38  $479.97 |
| 6 | strata‑titled commercial land or industrial land sharing a major fixture | $479.97 |

Schedule 3—Quantity charges (financial year commencing on 1 July 2013)

Note: See paragraph 7(2)(c).

1 Quantity charges

The following table sets out quantity charges for the use of water and sewerage services.

Note: An eligible pensioner may pay a charge at a reduced rate—see subsection 8(2).

| Quantity charges | | |
| --- | --- | --- |
| Item | Quantity charges for the provision of water and sewerage services to ... | Quantity charge (per kL) |
| 1 | residential land or vacant land that has been zoned for residential purposes:  (a) 0 to 350 kL;  (b) 351 to 500 kL;  (c) 501 to 750 kL;  (d) over 750 kL | $1.381  $1.841  $3.766  $6.474 |
| 2 | commercial land, industrial land, mining land, shipping or vacant land not mentioned in item 1 | $5.014 |
| 3 | commercial/residential land:  (a) 0 to 150 kL;  (b) over 150 kL | $1.381  $5.014 |
| 4 | land owned by the Commonwealth Government | $5.014 |
| 5 | institutional/public land used for non‑government schools, churches or community facilities, charitable purposes land, local government land | $1.965 |
| 6 | commercial, government or industrial discharge to sewer:  (a) 0 to 200 kL per property (allowance);  (b) over 200 kL | Nil  $2.8376 |

2 Calculation of kilolitres

For item 6 of the table in clause 1, the number of kilolitres used in a period for a property is worked out using the following formula:



3 Discharge factor

(1) The Authority may estimate a percentage (the ***discharge factor***) of water that has been discharged into the Authority’s sewer in a period for a property.

(2) The Authority must consult with the owner or occupier of the property about the discharge factor for the property.

(3) If the Authority does not estimate a discharge factor under subclause (1), the property’s discharge factor is 95%.

Schedule 4—Building application fees (financial year commencing on 1 July 2013)

Note: See paragraph 7(2)(d).

1 Building application fees

The following table sets out building application fees related to the provision of water and sewerage services.

| Building application fees | | |
| --- | --- | --- |
| Item | Type of building | Fee |
| 1 | Building plans to construct a new residential building or alter an existing residential building (charge is for each residential unit) | $117.80 |
| 2 | Minor building fee for approval of an outbuilding to a single residential property, including pools, garages and pergolas (in sewered areas only) | $34.40 |
| 3 | Building plans for multi‑residential units | $117.80 per unit |
| 4 | Building plans for buildings other than residential and multi‑residential units (construct new building/alter existing building) at a cost of:  (a) not over $22 500 (sewered area only);  (b) over $22 500 but not over $200 000;  (c) over $200 000 but not over $500 000;  (d) over $500 000 but not over $1 million | $25.00  $85.00  $330.00  $550.00 |
| 5 | Building plans for buildings other than residential and multi‑residential units (construct new building or alter existing building) if the cost is more than $1 million and not more than $10 million | $0.90 per $1 000 |
| 6 | Building plans for buildings other than residential and multi‑residential units (construct new building or alter existing building) if the cost is more than $10 million | $9 000.00  and  $0.25 per $1 000 over $10 million |

Schedule 5—Other fees (financial year commencing on 1 July 2013)

Note: See paragraph 7(2)(e).

1 Other fees

The following table sets out other fees related to the provision of water and sewerage services.

| Other fees | | |
| --- | --- | --- |
| Item | Type of service | Fee |
| 1 | Relocation of service | quoted cost |
| 2 | Disconnection or reconnection of water service | quoted cost |
| 3 | Special meter readings for change of ownership/tenancy:  (a) within 7 days of being requested  (b) within 2 days of being requested | $15.90  $53.40 |
| 4 | Advice of sale requests:  (a) electronic advice—standard;  (b) electronic advice—urgent;  (c) manual advice—standard;  (d) manual advice—urgent | $42.20  $79.60  $72.40  $109.50 |
| 5 | Meter tests:  (a) 20 to 25 mm meters;  (b) over 25 mm meters | $102.00  actual cost |
| 6 | Restoration of service after restriction:  (a) between 7 am and 4 pm any day except Saturday, Sunday and public holidays;  (b) any other time | $146.00  $232.00 |
| 7 | Sewer connection charge | quoted cost |
| 8 | Installation of sewer junction | quoted cost |

Note 1: For items 1, 2, 7 and 8 of the table, the quoted cost is the cost quoted by the contractor engaged to perform the service.

Note 2: For item 5 of the table, the actual cost is the cost incurred in removing a meter and sending it for testing.