

Cocos (Keeling) Islands Utilities and Services Ordinance 2016

Ordinance

I, General the Honourable Sir Peter Cosgrove AK MC (Ret’d), Governor‑General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Ordinance.

Dated 14 April 2016

Peter Cosgrove

Governor‑General

By His Excellency’s Command

Paul Fletcher

Minister for Major Projects, Territories and Local Government

Contents

1 Name 1

2 Commencement 1

3 Authority 1

4 Schedules 1

5 Definitions 1

6 Administrator may arrange supply 2

7 Fees for supply 2

8 Fees must be notified in the Gazette 2

9 Unpaid fee is a debt due to the Commonwealth 2

10 Fee must not amount to taxation 2

Schedule 1—Repeals 3

Utilities and Services Ordinance 1996 3

1 Name

 This is the *Cocos (Keeling) Islands Utilities and Services Ordinance 2016*.

2 Commencement

 (1) Each provision of this Ordinance specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information |
| --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this Ordinance | The day after this Ordinance is registered. | 16 April 2016 |

Note: This table relates only to the provisions of this Ordinance as originally made. It will not be amended to deal with any later amendments of this Ordinance.

 (2) Any information in column 3 of the table is not part of this Ordinance. Information may be inserted in this column, or information in it may be edited, in any published version of this Ordinance.

3 Authority

 This Ordinance is made under the *Cocos (Keeling) Islands Act 1955*.

4 Schedules

 Each instrument that is specified in a Schedule to this Ordinance is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Ordinance has effect according to its terms.

5 Definitions

 In this Ordinance:

***fee*** means a fee charged under section 7.

***utility*** ***or*** ***service*** includes, but is not limited to, the following:

 (a) water;

 (b) electricity;

 (c) gas;

 (d) drainage and sewerage;

 (e) refuse removal;

 (f) public transport;

 (g) community health care;

 (h) education;

 (i) community housing;

 (j) marine traffic facilities;

 (k) marine harbour facilities;

 (l) airport facilities.

6 Administrator may arrange supply

 The Administrator may arrange for the supply of a utility or service.

7 Fees for supply

 (1) The Administrator may charge a fee for the supply of a utility or service.

 (2) The fee must be:

 (a) the fee determined by the Administrator by legislative instrument; or

 (b) if the Administrator has not determined a fee for the supply under paragraph (a)—the fee payable for the supply under an applied law.

 (3) A determination under paragraph (2)(a) must set out the date from which the fee applies, and may set out either or both of the following:

 (a) how the fee is to be paid;

 (b) the time by which the fee is to be paid.

8 Fees must be notified in the Gazette

 (1) The Administrator must not charge a fee unless the fee has been notified in the Gazette.

Note: The Gazette is the *Commonwealth of Australia Gazette*: see section 2B of the *Acts Interpretation Act 1901*.

 (2) The notice must specify:

 (a) the amount of the fee; or

 (b) the method for calculating the fee (including any amounts on which the calculation is based).

9 Unpaid fee is a debt due to the Commonwealth

 An unpaid fee is a debt due to the Commonwealth.

10 Fee must not amount to taxation

 A fee must not be such as to amount to taxation.

Schedule 1—Repeals

Utilities and Services Ordinance 1996

1 The whole of the Ordinance

Repeal the Ordinance.