



Christmas Island Utilities and Services Ordinance 2016

Ordinance No. 1, 2016

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

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1 Name

This is the *Christmas Island 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Note: This table relates only to the provisions of this Ordinance as originally made.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 *Christmas Island Act 1958*.

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Each instrument that is specified in a Schedule to this Ordinance is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Ordinance has effect according to its terms.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

Section 6

- (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.