I certify that this PUBLIC BILL, *which originated in the* LEGISLATIVE ASSEMBLY, *has finally passed the* LEGISLATIVE COUNCIL *and the* LEGISLATIVE ASSEMBLY *of* NEW SOUTH WALES.

W. S. MOWLE,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 16 *December,* 1924.

New South Wales.

ANNO QUINTO DECIMO

GEORGII V REGIS.

* *

Act No. 50, 1924.

An Act to provide for the water supply, sewerage, and stormwater drainage of certain districts in and adjacent to the County of Cumberland; to repeal the Metropolitan Water and Sewerage Act of 1880, and certain other Acts; to amend the Local Government Act, 1919, and certain other Acts; and for purposes connected therewith. [Assented to, 23rd December, 1924.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

R. B. WALKER,
Chairman of Committees of the Legislative Assembly.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

Preliminary and Interpretation.

Short title.

1. This Act may be cited as the "Metropolitan Water, Sewerage, and Drainage Act, 1924."

Commencement of Act.

2. (1) This Act shall come into operation as follows :—

(a) The provisions of subsection two of this section shall come into operation on the passing of this Act;

(b) the provisions of Part III of this Act relating to elections shall come into operation on the first day of March, one thousand nine hundred and twenty-five;

(c) the other provisions of this Act shall come into operation on the thirty-first day of March, one thousand nine hundred and twenty-five.

Amendment, Act No. 37, 1923. Sec. 2.

(2) The Metropolitan Water and Sewerage (Amendment) Act, 1923, is amended—

(a) by omitting from paragraph (a) of subsection one of section two the words "thirty-first day of December, one thousand nine hundred and twenty-four" and by inserting in lieu thereof the words "thirty-first day of March, one thousand nine hundred and twenty-five"; and

(b) by inserting at the end of section two thereof the following new subsection :—

(4) The vacancy arising on account of David Gilpin, Esquire, having ceased to be an alderman of the Municipal Council of Sydney shall be filled by the appointment by the Governor of an alderman of that council upon the nomination of that council, and the person so appointed shall for the purposes of the Principal Act be deemed to be a "City Member" duly elected.

3.

3. This Act is divided into Parts, as follows :— Division into Parts.

PART I.—PRELIMINARY AND INTERPRETATION—*ss.* 1–4.

PART II.—REPEALS AND SAVINGS—*ss.* 5, 6.

PART III.—CONSTITUTION OF BOARD—*ss.* 7–25.

PART IV.—FUNCTIONS AND POWERS OF BOARD.

DIVISION 1.—*Administration*—*ss.* 26–30.

DIVISION 2.—*Construction*—*ss.* 31–37.

DIVISION 3.—*General*—*ss.* 38–46.

DIVISION 4.—*Special provisions as to water supply*—*ss.* 47–56.

DIVISION 5.—*Special provisions as to sewerage*—*ss.* 57–63.

DIVISION 6.—*Special provisions as to stormwater drainage*—*ss.* 64–66.

PART V.—FINANCE.

DIVISION 1.—*Capital indebtedness to Treasurer*—*ss.* 67–70.

DIVISION 2.—*Loans*—*ss.* 71–86.

DIVISION 3.—*Revenue*—*ss.* 87–101.

DIVISION 4.—*Funds*—*ss.* 102–108.

DIVISION 5.—*Accounts and audit*—*ss.* 109–112.

DIVISION 6.—*General*—*s.* 113.

PART VI.—PROPERTY.

DIVISION 1.—*Acquisition*—*ss.* 114–116.

DIVISION 2.—*Transfer*—*ss.* 117–120.

DIVISION 3.—*General*—*ss.* 121–123.

PART VII.—REGULATIONS AND BY-LAWS—*ss.* 124–130.

PART VIII.—SUPPLEMENTAL—*ss.* 131–146.

FIRST SCHEDULE.—(Repeals).

SECOND SCHEDULE.—(Constituencies).

THIRD SCHEDULE.—(Works excepted).

FOURTH SCHEDULE.—(Rates, charges, &c.).

Definitions.

4. In this Act, unless inconsistent with the context or subject-matter,—

53 Vic. No. 16, s. 19.

"Area of operations" means the City of Sydney, the islands in Sydney Harbour, any catchment area, and the areas enumerated in the Second Schedule and such other areas as are proclaimed from time to time as areas within which the board is authorised to exercise its powers or perform its functions.

"Board" means the Metropolitan Water Sewerage and Drainage Board constituted under this Act.

"By-laws" means by-laws made under this Act, and includes by-laws continued in force by this Act.

Sec. 2 of 1880 Act, also secs. 27 and 82 *Ibid.*, and Act No. 25, 1922.

"Catchment area" means any area proclaimed as such under the Acts hereby repealed and any area as defined from time to time by proclamation from which the supply of water is drawn.

"Commencement of this Act" or other like expression means the thirty-first day of March, one thousand nine hundred and twenty-five.

"Domestic purposes" shall not include a supply of water for stables, for manufacturing, trade, or business purposes, for irrigation, for water power, for fountains, for watering cattle or horses, for watering gardens, or for washing motor or other vehicles.

"Elected members" means members of the board elected in the prescribed manner.

"Joint" and "jointly" in relation to owning, holding, or occupying land includes owning, holding, or occupying in common.

"Land" includes any easement or right over, through, or above any land.

"Municipality" means an area constituted or continued as a municipality under the Local Government Act, 1919, and includes the city of Sydney.

"Owner"

"Owner" in relation to land includes every person who jointly or severally whether at law or in equity—

(a) is entitled to the land for any estate of freehold in possession; or

(b) is a person to whom the Crown has lawfully contracted to grant the fee simple under the Crown Lands Acts; or

(c) is entitled to receive, or is in receipt of, or if the land were let to a tenant would be entitled to receive, the rents and profits thereof whether as beneficial owner, trustee, mortgagee in possession, or otherwise;

and includes every person who by virtue of this Act is deemed to be the owner.

The Crown shall be deemed to be the owner of—

(a) any Crown land; and

(b) any land vested in a statutory body representing the Crown.

"Part" means Part of this Act.

"Prescribed" means prescribed by this Act or by regulations or by-laws.

"Public Authority" includes the Governor or any Minister of the Crown, or any statutory body representing the Crown, and the council of any shire or municipality.

"Public road" means road which the public are entitled to use and includes any road dedicated as a highway by the Crown or by any person, or a road notified, proclaimed, or dedicated as a public road or highway under the provisions of any Act.

"Ratable land" includes all land upon which any rate is leviable or levied under this Act.

"Regulations" means regulations made under this Act, and includes regulations continued in force by this Act.

"Shire" means an area constituted or continued as a shire under the Local Government Act, 1919.

"Stormwater

"Stormwater channel" means any artificial channel, whereby surface water is carried off, now constructed or in course of construction and not now under the care and control of the council of any municipality or shire and which is declared by the Governor by notification in the Gazette to be a stormwater channel, and also any such channel to be constructed as is on the recommendation of the board so declared by the Governor to be a stormwater channel.

"Street" includes any way, public or private.

"Treasurer" means Colonial Treasurer.

PART II.

Repeals and Savings.

Repeal of certain Acts. Schedule One.

5. The Acts set out in the First Schedule are to the extent therein indicated hereby repealed.

Savings.

6. (1) The repeal of any Act by this Act shall not—

(a) interfere with the perpetual succession of the Board of Water Supply and Sewerage, the powers, functions, rights, exemptions, duties, liabilities, obligations, and remedies of which shall, from the date of the assumption of office by the Metropolitan Water Sewerage and Drainage Board, be discharged, preserved, vested in, carried on, continued, and assumed completely and without any abatement or cessation in any respect whatsoever except as amended and replaced by this Act, by the Metropolitan Water Sewerage and Drainage Board, and until such assumption of office shall be discharged, preserved, vested in, carried on, continued, and assumed completely and without any abatement or cessation in any respect whatsoever by the board constituted under the Acts so repealed;

(b)

(b) except as specifically provided, terminate any contract or appointment;

(c) prejudice the operation of any regulations or by-laws in force at the commencement of this Act, which regulations or by-laws shall continue in force until repealed by proclamation published in the Gazette, and until such repeal may be enforced as if they were regulations or by-laws made under this Act;

(d) prejudice any license issued under the Acts hereby repealed or the regulations or by-laws made thereunder, and any such license shall remain in force for the period for which it was granted, unless cancelled by the board;

(e) affect the validity of any proclamation, notification, or any Gazette notice made under any of the Acts hereby repealed until such is rescinded, revoked, repealed, amended or varied by proclamation published in the Gazette;

(f) as far as relates to any previous or pending transaction or matter, affect property vested, acts and things validated and authorised, rights, powers, and protection acquired, liabilities incurred, or indemnities given by or under any of the Acts so repealed.

(2) Nothing in this Act shall affect the rights accrued or accruing under the Civil Service Act of 1884, the Public Service Act of 1895, or any Acts amending or consolidating the same, or under any regulations or by-laws made thereunder, or under the Acts hereby repealed, to any officer or servant of the Board of Water Supply and Sewerage, or to any public servant whose services are transferred to the board, and without limiting the generality of the foregoing saving in particular, any such officer or servant shall continue to contribute to the Superannuation Account or to the State Superannuation Fund, as the case may be, and shall be entitled to receive any payment, pension, or gratuity to which he would have become entitled under the said Acts or regulations if he had remained a public servant or an officer or servant of the said Board of Water Supply and Sewerage.

(3) Printed notices, forms, books, and formal documents prescribed or customarily used under the provisions of the Acts hereby repealed may during the first year after the commencement of this Act be used in place of the corresponding notices, forms, books, and formal documents under this Act.

(4) After the commencement of this Act a reference to the Board of Water Supply and Sewerage in any Act or other instrument may be construed as a reference to the Metropolitan Water Sewerage and Drainage Board constituted under this Act.

(5) Notwithstanding the repeal of the Acts hereby repealed, all rates, charges, fees, and sums of money which under those Acts or any of them are immediately before the commencement of this Act due and payable to or leviable by or for the Board of Water Supply and Sewerage shall be paid to and may be received, levied, and recovered by the Metropolitan Water Sewerage and Drainage Board, and shall remain a charge upon property or land as if this Act had not passed.

(6) Without limiting the generality of the savings in this section contained the Metropolitan Water Sewerage and Drainage Board shall collect and may recover all rates, charges, fees, and sums of money which under the Acts hereby repealed and the by-laws made thereunder would have been payable on the first day of January, one thousand nine hundred and twenty-five, to the Board of Water Supply and Sewerage or which would have become payable to or chargeable by that board during the period between the said date and the thirtieth day of June, one thousand nine hundred and twenty-five, if this Act had not passed.

(7) This section shall not limit any saving in this Act or in the Interpretation Act, 1897.

PART

PART III.

Constitution of Board.

7. (1) The authority to carry out the provisions of this Act, save where otherwise provided, shall be the Metropolitan Water Sewerage and Drainage Board. Composition of board.

(2) The board shall be composed of eighteen members to be respectively elected and appointed as hereinafter provided.

(3) One member shall be appointed by the Governor by commission under the Seal of the State, shall hold office for five years, and shall be eligible for reappointment. Such appointed member shall in and by his commission be appointed president of the board.

(4) Elected members shall hold office for four years: Provided that of the two members elected for any two member constituency at the election held in March, one thousand nine hundred and twenty-five, one shall hold office for two years only. The member to hold office for two years only shall be the member who at such elections secured the least number of votes, or if, in the opinion of the board expressed by resolution, this method of determining which of two members shall retire is in the circumstances of the case inapplicable, then the question shall be determined by lot. Any member retiring in accordance with this provision, if otherwise qualified, shall be eligible for re-election. Elected members—duration of office.

8. (1) The elected members shall be elected for constituencies which shall each return the number of members indicated in the Second Schedule. Constituencies.

(2) One of such constituencies shall be the City of Sydney and each of the other constituencies shall comprise the areas grouped therein respectively as set out in the Second Schedule to this Act.

(3) The Governor may by proclamation published in the Gazette add the names of other areas to the names of the areas mentioned in the said Schedule, and may include such areas in any of the constituencies therein named, and may re-group the areas included in the said constituencies by including or excluding areas from such constituencies.

(4)

(4) Members for constituencies shall be elected by the aldermen and councillors of the areas comprised therein.

(5) For the purposes of this Part and the Second Schedule, "area" shall have the meaning ascribed thereto in the Local Government Act, 1919, and shall include the city of Sydney.

Qualification for election. 43 Vic. No. 32, s. 16.

9. Any person shall be eligible for election as a member of the board if at the time of the holding of the election he is eligible to be elected as an alderman or councillor of any of the areas for the time being comprised in any constituency under this Act.

Conduct of elections. *Ibid.* s. 14.

10. (1) For the purposes of the election of members of the board the Governor may appoint a returning officer and such deputy returning officers as he may deem necessary.

(2) The elections shall be carried out and conducted and the result thereof certified to the Governor as prescribed by the regulations.

Date of elections. *Ibid.* s. 13.

11. (1) Elections to fill other than extraordinary vacancies shall be held in the month of March in the year one thousand nine hundred and twenty-five, and in the month of February in every second year thereafter, as may be required in accordance with the provisions of this Act.

(2) Members elected in the year one thousand nine hundred and twenty-five, and members elected at the periodical elections held in February in subsequent years, shall hold office as from the thirty-first day of March following their elections.

Bribery. *Ibid.* s. 19.

12. (1) If a candidate at an election, or any other person, shall directly or indirectly by himself or his agent, offer to pay or give money, food, drink, or valuable consideration to induce any person to vote or to abstain from voting at the election, he shall be guilty of a misdemeanour.

(2) The election of a candidate shall upon his conviction for an offence under this section be null and void.

13.

13. (1) If at the time appointed for an election to be held in a constituency there is no candidate, the Governor may appoint a person qualified under the provisions of this Act to be a member of the board for the constituency. Governor may appoint in certain cases. 43 Vic. No. 32, s. 20.

(2) The person so appointed shall hold office for the term for which the member to be elected would have held office, and shall for the purposes of this Act be deemed to be an elected member.

14. No election under this Act shall be questioned by reason of any defect in the appointment of any person before whom such election shall have taken place if such person shall have really acted at the election, nor by reason of any formal error or defect in any publication under this Act or the regulations (or purporting so to be), nor by reason of any publication being out of time, nor by reason of any election not having been duly held. Election not to be questioned for informality. *Ibid.* s. 21.

15. (1) Each member of the board, before entering upon the duties of his office shall make and subscribe before the Executive Council an oath of allegiance to His Majesty, and shall make and subscribe the following declaration of office:— Declaration and oath. *Ibid.* s. 12.

> I, , having been elected [*or* appointed] a member of the Metropolitan Water Sewerage and Drainage Board, do hereby declare that I will truly and faithfully fulfil the duties of that office according to the best of my judgment and ability.

(2) If a person after having been afforded an opportunity of making and subscribing the oath and declaration neglects to do so for a period of one month after the date of his election or appointment, he shall be deemed to have declined to accept office.

(3) Where the Governor is satisfied that the delay in making and subscribing the oath and declaration is unavoidable he may extend the time for making and subscribing the oath and declaration for any period not exceeding six months.

(4) Any person declining to accept office shall not be eligible for re-election to fill the extraordinary vacancy created.

16.

Vacancies, how caused. 43 Vic. No. 32, s. 13.

16. A member of the board may resign his office by writing under his hand addressed to the Governor, and in that event, or in the event of the death of any member, or if any member of the board declines office or is deemed to so decline office, or if he without the permission of the board fails to give his attendance at four consecutive meetings of the board, or becomes bankrupt, or is convicted of a felony or misdemeanour, or becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898, or being the president engages in any trade or business or in any employment other than the performance of his duties under this Act, his seat shall become vacant.

Extraordinary vacancy. *Ibid.* ss. 10 and 18.

17. (1) An election to fill an extraordinary vacancy shall be carried out and conducted as prescribed by regulations.

(2) A person elected to fill a vacancy shall hold office until the time when his predecessor's term of office would have expired and no longer, but shall be eligible for re-election if otherwise qualified.

Expenses of election. *Ibid.* s. 15.

18. The expenses incurred in the conduct of an election shall, when certified under the hand of the returning officer, be paid out of the General Fund of the board.

Remuneration of members. *Ibid.* s. 9.

19. (1) The president of the board shall be paid an annual salary of two thousand pounds.

(2) The president shall not during his term of office engage in any trade, business, or in any employment other than the performance of his duties under this Act.

(3) Each of the members of the board other than the president shall be entitled to receive as remuneration for his services a sum not exceeding two hundred pounds per annum, to be paid in the form of a fee of such amount as may be prescribed by the regulations for each meeting of the board attended.

(4) The office of an elected member of the board shall not, for the purposes of the Constitution Act, 1902, or the Sydney Corporation Act, 1902, be deemed to be an office or place of profit under the Crown.

20.

20. (1) The board shall elect one of its members to be the vice-president thereof. Vice-president.

(2) In the absence of the president the vice-president may act in his stead, and whilst so acting shall have the same powers and duties as the president, if present, would have. 43 Vic. No. 32, s. 8.

21. (1) The president, or in his absence the vice-president, shall preside at all meetings of the board, and shall have a casting vote in addition to a deliberative vote. Meetings. *Ibid.*

(2) Any ten members of the board, of whom the president or vice-president for the time being shall be one, shall be a quorum thereof, and shall have and may exercise all the powers and authorities which by this Act are conferred on the board.

(3) All questions arising at any meeting of the board shall be decided by the majority of the votes of the members present.

(4) The board shall keep full and accurate minutes of all its proceedings in such manner and form as may be prescribed by the regulations. *Ibid.* s. 25.

22. (1) The board is hereby declared to be a body corporate with perpetual succession and a common seal. Incorporation and style of board.

(2) The board may sue and be sued in the corporate name of "The Metropolitan Water Sewerage and Drainage Board."

(3) The common seal shall be kept in the custody of the president or of such member of the board as the board may determine, and shall not be affixed to any instrument or writing except in the presence of a quorum of the board, and two of the members in whose presence the seal is affixed shall attest by their signatures the fact and date of the seal being so affixed. *Ibid.* s. 24.

(4) All courts and persons having by law or consent of parties authority to hear, receive, and examine evidence— Act No. 41, 1919, s. 617.

(a) shall take judicial notice of the seal of the board affixed to any document; and

(b) shall, until the contrary be proved, presume that such seal was properly affixed thereto.

(5) No proceedings of the board shall be invalid or illegal in consequence only of the fact that there was at the time a vacancy in the board.

23.

Legal status of board.

23. For the purposes of and subject to the provisions of this Act, the board shall be capable of purchasing, holding, granting, demising, disposing of, and alienating real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

Crown debts.

24. Any moneys due to the board, whether for rates or otherwise, shall, for the purposes of the recovery thereof, be deemed to be moneys due to His Majesty, and may be sued for and recovered by the board.

Members acting bona fide not personally liable.

No. 2,696, 1915 Vict., s. 225.

25. (1) No matter or thing done and no contract entered into by the board, and no matter or thing done by any member or officer of the board or by any other person whomsoever acting under the direction of the board shall, if the matter or thing was done or the contract was entered into bona fide for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim or demand whatsoever.

(2) Nothing in this section shall exempt any member of the board from liability to be surcharged with the amount of any payment which is disallowed by the auditor or auditors in the accounts of the board, and which such member authorised or joined in authorising.

PART IV.

Functions and Powers of Board.

Division 1.—*Administration.*

Officers and workmen.

43 Vic. No. 32, s. 28.

26. (1) The board shall appoint and employ a secretary and such other officers and workmen to assist in the execution of this Act as it may think necessary. The officers and workmen so appointed shall continue in the employ of the board at the will of the board only.

(2) Until the completion or transfer of the works mentioned in the Third Schedule to this Act and for two years thereafter the board in engaging an officer

officer shall give preference to a person employed in the Public Service under the Department of Public Works in connection with the construction of water supply, sewerage, or drainage works, whether such person is in the professional, clerical, or general division of the Public Service, and on appointment by the board such person shall be deemed to be a public servant whose services are transferred to the board.

(3) A member of the board shall not, except with the approval of the Governor, be appointed to any position in the pay of the board until six months have elapsed from his ceasing to be a member.

(4) No officer or workman appointed under this section shall, without the permission of the board, engage in any other employment.

(5) All officers and workmen shall be subject to the control and governance of the board, shall be subject to the provisions of any by-laws made by the board in that behalf, and (where required by the board) shall give such security for the performance of their several duties as the board shall require.

Corruption. 1919 No. 41, s. 101.

27. (1) Any person in any office or employment under this Act who, without lawful authority, demands or receives from any person any payment, gratuity, or present in consideration of doing or of omitting to do any act or thing pertaining to his office or employment shall be liable to imprisonment with or without hard labour for a term not exceeding two years.

(2) Any person who, without lawful authority, offers, makes, or gives to any person in any office or employment under this Act any payment, gratuity, or present in consideration that the latter will do or omit to do some act or thing pertaining to his office or employment shall be liable to imprisonment with or without hard labour for a term not exceeding two years.

Failure to account or deliver up. *Ibid.* s. 102.

28. (1) If any officer or workman, when required by the president or secretary, fails—

(a) to render account of moneys which shall have come into his hands or under his control and of his dealings therewith or to pay to the president or secretary the balance of any such moneys; or

(b)

(b) to deliver up within two days to the president or secretary all papers, property, and things in his possession or power relating to the execution of this Act or belonging to the board,

any stipendiary or police magistrate or any two justices may, on the complaint of the president or secretary, order such officer or workman to render the accounts, pay the balance, or deliver up the papers, property, and things, as the case may be, and that on non-compliance with the order the officer or workman be imprisoned for a period not exceeding six months.

(2) Proceedings under this section shall not affect the liability of any surety of any officer, or relieve any officer or workman from being held to answer any criminal information, charge, or proceeding.

(3) For the purposes of this section "officer or workman" shall include a person who has, within twelve months prior to any requirement aforesaid, been an officer or workman.

Wilful destruction of documents. 1919 No. 41, s. 103.

29. Any officer, workman, or other person who wilfully destroys any document of or belonging to the board shall be deemed guilty of a misdemeanour.

Functions generally.

30. (1) Subject to the provisions of this Act the board is charged with—

(a) the conservation, preservation, and distribution of water for domestic and other uses;

(b) the provision of reticulation and other means for the discharge of sewage and its treatment and disposal;

(c) the construction, control, and management of such stormwater channels as are from time to time assigned to it by the Governor or are vested in it by this Act;

(d) the administration and management of all properties from time to time vested in it;

(e) the operation and maintenance, and where necessary the improvement and extension of all works from time to time vested in it;

(f) the construction of any new, additional, or supplementary works of water supply, sewerage, or drainage;

(g)

(g) the extension of its services to areas or districts not served with its mains or sewers or drains;

(h) the provision of such offices, stores, warehouses, depots, and other accommodation as may be requisite;

(i) the exercise of the duties conferred and imposed upon it by this Act.

(2) The board shall exercise the functions set out in the last preceding subsection within the following areas, namely, the City of Sydney, the islands in Sydney Harbour, any catchment area, the areas enumerated in the Second Schedule, and in such other areas as the Governor may from time to time by proclamation direct.

(3) The provisions of Part III of the Public Works Act, 1912, shall not extend to works constructed or proposed to be constructed by the board.

(4) The board may, with the approval of the Governor, supply water in bulk to the council of any municipality or shire within or outside its area of operations.

DIVISION 2.—*Construction.*

31. The board may construct— Construction.

(a) such storage dams, weirs, tunnels, aqueducts, pipe lines, canals, reservoirs, filters, and water treatment works, pumping stations, gravitation, rising and reticulation mains, and distributory works, and other works as in its opinion may be required for water supply purposes;

(b) such main and reticulating sewers, pumping stations, mains, works for treatment and purification of sewage, outfall works, ventilating shafts, and other works as in its opinion may be required for sewerage purposes;

(c) channels and branch channels, cuttings, drains, pipes, and other works as in its opinion may be required for stormwater drainage purposes.

32.

Powers in relation to works, &c.

32. (1) For the purposes and subject to the provisions of this Act the board may—

(a) enter upon any lands and take levels of the same and set out such parts thereof as it shall think necessary, and dig, break, and trench the soil of such lands and remove or use all earth, stone, mines, minerals, trees, or other things dug or obtained out of or from the same;

(b) enter upon, take and hold such land as it may from time to time deem necessary for the construction, maintenance, repair, or improvement of any works;

(c) from time to time sink such wells or shafts and make, maintain, alter, or discontinue such reservoirs, waterworks, cisterns, tanks, aqueducts, drains, cuts, sluices, pipes, culverts, engines, and other works, and erect such buildings upon the lands, streams, and watercourses authorised to be taken as it shall think proper;

(d) from time to time divert and impound the water from any streams as it may think fit and alter the courses of the same, and also take such waters as may be found in, under, or on any lands for the purposes of this Act;

(e) enter upon any Crown or private land, public road, or street, and may erect any ventilating shaft or lay or place therein any water or sewerage main, pipe, or drain, or repair, alter, cut off or remove the same;

(f) erect, construct, or carry out any works necessary or convenient in connection with any works or undertakings authorised by or under this Act or any other Act, or any Act repealed by this Act;

(g) alter, repair or renew, pull down or re-erect any works authorised by or under this Act or any other Act, or any Act repealed by this Act;

(h) do any act not otherwise unlawful which may be necessary to the proper exercise and performance of its duties.

(2)

(2) The board may cause any ventilating shaft, pipe, or tube for any sewer to be attached to the wall of any building, but the mouth of any such shaft, pipe, or tube shall be at least six feet higher than the highest point of the roof of the building, and be distant in a horizontal direction not less than thirty feet from a door or window of any building.

(3) Where any land is subdivided into holdings or allotments the board may make and provide any sewer which it deems necessary for the proper drainage of such holdings or allotments without making any compensation therefor to parties interested except in reference to any building or other improvement that may be injured or interfered with by the sewer or the making thereof and which the board has not reinstated or repaired, or in respect of any manhole constructed or main ventilator erected on the land.

(4) In the exercise of any of the powers hereby conferred the board shall inflict as little damage as may be, and in all cases where it can be done shall provide other watering-places, drains, and channels for the use of adjoining lands in place of any taken away or interrupted by it, and shall make full compensation to all parties interested for all damage sustained by them through the exercise of such powers.

(5) The board shall not be liable to make compensation in respect of any damage sustained by reason of the exercise of any of its powers unless a claim in writing shall be made for the compensation within three months after the damage is sustained; and in every case where the board cannot agree with the owner or claimant the amount of compensation shall be ascertained and the case in other respects shall be dealt with under the provisions of the Land and Valuation Court Act, 1921, as if it were a case in which a claim for compensation by reason of the acquisition of land for public purposes under the Public Works Act, 1912, had been made

33. (1) The board shall cause maps to be prepared showing the areas served by its water mains and reticulation, its sewer mains and reticulation, and its storm-water channels and branches.

Maps. 43 Vic. No. 32, s. 92. Act No. 41, 1919, s. 387.

(2)

(2) The maps shall indicate the land liable to payment of rates, the levels of the works of the board at the road frontages of all such lands, and where practicable the distance of the works from the nearest boundaries of the lands, and the situation of the buildings on the lands.

(3) The maps shall be kept revised from time to time and shall, within the office hours of the board, be open to the inspection of the owners of the lands and of licensed plumbers and drainers.

Contracts. 43 Vic. No. 32, ss. 36 and 37.

34. (1) The board may make and enter into contracts or agreements with any person for the construction of works, or otherwise for the performance of services, or for the supply of goods, machinery, or material, in connection with the discharge or exercise by the board of its functions and powers.

(2) All persons contracting with the board shall be deemed for the purposes of the Constitution Act, 1902, to be public contractors.

(3) Any contract or agreement authorised by this or any other section of this Act shall be in the name of the board and may be made as follows, that is to say—

with respect to any contract which if made between private persons would be by law required to be in writing and signed by the parties to be charged therewith or in writing and under seal the board may make such contract in writing and under their common seal and in the same manner may vary or discharge the same;

with respect to any contract which if made between private persons would by law be valid although made by parol only and not reduced into writing the president of the board may make such contract by parol only without writing and in the same manner may vary or discharge the same.

Works excepted from control of the board.

35. (1) The board is hereby empowered to carry out under the provisions of this Act the works authorised by the Acts mentioned in Part I of the Third Schedule and also the works mentioned in the Second Schedule of the Sydney Water Supply Amplification Act, 1923, and authorised by that Act. The

The said works to the extent to which they have been already carried out are hereby transferred to the board.

(2) Subject to this section the works enumerated in Part II of the Third Schedule are until not later than the thirtieth day of June, one thousand nine hundred and thirty, excepted from the control of the board, and the construction of such works shall in the meantime continue to be the function of the Minister.

(3) The Governor may at any time by proclamation order that the construction of any of the said works shall, from a date to be fixed in the proclamation, be assumed by the board, and the works shall be transferred accordingly. The board is hereby empowered to carry out and complete the works so transferred under the provisions of this Act.

(4) Where such an order as in the next preceding subsection is made, such officers of the Public Service employed in connection with the work as the Governor may direct shall be transferred to and become officers of the board.

Works may be removed from control of the board.

36. (1) The Governor may by proclamation remove from the control of the board any service in any locality, and may charge the council of any area with the care, control, and management of the service, and thereupon the following provisions shall have effect:—

(a) The council shall have and may exercise and be subject to all the powers, liabilities and obligations of the board in relation to the service, and more particularly may—

(i) make, levy, and recover rates;

(ii) make by-laws;

and the provisions of this Act shall apply as if the said council were the board.

(b) The council shall pay interest to the Treasurer at a rate and upon a capital indebtedness to be stated in the proclamation.

(c) The council shall, in reduction of capital indebtedness, pay in each year upon a date to be specified in the proclamation an amount equal to five per centum of the gross revenue derived

derived from the service to the State Debt Commissioners, to be applied by them in accordance with section eight of the State Debt and Sinking Fund Act, 1904.

(2) A proclamation under this section shall specify in detail the service to be removed and the area within which the service is to be performed by the council, and the proclamation may be rescinded by a subsequent proclamation, and thereupon the works specified and their care and management shall again vest in the board.

Exclusive powers of the board.

37. Subject to the provisions of this Act the board shall be the sole authority for the conduct of water supply and sewerage services, and the construction, control, and management of stormwater channels, within its area of operations.

DIVISION 3.—*General.*

Inspection.
Act No. 32, 1880, s. 108, et seq.
Act No. 13, 1916, s. 10.
Act No. 41, 1919, s. 524.

38. (1) For the purposes and subject to the provisions of this Act and the by-laws the board and any person authorised by it may enter upon any land or building at any reasonable hour in the daytime and at any hour during which business is in progress or is usually carried on in the premises for the purpose of making inspections authorised or required to be made, and for that purpose may open any ground and remove any flooring and take such measures as may be necessary to ascertain the character and condition of the land or building and of any pipe, sewer, drain, or fitting in connection therewith.

(2) If such pipe, sewer, drain, or fitting or other works are found on inspection to be made to the satisfaction of the board and in proper order and condition, it shall cause the same to be reinstated and made good as soon as may be, and except in a case where a breach of this Act or the by-laws with respect to the pipe, sewer, drain, or fitting has been committed, the costs and expenses of examination, reinstating, and making good thereof shall be defrayed by the board.

(3) In the exercise of the power conferred by this section the board shall do as little damage as possible.

(4)

(4) The board may direct and compel all defective and improper work to be altered or repaired to its satisfaction or to be removed. Unless the alteration, repair, or removal be effected within twenty-four hours after notice given to the owner or occupier of the premises, the board may by its officers and workmen, enter any land or premises and remove the work or effect the necessary alterations or repairs thereto. The costs and expenses of removal, alteration, or repair may be recovered by the board from the owner or occupier as a rate.

Obstruction. Act No. 32, 1880, s. 114.

39. Any person who wilfully or maliciously hinders or interrupts or causes or procures to be hindered or interrupted the board or any officer or person acting under the authority of the board in doing any work or in the exercise of any power, shall be liable, on summary conviction, to a penalty not exceeding ten pounds.

Power to break up streets and to open drains. No. 2,696, Vict. 1915, s. 97.

40. The board may open and break up the soil and pavement of the paths, roads, streets, and bridges within any part of its area of operations, and may open and break up any sewers, drains, or tunnels within or under such paths, roads, streets, and bridges, and lay down and place pipes, ventilating shafts, and other works and fittings, and from time to time repair, alter, or remove the same; and for the purposes aforesaid may remove and use all earth and materials in and under such paths, roads, streets, and bridges, and do all other acts which the board from time to time deems necessary.

Notice to be served before breaking up streets or opening drains. No. 2,696, Vict. 1915, s. 98.

41. (1) Before the board opens or breaks up the soil or pavement of any path, road, street, or bridge or any sewer, drain, or tunnel, it shall give to the Public Authority under whose control or management the same may be, or to their clerk, surveyor or other proper officer, notice in writing of its intention to open and break up the same.

(2) Such notice shall be given not less than seven clear days before beginning the work, except in cases of emergency arising from defects in any pipes or other works or fittings, and then so soon as possible after the beginning of the work or after the necessity for the same has arisen.

(3) Where the board proposes to lay a new line of pipes across a bridge it shall give to the Public Authority having control of the bridge twenty-one days' notice of its intention so to do, and shall conform to the requirements (if any) of the Public Authority in relation to the laying of the pipe line, communicated to the board within twenty-one days of the notice. Should the board deem the requirements of the Public Authority unreasonable it may refer the dispute to the Minister for settlement in accordance with Part VIII of this Act.

Streets broken up to be reinstated without delay.

No. 2,696, Vict. 1915, s. 99.

42. (1) When the board opens or breaks up the soil or pavement of any path, road, street, or bridge, or any sewer, drain, or tunnel, it shall with all convenient speed complete the work for which the same is broken up and fill in the ground and reinstate and make good the path, road, street, or bridge, or the sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby.

(2) The board shall at all times whilst any such path, road, street, or bridge is so open or broken up cause the same to be fenced and guarded, and shall cause a light sufficient for the warning of passengers to be set up and kept there throughout every night during which such path, road, street, or bridge continues open or broken up.

(3) It shall make such temporary and other works for the convenience of passengers and traffic as the circumstances may require.

(4) It shall, after replacing and making good the path, road, street, or bridge so broken up, keep the same in good repair for six months thereafter.

(5) A council, if a public road becomes damaged by reason of leakages from the mains of the board, may require the board to make good the damage.

(6) If the board omits to give notice as required or fails to perform or makes any unnecessary delay in performing any of the said duties required to be performed by it, it shall for every such offence forfeit to the Public Authority having the control or management of the path, road, street, or bridge, sewer, drain, or tunnel in respect of which the default is made

a

a sum of not more than five pounds and an additional sum of five pounds for each day during which any delay as aforesaid continues after it has received notice thereof; and the Public Authority may after notice in writing to the board cause to be executed any work so delayed or not performed; and the expense thereof shall be repaid to it by the board, and may be recovered with full costs in any court of competent jurisdiction.

Alteration of gaspipes and tramways. No. 2,696, 1915 Vict., s. 146.

43. If the board at any time deems it necessary for the purposes of this Part to raise, sink, or otherwise alter the position of any gaspipes or gasworks, water, hydraulic, or steam pipes, electric wires, pneumatic pipes or tubes, or tramways laid in or under any street the board may, by notice in writing, require the person to whom the said pipes or works or wires or tubes or tramways belong to raise, sink, or otherwise alter the situation of the same in such manner and within such reasonable time as is specified in such notice.

The expenses attendant upon or connected with such alterations shall be paid by the board.

If such notice is not complied with the board may make the alterations required.

No such alteration shall be required or made which will permanently injure any such pipes or works or tramways, or prevent the gas from flowing or vehicles from passing as freely and conveniently as usual.

Connections. Act No. 32, 1880, ss. 67, 72, 76, 104, 106, and 108. 53 Vic. No. 16, ss. 5, 6. Act No. 12, 1894, ss. 7, 8, and 9.

44. (1) Where a water or sewer main has been laid and is available to be connected to, public notice thereof by advertisement in the Gazette shall be given.

(2) Subject to the provisions of this Act, the owners of all lands within the prescribed distance shall, in the case of a water main, as from the expiration of three weeks, and in the case of a sewer main, as from the expiration of sixty days after the publication of the said notice, be liable for payment of water or sewerage rates, as the case may be.

(3) The board shall, so far as practicable, forthwith give notice in the prescribed form to the persons who appear by the rate-books of the council of the municipality or shire to be the owners of the lands who will be liable to be rated under this Act in respect of water rates or sewerage rates, as the case may be.

(4)

(4) Any person desiring to connect his premises with a main may, subject to such conditions as may be imposed by law, open up any street or footpath to the extent required to make the connection.

(5) All connections shall be made to the satisfaction of the board and in the manner prescribed by the by-laws.

(6) If any person fails to connect his premises to a main before he becomes ratable under this section, the board may of its own motion or at the request of the council of the municipality or shire in which the main is situated, itself make such connection and do all things necessary in that regard.

(7) Any person desiring to connect his premises to a main may apply to the board to make the connection on a system of deferred payment, and it shall be lawful for the board to enter into an agreement to carry out the work on such terms and conditions as it may deem proper.

(8) Any moneys due to the board under any such agreement to make a connection or for making a connection under the power conferred in subsection six of this section, shall become charged upon the premises and may be recovered as a rate.

Power of occupier to do work if owner fails. No. 2,761, Q. 1915, s. 140.

45. Whenever default is made by the owner of any land or premises in the execution of any work by this Act or by any regulation or by-law required to be executed by him, the occupier of such building or land may, with the approval of the board, cause such work to be executed, and such occupier may deduct the amount of the expense thereof, with interest thereon at the rate of eight pounds per centum per annum out of any rent from time to time due or becoming due from him to such owner, or he may recover the same in a court of petty sessions as a civil debt recoverable summarily, or in any court of competent jurisdiction.

Licenses. Act No. 13, 1916, s. 11.

46. (1) The board may, on such terms as to the passing of examinations and the payment of fees as may be prescribed by the by-laws, issue licenses to persons authorising them to supervise and perform works in connection with water supply, sewerage, and drainage.

(2)

(2) The board may in the manner and subject to the conditions prescribed by the by-laws, suspend or cancel any license issued as aforesaid or any license issued under the provisions of any Act repealed by this Act.

(3) No person shall commence or perform any work in connection with water supply, sewerage, or drainage which communicates or is intended to communicate directly or indirectly with the pipes, sewers, or drains of the board unless he is, or is under the immediate supervision of, the holder of a license.

(4) Any person acting in contravention of the provisions of this section or any person who knowingly employs another to commence or perform any such work in contravention of this section shall be liable on summary conviction to a penalty not exceeding ten pounds.

(5) No license issued by any authority other than the board or the Board of Water Supply and Sewerage shall entitle the holder thereof to commence or perform work in connection with water supply, sewerage, or drainage, which communicates with the pipes, sewers, or drains of the board.

DIVISION 4.—*Special provisions as to water supply.*

Purposes for which water may be supplied. 43 Vic. No. 32, s. 63. Act No. 41, 1919, s. 389.

47. (1) Water available from works provided by or vested in the board shall be primarily used and equitably distributed for domestic purposes, sewerage flushing, and the maintenance of a suitable pressure for fire extinguishing.

(2) The board may distribute the balance available in accordance with the importance, in the opinion of the board, of the purposes for which the water is to be applied.

(3) In cases where works are specially constructed to supply water for purposes other than for human consumption, and where water available is unfit for human consumption, and in the case of water collected in the Botany Water Reserve there shall be no such restriction.

48.

Supply by measure, &c.
43 Vic. No. 32, s. 51.
Act No. 13, 1916, s. 9.

48. (1) The board may supply any person with water for domestic or other purposes by measure or otherwise at such rates upon such terms and subject to such conditions as may be prescribed by the by-laws.

(2) The board shall fix rates of charge at which water may be purchased from the board if in the opinion of the board it is available.

(3) The rates of charge may vary according to the purpose for which the water is purchased or the point at or district in which the water is delivered.

Failure of supply.
43 Vic. No. 32, s. 50.

49. The board shall not be liable to any penalty or damages for not supplying water if want of such supply arises from unusual drought or other unavoidable cause or accident, nor shall the board be compellable to supply water to any person whomsoever.

Extinguishing fires.
43 Vic. No. 32, ss. 64 and 66.
53 Vic. No. 16, s. 33.

50. (1) The board shall fix proper hydrants in its mains and other pipes at such convenient distances and at such places as the board considers proper and convenient for the ready supply of water for extinguishing any fire. It shall renew and keep in effective order every such hydrant, and shall exhibit a conspicuous sign directing notice to the situation of the hydrant. The sign may be painted on or attached to any building, fence, or other structure, and the board shall not be required to obtain any permission to paint or attach any such sign nor to pay for doing so.

(2) The board may at the request and expense of the owner or occupier of any building, manufactory, or works place and maintain in effective order a hydrant (to be used only for extinguishing fires) in or as near as conveniently may be to such building, manufactory, or works.

(3) The board shall at all times keep charged with water all its pipes to which hydrants are fixed unless prevented by drought or other unavoidable cause or accident or during necessary repairs. Water may be taken without charge by authorised persons for the purpose of extinguishing fires.

Board's duty to protect supply.
43 Vic. No. 32, ss. 42, 74, 75, 77, 79-86.

51. (1) The board shall take effective measures to protect the supply of water from being illegally diverted, polluted, misused, or wasted, and to maintain an adequate and pure supply.

(2)

(2) In the case of drought or of any accident or unavoidable cause the board may regulate the use of water supplied by the board for any purpose, and the consumption and method of consumption of water whether the supply is by measure or otherwise.

52. Any person who unlawfully and maliciously destroys or damages, or attempts to destroy or damage, any storage reservoir, main, pipe, hydrant, plant, or other work or structure, used for or incidental to the supply of water by the board shall be liable on conviction to penal servitude for a term not exceeding ten years.

Damage to waterworks. 43 Vic. No. 32, s. 44.

53. The board may cut off the supply of water to any land—

Cutting off supply. 43 Vic. No. 32, ss. 59, 73, 78, 86. 53 Vic. No. 16, s. 18. Act No. 41, 1919, s. 391.

(a) if any meter used to measure the supply is out of repair, or in the opinion of the board incorrectly registers the supply; or

(b) if any rates or charges in respect either of water, sewerage, or drainage on the land are unpaid; or

(c) if in the opinion of the board such course is necessary owing to any unavoidable cause, or to any accident, or to effect repairs, or to cleanse a main; or

(d) if the owner or occupier or person requiring a supply of water neglects to comply with the lawful requirements of the board as to the installing of meters; or

(e) if the owner or occupier or person requiring a supply of water neglects to comply with any lawful requirements of the board to repair or alter water connections, pipes, fittings, or appliances connected to the board's water mains; or

(f) if the owner or occupier or person requiring a supply of water permits any offence in respect of the waste, misuse, and undue consumption or contamination of water; or

(g) if the owner or occupier or person requiring a supply of water obstructs any officer of the board in the exercise of any powers under this Act or the by-laws.

54.

Meters.
43 Vic. No. 32, ss. 53-62.
Act No. 41, 1919, s. 392.

54. (1) The board may instal and charge hire for—

(a) meters or instruments for measuring the quantity of water supplied ; and

(b) pipes and apparatus for the conveyance, reception, and storage of water.

(2) The hire may be recovered as rates.

(3) The meters, instruments, pipes, and apparatus shall not be subject to distress for rent of the premises, nor be attached or taken in execution under any process of any court of law or equity or under or in pursuance of any sequestration or other legal proceedings against or affecting the consumer of the water or owner or occupier of the premises or other persons in whose possession or care the meters, instruments, pipes, or apparatus may be.

(4) In lieu of installing meters, instruments, pipes, and apparatus the board may require the owner or occupier or person requiring a supply of water to instal the same. All meters, instruments, pipes, and apparatus so installed shall be in accordance with the requirements of the board, and shall be maintained in good working condition by the person installing the same.

Catchment areas.
43 Vic. No. 32, ss. 2, 27, 82.
56 Vic. No. 16, s. 29.
Act No. 25, 1922.
Act No. 41, 1919, s. 401.

55. (1) All catchment areas proclaimed as such under the Acts hereby repealed shall be catchment areas for the purposes of this Act.

(2) The Governor may, by proclamation published in the Gazette, proclaim any lands to be a catchment area in connection with the supply of water by the board.

(3) The Governor may, by like proclamation, at any time revoke and cancel the proclamation of any catchment area and reproclaim the boundaries thereof, and may by like proclamation amend the boundaries of any catchment area previously thereto proclaimed under this Act or any Act repealed thereby.

(4) After the passing of this Act it shall not be lawful to make any conditional or other sales or to grant any lease or license under the Crown Lands Consolidation Act, 1913, of any Crown lands within any catchment area.

(5)

(5) If a Public Authority proposes—

(a) to grant any license under the provisions of the Forestry Act, 1916; or

(b) to grant any lease or license under the Mining Act, 1906; or

(c) to construct any railway under the provisions of the Government Railways Act, 1912; or

(d) to grant any permission or franchise under Division 3 of Part XVII of the Local Government Act, 1919; or

(e) to grant any license under the Public Health Act, 1902, the Dairy Supervision Act, 1901, the Cattle Slaughtering and Diseased Animals and Meat Act, 1902, or the Noxious Trades Act, 1902: or

(f) to grant a license under Division 3 of the Water Act, 1912,

affecting any land within a catchment area, notice of such intention shall be given to the board in the manner and of the duration prescribed by the regulations. If, notwithstanding the representations of the board to the contrary, it be decided by the Public Authority to grant the right, license, lease, permission, or franchise, or to construct the works as the case may be, the board shall be so notified and it may, within fourteen days of the date of such notification, refer the dispute to the Minister for settlement in accordance with Part VIII of this Act.

(6) The Public Authority shall not proceed to grant any right, license, lease, permission, or franchise or to construct works except in accordance with the order of the Governor made for the settlement of the dispute.

(7) The board may undertake or arrange for the plantation of and the provision of arboreal cover for any catchment area, and may undertake or arrange for the cutting and marketing of timber of commercial value cut upon any catchment area.

Prevention of pollution of water supply.

56. (1) The board may in the manner prescribed by the by-laws control and regulate the sanitation of any catchment area and the sanitation, use, and occupation of premises

premises therein so as to avoid any insanitary condition thereon or any interference therefrom with the purity of the water supply.

(2) In particular and without limiting the foregoing power the board may with respect to any catchment area and for the purposes of the preservation of the purity of the water supply and the prevention of the pollution of the catchment area—

(a) control, regulate, and require privy accommodation in premises, and require special treatment or disposal of any fæcal or excrementitious matter;

(b) require premises to be kept free from rubbish or offensive or unwholesome matter;

(c) require premises to be cleansed, disinfected, and limewashed;

(d) control and regulate the drains of premises, including the alteration of any drain;

(e) control and regulate the erection of pigsties, cow-yards, poultry houses or yards, stockyards, or stables, and prescribe the distance from any watercourse or reservoir within which no such structure shall be erected or continued, and require methods to be adopted, by the cultivation of land or otherwise, whereby the drainage or stormwater from the land occupied by such structures shall be prevented from polluting the water supply;

(f) control and regulate the disposal of trade refuse from tanneries, breweries, chemical works, butter, cheese, or bacon factories, creameries, wool scours, or other industrial operations so that any pollution of the water supply may be avoided;

(g) control and regulate and, within limits defined in the by-laws, prevent picnicking, camping, shooting, fishing, flower gathering, or the parking of motor or other vehicles;

(h) control and regulate the methods to be adopted for the destruction of rabbits or other vermin and the disposal of their bodies;

(i)

(i) control and regulate the slaughtering of beasts and the disposal of offal;

(j) control and regulate the sanitation of camps of workmen engaged in construction of public or other works;

(k) control and regulate the sanitation of areas specially set apart for picnicking, camping, or the parking of motor or other vehicles;

(l) require the notification to the board by householder or occupier of any premises within the catchment area of the occurrence of any case of typhoid, paratyphoid, dysentery, cholera, or epidemic diarrhœa on his premises, and the notification to the board by any medical practitioner in attendance of any such case;

(m) provide for the disposal, whether by removal, sale, destruction or otherwise, of any stock found straying on lands of the board or on enclosed Crown lands within a catchment area;

(n) and generally to control and regulate or prohibit the doing or continuance of anything likely to cause the pollution of a catchment area or the water supply.

(3) The board may control and regulate the access of stock to such portions of any catchment area as are not in possession of private owners, and upon such lands may grant rights of agistment and by impounding or prosecution prevent the trespass of stock on such lands.

(4) The board may, upon Crown lands, dedicated lands, or resumed lands upon any catchment area, assume all the rights, powers, obligations, privileges, and immunities as are conferred or imposed upon trustees by the Public Trusts Act, 1897, the Public Parks Act, 1902, or the Crown Lands Consolidation Act, 1913, and shall require no further warrant than this Act so to do. For the purpose of the impounding of animals the board shall be deemed to have all the rights as are by law conferred upon occupiers.

DIVISION 5.—*Special provisions as to sewerage.*

Sewerage not to be a nuisance. 43 Vic. No. 32, s. 97. Act No. 41, 1919, s. 395.

57. The board shall cause all sewerage works to be constructed, maintained, kept, and cleansed, with due regard to the health and convenience of the public.

Discharge of sewage. 43 Vic. No. 32, s. 98. Act No. 41, 1919, s. 396.

58. The board may cause sewage to be discharged at such places and to be treated in such works, or so disposed of as it may decide.

Connections. Act No. 41, 1919, s. 393.

59. Where in the opinion of the board greater expense would be incurred in causing the sewage from two or more separate portions of land to flow into an existing sewer of the board than in constructing a new sewer and causing such sewage to flow thereto, it may construct such new sewer, and by notice order the owners of such separate portions of land to connect their premises with the new sewer. The board shall apportion as it deems just the expenses of the construction of the new sewer among the owners of the several portions of land and may recover the sums so apportioned from such owners as debts.

Contract to sewer land not subject to sewerage rate. Act No. 41, 1919, s. 394.

60. The board may, upon such terms and conditions as may be agreed upon, enter into a contract with any person, who is not liable for payment of sewerage rates upon any lands, for the discharge of sewage from such lands into the sewers of the board.

Notice of building or rebuilding. 43 Vic. No. 32, ss. 107–111.

61. (1) Before—

(a) the construction of the foundations of any new tenement; or

(b) the rebuilding of any existing tenement; or

(c) the construction of the foundations of any addition to an existing tenement

is commenced, the person intending to build or rebuild shall give to the board written notice thereof, indicating the levels or intended levels of the cellar or lowest floor, and the situation and construction of all latrines, lavatories, and other such offices proposed to be built, constructed, or used in connection with such tenement.

The board shall within the space of fourteen days of receiving such notice, approve or disapprove the proposed levels and the other arrangements for the construction of offices. (2)

(2) If any person commences to build or rebuild before the board has approved the proposed levels and other arrangements for the construction of offices he shall be liable on summary conviction to a penalty not exceeding ten pounds, and the board may at the expense of such person demolish any work so constructed.

62. (1) Any person who erects, constructs or places any building, wall, fence, or other structure in, upon, over, or under any sewer so as to interfere with or obstruct the sewer in the carrying off of sewage, shall be liable on summary conviction to a penalty not exceeding twenty pounds, and, in case of a continuing offence, to a further penalty not exceeding one pound for each day during which the offence continues after notice to abate or cease the interference or obstruction has been given. Buildings obstructing. 53 Vic. No. 16, s. 8

(2) The board may demolish and remove the building, wall, fence, or other structure, repair the sewer, and may recover the cost and expenses of so doing from the person offending as a debt.

(3) The board may in any case where there is a threatened breach of this section sue for and obtain an injunction to prevent any damage to, interference with, or obstruction of a sewer.

63. Any person who unlawfully and maliciously destroys or damages, or attempts to destroy or damage, any sewer, pumping station, tank, pipe, ventilating shaft, machinery, plant, or other work or structure used for or incidental to the provision of sewerage services by the board shall be liable on conviction to penal servitude for a term not exceeding ten years. Damage to sewerage works.

DIVISION 6.—*Special provisions as to stormwater drainage.*

64. The board shall maintain, repair, and cleanse all stormwater channels transferred to or vested in or constructed or acquired by it, and shall keep the same so as not to be a nuisance or injurious to health. Board to maintain.

65.

Drainage areas.

Act No. 12, 1894, s. 2(ii).

65. As soon as practicable after a stormwater channel is transferred to or vested in or constructed or acquired by the board—

(a) the board shall define the boundaries of the drainage area, so as to include therein land which is within the basin served by the channel, and also if it thinks fit delimit zones into which the area is proposed to be divided for the purpose of levying differential rates in accordance with section ninety-one of this Act;

(b) a map or plan showing the boundaries so defined and the delimitation of the proposed zones shall be lodged with the council of the municipality or shire in which the drainage area is situated and a duplicate shall be kept at the head office in Sydney of the board. The map or plan shall be made available for public inspection by the council of the municipality or shire and by the board;

(c) any owner of land comprised within the drainage area, as defined by the board, may appeal in the manner prescribed by the regulations against the inclusion of his land in the drainage area or in any zone thereof to a stipendiary or police magistrate sitting in open court within the drainage area or convenient thereto;

(d) notice of the day and place of hearing of appeals shall be published by the board by advertisement in the Gazette and in one or more newspapers circulating in the drainage area;

(e) the board shall serve upon all persons appearing by the books of the municipality or shire to be owners of the land within the drainage area a notice in the prescribed form—

(i) that the boundaries of the drainage area have been defined;

(ii) that a map or plan showing the boundaries may be inspected at the office of the council or of the board;

(iii)

(iii) that any owner of land within the drainage area may appeal to a stipendiary or police magistrate at some court (to be named) within or convenient to the area;

(iv) that an appeal may be made in the form prescribed by the regulations against the inclusion of any particular parcel of land in the drainage area or in any zone thereof;

(v) that the appeals will be heard on a date and at a court-house or place named in the notice;

(f) the magistrate shall hear the appeal, and for that purpose shall have the powers of a court of petty sessions, and may confirm or make such alterations in the boundaries of the drainage area or any zone as he may think just, having regard in the case of the boundaries to the course of the actual flow of storm waters and in the case of a zone to the benefit derived, or to be derived, by the owners or occupiers of properties within the drainage area from the construction of the works; or if there is no appeal shall confirm the boundaries;

(g) where the boundaries of the drainage area or a zone are confirmed, the magistrate shall attest by his signature a copy of the map or plan; and where such boundaries are altered, the magistrate shall there and then amend and alter the map or plan accordingly and attest the same as so altered;

(h) the board shall cause a description of the boundaries in accordance with the attested map or plan to be published in the Gazette in the form prescribed by regulation;

(i) the boundaries so notified in the Gazette shall be the boundaries of the drainage area and of the zones thereof for the purposes of this Act;

(j)

(j) all lands within the drainage area shall become liable to be rated for drainage rates in accordance with this Act as from the date of the notification of the boundaries in the Gazette at a rate thereafter fixed by the by-laws.

Damage to drainage works.

66. Any person who unlawfully and maliciously destroys or damages or attempts to destroy or damage any stormwater channel or any plant or other work or structure used for or incidental to the provision of stormwater drainage by the board, shall be liable on conviction to penal servitude for a term not exceeding ten years.

PART V.

FINANCE.

DIVISION 1.—*Capital indebtedness.*

Declaration of capital indebtedness.

67. The capital indebtedness of the board to the State is hereby declared to be the sum of twenty-two millions four hundred and eighty-nine thousand four hundred and seventy-eight pounds fifteen shillings and eight pence, which sum was the capital indebtedness of the Board of Water Supply and Sewerage on the thirtieth day of June, one thousand nine hundred and twenty-four.

Committee of review.

68. (1) As soon as may be after the passing of this Act the Governor may appoint a committee of review to investigate the financial position of the board. The committee shall consist of the persons for the time being holding the following offices, namely :—

The Chairman of the Public Accounts Committee
The Auditor-General ;
The Director of Finance ;
The Under Secretary for Public Works ;
The President of the Board.

(2)

(2) The committee shall so soon as practicable consider and review the amount of the capital indebtedness of the board, and shall report at what sum in the opinion of the majority of the committee the total capital indebtedness at the date of the commencement of this Act shall be fixed.

(3) The committee shall forward its report to the Minister, who shall cause the same to be laid upon the table of each of the Houses of Parliament as soon as possible.

(4) If each of the Houses of Parliament passes a resolution adopting the report of the committee, the amount stated by the committee shall, notwithstanding the terms of the last preceding section, be deemed to be the capital indebtedness of the board to the State as at the date of the commencement of this Act.

(5) The Minister shall cause a notification of the passing of the resolutions and of their tenor, to be published in the Gazette.

(6) The committee shall also proceed to allocate to the water fund, the sewerage fund, and the drainage fund, such proportions of the capital indebtedness as shall be properly allocated to each of those funds.

(7) Where any work is vested in or removed from the control of the board, or where any land is vested in or divested from the board, or where any service removed from the control of the board is again vested in the board, the Minister shall require the committee of review to determine what readjustment of the board's capital indebtedness is proper, and the board's capital indebtedness and its obligations in respect thereof shall be varied accordingly.

(8) The committee shall perform such other duties as may be prescribed by this Act or the regulations.

Additional works. Increase of capital indebtedness.

69. At the end of each financial year the Treasurer shall certify the amount expended by the Minister on the works specified in the Third Schedule or any other works of water supply, sewerage, or drainage in course of construction at the passing of this Act during that financial year, and the sum so certified shall be added to

to the capital indebtedness of the board and shall bear interest as from the first day of January preceding at the rate specified in subsection one of the next succeeding section.

Board to pay interest.

70. (1) The board shall pay, at the time prescribed by the regulations, to the Treasurer interest upon its capital indebtedness as at the close of the last financial year at the rate as certified by the Treasurer and notified in the Gazette to be for that year the rate of interest chargeable to statutory bodies representing the Crown on their loan capital.

(2) The board shall also pay in reduction of its capital indebtedness at the close of each financial year or on such dates and by such instalments as the Governor may direct an amount equal to five per centum of the gross revenue of the board from all sources to the State Debt Commissioners, to be applied by them in accordance with section eight of the State Debt and Sinking Fund Act, 1904.

(3) If default is made in any payment required by this section or in the repayment of any sum due to the Treasurer or to any bank for a period of six months the Treasurer or the said commissioners or the bank as the case may be may apply to the Supreme Court in its equitable jurisdiction for the appointment of a receiver of the rates and other income of the board.

DIVISION 2.—*Loans.*

Temporary accommodation.

71. (1) For the temporary accommodation of the board it may obtain advances by overdraft of current account in any bank or banks upon the credit of the board's funds but so that the principal moneys owing on overdraft do not at any time exceed the sum of two hundred thousand pounds.

(2) The Treasurer may advance such moneys to the board as the Governor may approve, upon such terms and conditions as to repayment and interest as may be agreed upon.

Purposes for which money may be borrowed.

72. (1) The board may, with the approval of the Governor, borrow money for—

(a) the construction of additional works;

(b)

(b) the renewal of loans; and

(c) the discharge, or partial discharge, of any indebtedness to the Treasurer or to any bank.

(2) Maintenance and repair of works shall not be deemed additional works within the meaning of this section.

Limit of borrowing. Act No. 41, 1919, s. 184.

73. The board shall not borrow money for any of its services in excess of an amount which, added to any other amount then owing by it in respect of that service and to the amount of its capital indebtedness in respect of that service as determined under Division 1 of this Part, will cause the total amount of its indebtedness in respect of that service to exceed fifteen per centum of the unimproved value of all lands ratable for that service.

Security for loans. *Ibid.* s. 181.

74. (1) Loans shall be deemed to be secured—

(a) firstly, upon the income of that fund for which the money was borrowed;

(b) secondly, upon the income of the board from whatever source arising.

(2) This section shall not affect the order of priority of loans in respect of the same or any other fund.

Reserves for repayments. Act 41 of 1919, s. 186.

75. (1) There shall be a reserve for loan repayments in every fund in respect to which any renewal or other loan or any part thereof has been raised by the board.

(2) The board shall during each year transfer to the reserve for loan repayment from the moneys of the appropriate fund a sum not less than the board in its application for approval of the loan intimated that it proposed to set apart as aforesaid. Where a loan rate is levied the sum shall be set apart out of the proceeds of the rate.

(3) Where any land or property of any kind which has been provided out of loan moneys is sold before the loan has been wholly repaid, the net proceeds of the sale shall be added to the reserve for loan repayment in the appropriate fund or paid directly to the lender or used for the provision or purchase of other land or property chargeable upon the fund to which the proceeds belong.

(4)

(4) Moneys held as reserve for loan repayment may be invested in Government securities of the State of New South Wales or in such other securities as the Governor may approve or as may be prescribed by the regulations. Any interests or profits realised on such investments shall be added to and form part of the reserve for loan repayments. All moneys paid into the reserve for loan repayment in any fund may be applied in or towards repayment of any renewal or other loan raised in respect of the same fund, but except where otherwise provided, may not be applied for any other purpose.

(5) If, after all the loans raised in respect of any fund have been repaid, there remains in any reserve for loan repayment any balance, such balance may be transferred to the current account of that fund.

(6) The reserve for loan repayment shall not be subject to seizure in satisfaction of any debt other than for loans primarily charged on the income of the fund in which the reserve is provided.

Debentures, &c.
Ibid. s. 188.

76. (1) For securing repayment of the principal and interest on any moneys borrowed, the board may issue debentures or inscribed stock as prescribed by the regulations.

(2) Debentures and stock shall have priority as between the respective holders thereof according to their respective dates of execution or inscription.

(3) The holders of debentures or stock by which the same loan was raised shall, as between themselves, rank pari passu.

Transfer of debentures, &c.

(4) Every such debenture and every coupon originally annexed to the debenture and whether separated therefrom or not shall be transferable by simple delivery.

(5) Inscribed stock shall be transferable in the books of the board in accordance with the regulations.

(6) Debentures or inscribed stock issued under this Act shall be deemed to be included in the general exemptions from stamp duty under Part III of the Stamp Duties Act, 1920, contained in the Second Schedule to that Act.

(7)

(7) The holder of a coupon originally annexed to a debenture and whether separated therefrom or not, shall be entitled to receive payment from the board of the interest mentioned in the coupon upon the presentation of the same on or after the date when and at the place where the interest is payable. Interest. Act No. 41, 1919, s. 191.

(8) The due repayment of the debentures and stock and the interest thereon shall be a charge upon the income and revenue of the board, and is hereby guaranteed by the Government. Any liability arising from such guarantee shall be payable out of the Consolidated Revenue Fund: Such charge shall not prejudice or affect the power of the board to sell or convey any property vested in it free of any such charge. 1906 No. 48, s. 49 (2).

77. Debentures and inscribed stock of the board may be purchased by the board out of moneys held as a reserve for the repayment of the loan for which they were issued, at or below their face value. Any debenture or inscribed stock so purchased shall be cancelled. Exchange debenture, &c. 1906 No. 48, s. 56.

78. (1) Any trustee, unless expressly forbidden by the instrument (if any) creating the trust, may invest any trust moneys in his hands in stock inscribed by the board, and the investment shall be deemed to be an investment authorised by the Trustee Act, 1898, or any Act replacing the said Act. Trustees. Act No. 41, 1919, s. 191.

(2) Any debenture issued or stock inscribed by the board shall be a lawful investment for any moneys which any company, council, or body corporate incorporated by any Act of the Parliament of New South Wales is authorised or directed to invest in addition to any other investment expressly provided for the investment of such moneys.

(3) No notice of any trust expressed, implied, or constructive shall be received by the board or by any officer or servant of the same in relation to any debenture or coupon issued or stock inscribed by the board.

79. (1) If any debenture issued by the board is lost or destroyed or defaced before the same has been paid, the board may, subject to the provisions of this section, issue a new debenture in lieu thereof. Lost debentures.

(2)

(2) The new debenture with interest coupon annexed shall bear the same date, number, principal sum, and rate of interest as the lost, destroyed, or defaced debenture.

(3) When the debenture is lost or destroyed the new debenture shall not be issued unless and until—

(a) a judge of the Supreme Court has been satisfied by affidavit of the person entitled to the lost or destroyed debenture, or of some person approved by the judge, that the same has been lost or destroyed before it has been paid off;

(b) such advertisement as the judge may direct has been published;

(c) six months have elapsed since the publication of the last of the advertisements; and

(d) sufficient security has been given to the board to indemnify it against any double payment if the missing debenture be at any time thereafter presented for payment.

(4) When the debenture is defaced the new debenture shall not be issued unless and until the defaced debenture is lodged with the board for cancellation.

(5) The provisions of this section shall mutatis mutandis extend to the case of a lost, destroyed, or defaced coupon.

Receivers.

80. (1) If for six months default is made by the board in making any payment, whether of principal or interest, to the holder of any debenture, or coupon, issued or stock inscribed by the board, the holder thereof may apply to the Supreme Court in its equitable jurisdiction, in accordance with rules of court, for the appointment of a receiver of the rates and other income of the board.

(2) A receiver may be appointed in respect of the rates and other income of the board either generally or as regards specified rates or income.

(3) The court may make such orders and give such directions as it may deem proper for and with respect to—

(a) the appointment of a receiver;

(b)

(b) the removal of a receiver;

(c) the appointment of a receiver in place of a receiver previously appointed.

(4) The receiver shall be deemed to be an officer of the court, and shall act under its directions.

Powers and duties of receiver.

81. (1) A receiver shall have power to make levy and collect all income and in particular all rates payable to the board, but the rates so made and levied shall not exceed the maximum limits permitted under the law in force for the time being, and for the purposes of this subsection the receiver shall be deemed to be the board, and may exercise all the powers of the board.

(2) The receiver shall discharge such duties of the board and of the president or any officer or servant of the board, as may be prescribed by the regulations.

Commission to receiver.

82. The receiver shall be entitled to such commission or remuneration for his services as the court may order, and the commission or remuneration shall be payable out of the rates or income for and in respect of which he has been appointed receiver.

Application of moneys received.

83. The receiver shall, subject to any order of the court, pay and apply all moneys received by him in the following order, that is to say:—

(a) Firstly, in payment of the costs, charges, and expenses of collection, and of his commission or remuneration;

(b) secondly, in the payment of the amount due and payable to the holder of the debenture or inscribed stock or coupon, as the case may be;

(c) thirdly, in payment of all the residue of the moneys to the board.

Application of four preceding sections.

84. The provisions of the last four preceding sections shall extend mutatis mutandis to a receiver appointed under the provisions of section seventy of this Act.

Protection of investors.

85. (1) A person advancing money to the board shall not be bound to enquire into the application of the money advanced, or to be in any way responsible for the non-application or misapplication thereof.

(2) A notification in the Gazette of the approval of the Governor having been given to a borrowing by the board shall, in favour of a lender and of any holder of

of a security given by the board, be conclusive evidence that all conditions precedent to the borrowing have been complied with, and that the prescribed limits of borrowing have not been exceeded.

Penalty for illegally borrowing.

86. If the board borrows any money without having first obtained the approval of the Governor, every member holding office who has knowingly and wilfully, or for any personal benefit or advantage, consented to the borrowing shall be liable to a penalty of five hundred pounds :

The action to recover the penalty shall not be taken without the written consent of the Attorney-General.

DIVISION 3.—*Revenue.*

Purposes for which rates may be levied.

87. For or towards defraying the expenses of the board and meeting its obligations in respect of the services which it is authorised to conduct, the board may levy—

(a) water rates ;
(b) sewerage rates ;
(c) stormwater drainage rates ;
(d) loan rates.

Lands exempted from rates.
cf. 1919 No. 41, s. 132.

88. (1) No rates shall be levied upon any of the following classes of land—

(a) land which is vested in the Crown, or in a public body, or in trustees, and is used for a public cemetery ;
(b) land which is vested in the Crown, or in a public body, or in trustees, and is used for a common ;
(c) land which is vested in the Crown, or in a public body, or in trustees, and is used for a public reserve or park ;
(d) land which belongs to any public hospital, public benevolent institution, or public charity, and is used or occupied by the hospital, institution, or charity as the case may be, solely for the purposes thereof ;
(e) land which is vested in the Crown, or in a public body, or in trustees, and is used solely for the purposes of a free public library ;

(f)

(f) land which is vested in the University of Sydney, or in a college thereof, and is used or occupied by the University or college as the case may be solely for the purposes thereof;

(g) land (other than land which is dedicated as a State forest or reserved for the growth of timber) which is the property of the Crown or any statutory body representing the Crown and is not occupied or is occupied only by public works which are in course of construction by or for the Crown;

(h) land which is occupied by and is used directly in connection with a church, Sunday school, or other building which is used or occupied solely for public worship, or for religious teaching;

(i) land which is a public place within the meaning of the Local Government Act, 1919;

(j) land which is unoccupied and which is below high-water mark of any tidal water;

(k) land used or occupied solely as a playground in connection with any State school or school registered under the Bursary Endowment Act, 1912, or certified school under the Public Instruction Act (Amendment) Act, 1916;

(l) drill grounds, sports grounds, gardens, or children's playgrounds provided by the council of a municipality or shire under the powers conferred by the Local Government Act, 1919, or the Sydney Corporation Act, 1902, or any amendment of the said Acts.

(2) No water rates shall be leviable upon land vested in the Railway Commissioners for New South Wales in use for railway or tramway purposes and not let to any other person.

89. Subject to the provisions of this Division water rates may be levied upon— Lands subject to water rates. 1919, No. 41, s. 379.

(a) land, whether the property of the Crown or not, which is situated within two hundred and fifty yards of a water-pipe of the board measured in a direction at right-angles to the water-pipe where

where such land has a frontage to the public road or street in which the water-pipe is laid, and whether or not the land is actually supplied with water from any water-pipe of the board:

Provided that water rates may not be levied upon such land unless water could be supplied to some part thereof from a stand-pipe at least three feet in height from the ground level if such pipe were laid and connected to the board's mains;

(b) land whether the property of the Crown or not which is supplied with water from any water-pipe of the board.

Lands subject to sewerage rates.

90. (1) Subject to the provisions of this Division, sewerage rates may be levied upon all land whether the property of the Crown or not (notwithstanding that such land is by any other Act exempted from rates) except—

(a) land which is distant more than two hundred and fifty feet from any sewer of the board, and is not connected thereto;

(b) land from which sewage cannot be drained into any sewer of the board.

(2) Sewerage rates may be levied upon land which is vested in the Railway Commissioners for New South Wales if—

(a) the land is let to any other person; or

(b) there are buildings on such land, and the sewage from such buildings is drained into a sewer of the board; or

(c) there is a sewer of the board in a road to which such land has frontage, or in the land, and there are buildings on such land, the sewage from which could be drained into such sewer, and such sewer is not distant more than two hundred and fifty feet from such buildings.

The land upon which the rates may be levied is the land in connection with which the buildings aforesaid are used, and such land shall be deemed to be the mean width

width of frontage of platforms or buildings in the case of railway stations, tramway depots, workshops, offices, or other similar buildings used in connection with the operations of the railway or tramway systems, excepting any buildings separately enclosed by fences, which shall be assessed on the mean frontage of the enclosed area.

Lands subject to stormwater drainage rates.

91. Subject to the provisions of this Division, stormwater drainage rates may be levied upon land situated within the boundaries of any drainage area defined in accordance with this Act or under any Act repealed by this Act. Differential drainage rates may be levied in respect of different zones as defined by the board and notified in the Gazette under the provisions Part IV of this Act. Any drainage rate imposed on any property may be in addition to any sewerage rate imposed thereon.

Lands subject to loan rates.

92. Loan rates may be levied upon lands which would be subject to rates for the water, sewerage, or stormwater drainage service for which any money is borrowed. Where money is borrowed for expenditure in any particular locality the loan rate may, with the approval of the Governor, be levied as a rate upon the particular lands which in the opinion of the board will be benefited by the expenditure of the loan moneys.

Exemptions from rates: Hospitals.

Act No. 41, 1919, s. 379 (5).

93. (1) The board may supply water free of charge to any public hospital, or public benevolent or charitable institution, subject to the following conditions :—

(a) The quantity to be supplied free of charge shall be fifty gallons per day for every person resident in a public hospital and thirty gallons per day for every person resident in a public benevolent or charitable institution : Provided that the board may by resolution increase the quantity of water which may be supplied as aforesaid to the hospital or institution.

(b) For the purposes of this section an inmate shall be deemed to be resident and the number of persons resident shall be the average number of persons so resident during the year last preceding the period in respect of which charges would be payable; and the board may at any reasonable

reasonable time demand the production of the books of such hospital or institution to verify such average number.

(c) The supply shall in each case be through a meter, and any quantity of water in excess of that which may be supplied free of charge shall be paid for according to the charge fixed by the board for water supplied by measure.

(2) The board may also supply free of charge any quantity of water prescribed by the by-laws but subject to such conditions as may be so prescribed for use in any public park, reserve, garden or land vested in any shire or municipal council or in trustees for public recreation, health or enjoyment, or for cleansing gutters and drains, or for cleansing and watering streets, or for any drinking fountain or public horse or animal trough, or for the practice of any fire brigade, or for any public baths, washhouses or public lavatories established by any council:

Provided that no baths or washhouses shall be supplied with water under the provisions of this section unless the charges for the use thereof shall be approved of and shall not exceed the amount fixed by the board.

Amount of rate.

94. Subject to the provisions of this Act the board shall in the manner prescribed, for the purposes for which it is so authorised, levy rates, the proceeds of which, together with any other revenues of the service for which the rate is levied, shall be sufficient to discharge all its obligations under this Act.

Limit of rates.

95. (1) The proceeds of any water or sewerage rate shall not exceed the amount which would be yielded by a rate which would produce an amount equal to seven and a half per centum on the assessed annual value of the properties ratable.

(2) The proceeds of any stormwater drainage rate shall not exceed the amount which would be yielded by a rate which would produce a revenue equal to three per centum on the assessed annual value of the land ratable.

(3) The proceeds of any loan rate shall not exceed the amount stated in the loan proposal approved by

by the Governor as sufficient to provide the sum required for the payment of interest and the provision of reserve for loan repayment.

(4) Notwithstanding the provisions of subsection one or two of this section the board may levy a special rate in addition to the ordinary rate for the provision of any water, sewerage, or drainage service in any district in which the provision of the service at the ordinary rate either on account of the remoteness of the district or the high cost involved in the provision of the service would occasion a loss to the board.

96. (1) The board may determine whether for any year the rates to be levied, or any of them shall be levied— Basis of rating.

(a) upon the assessed annual value of ratable land; or

(b) partly upon the assessed annual value and partly upon the unimproved value of ratable land.

(2) For the purpose of securing compliance with the provisions of this Act as to the limitation of rates the board shall before levying a rate in pursuance of paragraph (b) of the last preceding subsection, furnish the Government Statistician with the details of the proposed rate.

(3) Subject to the provisions of subsection four of the last preceding section, no rates shall be levied in pursuance of paragraph (b) of subsection one of this section unless and until the Government Statistician furnishes a certificate to the Governor (which shall be published in the Gazette) that the proceeds of any such proposed rate will not exceed the amount which would be yielded by a rate which would produce a revenue approximately equal to—

(a) in the case of a water rate or a sewerage rate seven and one-half per centum of the assessed annual value of the property ratable; or

(b) in the case of a stormwater drainage rate three per centum on the assessed annual value of the property ratable.

(4)

(4) No rates shall be levied in pursuance of paragraph (b) of subsection one of this section unless and until the Government Statistician furnishes a certificate to the Governor (which shall be published in the Gazette) that the revenue from such proposed rates, so far as the same are to be levied upon unimproved value, will not exceed the amount of the capital expenses.

(5) For the purposes of this section the capital expenses shall mean the aggregate of the following sums :—

(a) the interest charged for the preceding financial year on the total sum debited in the Treasury against the board as at the end of that year in respect of capital expenditure ;

(b) one per centum on such capital expenditure.

(6) Any revenue raised from rates levied upon unimproved value shall, so far as that revenue exceeds such interest, be applied in reduction of any sum debited against the board in respect of capital expenditure.

(7) In levying any rate it shall be lawful for the board to levy in respect of any property ratable—

(a) for water rate a minimum amount of five shillings per annum in respect of unoccupied land or a minimum amount of fifteen shillings per annum in respect of other land ;

(b) for sewerage rate a minimum amount of five shillings per annum in respect of unoccupied land or a minimum amount of fifteen shillings per annum in respect of other land ;

(c) for stormwater drainage rate a minimum amount of two shillings and sixpence per annum.

(8) The valuations made under the provisions of the Valuation of Land Act, 1916, the Sydney Corporation Act, 1902, or the Local Government Act, 1919, or any Acts amending such Acts, and in force on the first day of January immediately preceding the giving of a certificate by the Government Statistician or the levying of a rate shall be the valuation to be adopted for the purpose of such certificate or rate. **97.**

97. (1) For the purposes and subject to the provisions of this Act— Valuations.

(a) unimproved value, and

(b) assessed annual value

of ratable land shall respectively be the unimproved value and the assessed annual value of the land as determined in accordance with the Valuation of Land Act, 1916, and until so determined, as valued under the Sydney Corporation Act, 1902, or any amendment thereof, or the Local Government Act, 1919.

(2) This section shall be deemed to extend to all ratable land, including land owned by the Crown, and land held under lease from the Crown.

(3) Any parcel of land separately valued under any of the said Acts shall be a separate parcel of land, and may be separately rated.

(4) In any case where any land has not been valued under the provisions of the Valuation of Land Act, 1916, the Sydney Corporation Act, 1902, or the Local Government Act, 1919, and in any case where by reason of new or additional buildings being erected or of the alteration of buildings or of the subdivision of land the valuations in force under the said Acts are considered by the board not to be the true valuation, or in any case in which the valuation made is not made in sufficient detail, the board may cause a valuation of such land to be made, and shall give notice of such valuation, and appeal against such valuation shall lie in the manner as provided in the case for appeals against valuations under the Valuation of Land Act, 1916.

(5) The fact that an objection has been lodged shall not affect the valuation of the board which is objected to, and any rate may be levied and recovered on the valuation as if no objection were pending:

Provided that if the valuation is altered on objection a due adjustment shall be made and any amount paid in excess shall be refunded and any amount short-paid shall be recoverable as arrears.

(6) Any occupier of land who refuses, or wilfully omits to disclose, or wilfully misstates, to any officer of the

the board directed by the board to value any land, the name of the owner of the land, or of the person who receives or is authorised to receive the rents of the same, or any other information required for or calculated to affect the valuation shall be liable to a penalty not exceeding five pounds.

(7) Any owner of land who refuses, or wilfully omits to disclose, or wilfully misstates, to any officer of the board directed by the board to value the land, any information required for or calculated to affect the valuation shall be liable to a penalty not exceeding five pounds.

Inspection of rate and valuation books.

98. (1) Any officer of the board authorised in that behalf shall have liberty at all reasonable times without charge to inspect any valuation, rate, or assessment book for any municipality or shire within the board's area of operations and to take a copy or make extracts from the same.

Any town clerk or shire clerk or other person having the custody of such valuation, rate, or assessment books refusing or preventing such officer from having access thereto or taking copies or extracts therefrom shall incur a penalty for every such offence not exceeding fifty pounds.

(2) A copy of or extract from any valuation, rate, or assessment book for any municipality or shire made by any officer of the board as provided in this section, or any copy of or extract from any valuation list furnished to the board by the Valuer-General, or any valuation made by the board in pursuance of this Act, shall be entered in the rate book of the board, and such entry shall be signed by the president, vice-president, or secretary of the board.

All entries made in such rate book, upon production thereof by any officer authorised in that behalf by the board, shall, without any other evidence that the requirements of this Act have been complied with, be received in all courts as prima facie evidence of the facts therein contained.

Charges for service.

Act No. 41, 1919, s. 378.

99. (1) The board may impose charges and fees for services rendered by the board, and in particular, and without

without limiting the generality of the foregoing power, may impose charges for water supplied to or sewerage or drainage services rendered in respect of lands not ratable under this Act.

(2) Any charges or fees imposed under any section of this Act shall be charged upon the land in respect of which the charge or fee is imposed, and may be recovered as rates.

(3) Charges and fees shall be fixed by the by-laws and may be made payable in advance or otherwise.

(4) The board may supply the Railway Commissioners for New South Wales with water by measure at a charge to be fixed by the by-laws.

Rates, &c. Fourth Schedule.

100. With regard to rates, charges, and fees, the provisions contained in the Fourth Schedule to this Act shall have effect.

Certificate as to amount due. L.G. Act, 1919, No. 41, s. 160.

101. (1) Any person may apply for a certificate under this section as to the amount (if any) due or payable to the board for rates or otherwise in respect of any land.

(2) Application for the certificate shall be made in writing, and shall state the name and address of the applicant and the particulars of the land in respect of which the information is required.

(3) The board shall, upon payment of a fee of two shillings and sixpence for each certificate having reference to a parcel of land separately assessed, forthwith give or post to the applicant a certificate in writing, signed by the officer prescribed by the by-laws, and stating what (if any) rates, charges, or sums of money are due or payable to the board in respect of the land, with the particulars thereof, and when the same became due or payable, or that no such rates or charges or sums are then due or payable, as the case may be.

(4) The production of the certificate shall for all purposes be deemed conclusive proof in favour of a bona fide purchaser for value that at the date thereof no rates, charges, or sums other than those stated in the certificate were due or payable to the board in respect of the land.

(5) For the purposes of this section, rates, charges, or sums of money shall be deemed to be due or payable notwithstanding that the requisite period after service of any notice may not have expired.

DIVISION 4.—*Funds.*

Establishment of funds.

102. (1) For the purposes and subject to the provisions of this Act, the board shall establish the following funds :—

(a) A water fund ;
(b) a sewerage fund ;
(c) a drainage fund ;
(d) a general fund.

(2) The funds shall be separate and distinct.

Water fund.

103. (1) The water fund shall consist of the following :—

(a) All moneys received or receivable in respect of the water rate.
(b) All moneys received or receivable in respect of any charges, rents, fees, or profits in connection with the board's water supply services.
(c) All moneys borrowed in respect of the water supply service and all moneys received or receivable in respect of a loan rate, if any, levied in respect of such borrowing.
(d) All moneys and property directed by or under this Act to be allocated to the water fund.

(2) The water fund may be applied to any of the following purposes :—

(a) Any purpose for which the water rate is levied.
(b) Contributions to the general fund in respect of payments to be made in liquidation of the capital indebtedness of the board and interest thereon.
(c) Contributions to any reserve for loan repayment in respect of moneys borrowed for the water supply service.
(d) Payment of principal, interest, and expenses in respect of moneys borrowed for the water supply service.
(e) Any purpose authorised by this Act or the regulations for the application of the fund.

104.

104. (1) The sewerage fund shall consist of the following:— The sewerage fund.

(a) All moneys received or receivable in respect of the sewerage rate.

(b) All moneys received or receivable in respect of any charges, rents, fees, or profits in connection with the board's sewerage service.

(c) All moneys borrowed in respect of the sewerage service and all moneys received or receivable in respect of a loan rate, if any, levied in respect of such borrowing.

(d) All moneys and property directed by or under this Act to be allocated to the sewerage fund.

(2) The sewerage fund may be applied to any of the following purposes:—

(a) Any purpose for which the sewerage rate is levied.

(b) Contributions to the general fund in respect of payments to be made in liquidation of the capital indebtedness of the board and interest thereon.

(c) Contributions to any reserve for loan repayment in respect of moneys borrowed for the sewerage service.

(d) Payment of principal, interest, and expenses in connection with the moneys borrowed for the sewerage service.

(e) Any purpose authorised by or under this Act for the application of the fund.

105. (1) The drainage fund shall consist of the following:— The drainage fund.

(a) All moneys received or receivable in respect of drainage rates.

(b) All moneys received or receivable in respect of charges, rents, fees, or profits in connection with the board's drainage service.

(c) All moneys borrowed in respect of the drainage service and all moneys received or receivable in respect of a loan rate, if any, levied in respect of such borrowing.

(d)

(d) All moneys and property directed by or under this Act to be allocated to the drainage fund.

(2) The drainage fund may be applied to any of the following purposes:—

(a) Any purpose for which drainage rates are levied.

(b) Contributions to the general fund in respect of payments to be made in liquidation of the capital indebtedness of the board and interest thereon.

(c) Contributions to any reserve for loan repayment in respect of moneys borrowed for the drainage service.

(d) Payment of principal, interest, and expenses in respect of moneys borrowed for the drainage service.

(e) Any purpose authorised by or under this Act for the application of the fund.

General fund.

106. (1) The general fund shall consist of the following:—

(a) All moneys voted from the other funds of the board for the purpose of meeting the expenses of administration and management, and meeting such of the general expenses of the board as cannot be conveniently provided for out of any other fund.

(b) Moneys voted from the other funds in respect of payments to be made in liquidation of the capital indebtedness of the board and interest thereon.

(c) Any other moneys of the board not payable to any of the other funds and all moneys held by it in suspense or on trust.

(2) The general fund may be applied to any purpose of the board to which its funds may be applied in accordance with this Act and as to which no special provision has been made in this Act or for any prescribed purpose.

Transfers from fund to fund.

107. (1) Moneys shall not be transferred from one fund to any other fund except in accordance with this Act or with the regulations.

(2)

(2) Provision may be made by the regulations for the distribution of the administrative expenses of the board among the various funds and for the definition of administrative expenses.

(3) The Governor may permit the board to lend money from one fund to another fund, but this provision shall not apply to loan moneys.

(4) The board shall comply in all respects with the provisions fixed by the Governor in the document conveying such permission as to the amount of and the application of the money, the time and method of repayment and the interest payable thereon.

Questions as to funds.

108. If any question arises under this Act or the regulations with respect to—

(a) the fund, or account within a fund, to which any moneys or property should be allocated; or

(b) the fund which should be applied for any purpose,

the Treasurer may determine the question.

DIVISION 5.—*Accounts and audit.*

Accounts generally.

109. (1) The board shall cause books to be provided and kept, and true and regular accounts to be entered therein in respect of each fund so as to show—

(a) the assets, liabilities, income and expenditure in respect of the fund; and

(b) the sources of income and purposes of expenditure in respect of the fund.

(2) The accounts of the board shall be kept as prescribed by the regulations.

Charging expenditure generally.

110. The expenditure of each fund shall, subject to any provisions made by or under this Act, be charged against income and capital as nearly as may be in accordance with commercial principles.

Annual statements.

111. (1) The board shall cause an annual report of its operations and statements of accounts as prescribed to be prepared.

(2) The board shall furnish to the Municipal Council of Sydney and to each of the councils of the

areas

areas mentioned in the Second Schedule a copy of such report and statements, and shall also furnish a copy of the same to the Minister.

(3) The report shall be laid before both Houses of Parliament.

Audit.

112. (1) The statements of account so prepared shall be audited and reported upon by the Auditor-General, who shall have in respect to the accounts of the board all the powers conferred on the Auditor-General by any law now or hereafter to be in force relating to the audit of the public accounts, as well as all powers conferred by this Act.

(2) The Auditor-General shall report to the board and the Minister—

(a) whether or not in his opinion—

(i) due provision has been made for the repayment of loans; and

(ii) the value of assets has (so far as he can judge) been in all cases fairly stated; and

(iii) due diligence and care have been shown in the collection and banking of income; and

(iv) the expenditure incurred has been duly authorised, vouched, and supervised; and

(v) proper account has been kept of plant, stores, and materials; and

(vi) any of the moneys or other property of the board have been misappropriated or improperly or irregularly dealt with; and

(b) as to any other matters which in his judgment call for special notice or which are prescribed by the regulations.

(3) Towards defraying the cost and expenses of the audit the board shall pay to the Treasurer, by four even quarterly payments, an amount of eight hundred pounds annually, and after three years from the commencement of this Act such further annual sum as may from time to time be fixed by the Committee of Review.

DIVISION

DIVISION 6.—*General.*

113. All sums of money hereafter due and payable by the board to the Treasurer shall be charged upon the assets and revenues of the board in priority to any debenture, inscribed stock, overdraft, lien or incumbrance of any nature whatsoever. Priority of Crown.

PART VI.

PROPERTY.

DIVISION 1.—*Acquisition.*

114. (1) The board may purchase from any person (including the Crown) any land which it may require for any of the purposes of this Act. Purchase.

(2) The board may acquire a leasehold estate in any land. Leases.

(3) If the purchase money exceeds five thousand pounds or the term of the lease exceeds five years the approval of the Governor to the purchase or the acquisition of the lease shall be first obtained.

115. (1) Where the board proposes to acquire land by appropriation or resumption it may apply to the Governor through the Minister. Resumption. 1919 No. 41, s. 536.

(2) The board shall make provision to the satisfaction of the Governor for the payment of compensation for the land together with interest and all necessary charges and expenses incidental to the appropriation or resumption.

(3) The Governor may authorise the appropriation or resumption of the land.

(4) Thereupon the Minister for Public Works may—

(a) appropriate or resume the land by Gazette notification under Division 1 of Part V of the Public Works Act, 1912; and

(b) notify that the land is vested in the board.

(5) Thereupon the land shall vest in the board.

(6)

(6) For the purposes of the Public Works Act, 1912, such appropriation or resumption shall be deemed to be for the purpose of carrying out an authorised work within the meaning of that Act.

(7) Whenever land is appropriated or resumed under this Act a copy of the Gazette notification declaring such land to be so appropriated or resumed, certified under the hand of the Minister for Public Works, shall in every case be lodged with the Registrar-General, and be registered by him in the general register of deeds, unless the land so resumed is wholly or in part comprised in a grant or a certificate of title under the Real Property Acts, in which case, upon production of such copy of the Gazette notification so certified as aforesaid, it shall be the duty of the Registrar-General to deal with and give effect to such notification as if the same were a memorandum of transfer duly executed under the said Acts.

Amendment of Act, 1912 No. 45.

116. For the purposes of this Act the Public Works Act, 1912, is amended as follows :—

(a) By inserting after section four the following new section :—

Acquisition of easement.

4A. (1) The provisions of this Act relating to the acquisition of land shall, whether such easement or right is acquired separately from or together with any land, also apply to the acquisition of an easement or right—

(a) to use in any manner, for the construction and maintenance of works, the surface of land, and without limiting the generality of the foregoing purpose to use the surface—

(i) for canals, drainage, or stormwater channels ; or

(ii) for the erection and maintenance of wires or cables for the transmission of electricity and the erection of the necessary supports therefor ; or

(iii) for the construction and maintenance of manholes or ventilators

(b)

(b) to use in any manner for the construction and maintenance of works the subsoil or undersurface of land, and without limiting the generality of the foregoing purpose to use any of the strata beneath the surface—

(i) for tunnels or pipes for the conveyance of water or sewage; or

(ii) for tunnels or conduits for electric wires or cables.

(2) Where an easement or right to use the surface of land is acquired the easement or right shall be deemed to include a power, from time to time as occasion may require, to enter upon the land for the purpose of inspection and for carrying out of any additions, renewals, or repairs.

(3) Where an easement or right to use the subsoil or undersurface of land is acquired, no compensation shall be payable except for actual damage done in the construction of the work or occasioned thereby;

(b) by adding at the end of section one hundred and thirty-eight the following proviso:— Sec. 138.

Provided that where an easement or right to use the surface or the subsoil or undersurface of any land is taken, the easement or right shall not be deemed part of a house or other building or manufactory.

DIVISION 2.—*Transfer.*

117. (1) All property real or personal heretofore transferred to, acquired by, or vested in the Board of Water Supply and Sewerage or in the Minister for the purposes of that board is hereby vested in the Metropolitan Water Sewerage and Drainage Board, and as to the real property for an estate in fee-simple in possession or for such lesser estate therein as the Board of Water Supply and Sewerage or the Minister is entitled to, subject to any rights or estates now existing. If any of the land was held by the Board of Water Supply Property transferred to board.

Supply and Sewerage for a leasehold interest then the vesting shall be for the balance of the term therein still unexpired and subject to the rents and covenants affecting the same.

(2) Where any of the lands were held upon trust for any particular purpose the board shall hold the same upon the same trust.

(3) Subject to the provisions of this Act the board shall hold all lands and property acquired by or vested in it upon trust for His Majesty.

Additional lands transferred.

118. (1) Upon completion of any work constructed by the Minister or where the Governor directs that the construction or work shall be assumed by the board, the Governor shall notify in the Gazette that the work is transferred to the board. The lands occupied by or used in connection with the work shall thereupon become vested in the board, on trust for His Majesty.

(2) Where the Minister possesses a less estate or interest in any land than the fee simple, the estate of the Constructing Authority to that extent only shall become vested in the board.

Divesting.

119. The Governor may divest the board of any land, and upon publication of a notification in the Gazette of such divesting, the land shall revert to or vest in the Minister and shall be held by him under and subject to the provisions of the Public Works Act, 1912.

Record of property.

120. The board shall compile and keep a register showing all the property transferred to and vested in the board, and shall on request furnish copies thereof or extracts therefrom to the Minister.

DIVISION 3.—*General.*

Municipal rates.

121. Any Crown lands or lands vested in the board within any catchment area, and any tunnel, water or sewer main or stormwater channel of the board shall be exempt from any rate or rental charge which but for this section the council of any municipality or shire might have levied or imposed thereon; but nothing herein contained shall preclude any municipality or shire from levying and collecting rates upon any land vested in or acquired by the board and occupied by it or upon Crown lands occupied by it.

122. (1) The board may sell any of its personal property and may, with the approval of the Governor, sell or exchange any land vested in it. Sale and lease of property.

(2) The proceeds of the sale of any land vested in the board by this Act or acquired out of moneys provided by the Treasurer shall, unless the Governor on the recommendation of the Committee of Review otherwise directs, be paid in reduction of the capital indebtedness of the board to the State Debt Commissioners, to be applied by them in accordance with section eight of the State Debt and Sinking Fund Act, 1904.

(3) The board may lease any land or building or other real or personal property vested in or belonging to it.

No lease for any period in excess of five years shall be entered into unless the Governor's approval shall have been first obtained.

(4) The board may let for hire any of its plant or material not immediately required for the purposes of the board.

123. The board may insure any property of or under the control and management of the board, and for the purpose of any such insurance shall be deemed to have an insurable interest in the subject-matter thereof, any such insurance shall be effected with the Treasury Insurance Board. Insurance. 1919 No. 41, s. 528.

PART VII.

Regulations and By-laws.

124. (1) The Governor may make regulations not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed by regulations and in particular in relation to the following matters:— Regulations.

(i) Any of the powers conferred or duties imposed on the Governor or the Minister.

(ii) The method in which the accounts of the board shall be kept.

(iii) The method in which payments of the board are to be made.

(2)

(2) Regulations relating to the election of members of the board may include provision for voting by way of preferential ballot, that ballot-papers may be issued and returned by post, or that voters shall personally cast the ballot-papers at an appointed polling-place, and different regulations may be made and applied to different constituencies.

By-laws.

125. (1) The board, with the approval of the Governor, may make by-laws, not inconsistent with this Act or the regulations, prescribing all matters which by this Act are required or permitted to be prescribed by by-laws or which are necessary or convenient to be so prescribed and in particular in relation to the following matters :—

Catchment areas.

(a) The marking of the boundaries of any catchment area.

(b) The protection of any catchment area or any watercourse or reservoir therein from pollution, and the protection of any property of the board on any catchment area.

(c) The inspection of land and buildings upon any catchment area.

(d) The regulation or the prohibition of burials on any catchment area.

(e) The authorising of the carrying out by the board of structural alteration of buildings or other works to prevent or minimise danger of pollution of any catchment area.

(f) Requiring the removal of buildings or works on any catchment area.

(g) Preventing the diversion of or taking of water from any natural or artificial watercourse, the water of which flows into the board's works, except by or under the authority of the board or of any statute.

(h) The prevention of the destruction of trees or shrubs, and the authorising of measures necessary to preserve or provide arboreal cover.

(i) Any matter which by this Act the board is authorised to control, regulate, or prohibit.

Water

Water Supply.

(j) The regulation of water service pipes and fittings between the water main and the outlets of such pipes, the construction, alteration, extension, disconnection, removal, maintenance, repair, renewal or clearing of any water service pipes or fittings, the performance by the board of any work required to be performed as a result of the default of the person concerned.

(k) The direction and regulation as to the use, supply, fixing, maintenance, repair, removal, alteration, and inspection of meters.

(l) The prevention of the waste or misuse or unlawful taking of water.

(m) The assessment of the volume of water lost by leakages upon any property, the determination of the volume to be paid for by the consumer, and the recovery of payment therefor.

(n) The regulation of the method by which water shall be supplied to ratable properties or to any consumer.

Sewerage.

(o) The regulation of sewerage service pipes and fittings, the construction, alteration, extension, disconnection, removal, maintenance, repair, renewal, ventilation, flushing, and cleansing of any such service pipes and fittings, the performance by the board of any work required to be performed as a result of default of the person concerned.

(p) The regulation or prevention of the discharge into any sewer of the board of roof waters and other surface waters from any public road or any street or elsewhere, and for preventing the admission of any dust, soil, rubbish, filth, or garbage.

(q)

(q) The regulation of the conditions to be observed with regard to liquid trade or factory wastes, or chemical or other impurities before they are discharged into the board's sewers, and the prevention of such discharge.

(r) The regulation of water closet and urinal accommodation for premises served by a sewer of the board, and for the alteration of existing premises served by a sewer of the board to conform to the requirements of the board.

Stormwater drainage.

(s) Regulating and preventing the discharge of urine, fæcal matter, liquid wastes, and polluted waters into stormwater channels, and preventing obstruction to the free flow of waters in such drains.

General.

(t) The regulation of all matters relating to the connection of premises to the mains or channels of the board, and without limiting the generality of the foregoing power, in particular the regulation of the number, design, dimension, level, materials, form, position, and arrangement of all pipes and fittings which the board may require to be provided and used in connection with any water supply, sewerage, or stormwater drainage service.

(u) The regulation of the testing, stamping, and marking of fittings intended for use in connection with any of the board's water, sewerage, or drainage services.

(v) The conditions upon which licenses or certificates of competency shall be issued to persons applying therefor, and the amount of fees to be charged.

(w) The prescribing of the fees to be paid for the connection of any premises with the board's water or sewerage services, for examining and preparing drainage plans and estimates, and such other fees as may lawfully be imposed.

(x) The prescribing of the form of any notice or other document to be prepared, issued, or received in accordance with this Act and any by-laws thereunder.

(y) The protection of the property of the board from damage and trespass, and the water supply from pollution.

(z) The governance of the officers and workmen of the board, the regulation of their conditions of employment, and for their guidance in the execution of their duties.

(aa) The insuring of the fidelity of officers with the Treasury Insurance Fund or otherwise.

(ab) The conduct of the business of the board.

(ac) The carrying into effect of the several provisions, intentions, and objects of this Act.

(2) Where any owner or occupier of land within a catchment area is prejudicially affected by the operation of any by-laws made respecting that catchment area, he shall be entitled to be paid compensation by the board in respect of the damage sustained by him.

(3) Where there is any conflict between the by-laws made by the board in relation to any matter concerning catchment areas and the ordinances, regulations, or by-laws made under any other Act, the by-laws made by the board shall prevail.

Ancillary. Act No. 41, 1919, s. 576 (2).

126. Without affecting the generality of any other provisions of this Act, by-laws may be made for and with respect to—

(a) any premises, person, or matter in any case where by this Act the board is authorised or required to control, regulate, license, appoint, inspect, examine, register, authorise, permit, prescribe, prevent, acquire, define, or classify;

(b) preventing obstruction of any person acting under the authority of the board or under the provisions of this Act or of any by-law;

(c) preventing destruction, injury, damage, interference or misuse by any person in respect of any work, undertaking, or property of or under the control or management of the board;

(d)

(d) regulating the use by the public of any work, undertaking, or property of or under the control or management of the board, and authorising or directing the removal of trespassers or other persons causing damage, annoyance, or inconvenience;

(e) enforcing and securing the observance of the provisions of this Act or of any by-law.

Penalties, directions, fees, &c.

Act No. 41, 1919, s. 376 (4).

127. (1) A regulation or by-law may—

(a) impose a penalty for any breach thereof and also distinct penalties in case of successive breaches thereof, but no such penalty shall exceed fifty pounds;

(b) impose also a daily penalty for any continuing breach thereof not exceeding five pounds per day;

(c) fix a minimum as well as a maximum penalty.

(2) A by-law may—

(a) provide that in addition to a penalty any expense incurred by the board in consequence of a breach of the by-law or in the execution of work directed by the by-law to be executed by any person and not executed by him shall be paid by the person committing such breach or failing to execute such work;

(b) require any work or thing to be executed or done of such materials, within such time or in such manner as is directed or approved in any particular case by the board or any person duly authorised, and require works to be executed only by qualified or licensed persons;

(c) provide for the payment of fees for inspections and for services rendered by the board.

Publication, &c.

Act No. 41, 1919, s. 577.

128. (1) Regulations and by-laws shall—

(a) be published in the Gazette;

(b) take effect from the date of publication or from a later date to be specified therein; and

(c) be laid before both Houses of Parliament within fourteen days of publication if Parliament is in session, and if not, then within fourteen days after the commencement of the next session.

(2)

(2) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulation or by-law has been laid before such House disallowing the regulation or by-law or any part thereof, such regulation or by-law or part shall thereupon cease to have effect.

(3) Subject to the provisions of this Act such regulation or by-law shall have the force of law.

Incorporation of amendments. Act No. 41, 1919, s. 578.

129. (1) Where any regulation or by-law is amended by—

(a) the repeal or omission of certain words or figures; or

(b) the substitution of certain words or figures in lieu of any repealed or omitted words or figures; or

(c) the insertion of certain words or figures,

the regulation or by-law as so amended may be printed by the Government Printer in the form as certified as correct by the Attorney-General.

(2) The provisions of the Amendments Incorporation Act, 1906, shall, mutatis mutandis, apply to any regulation or by-law as so amended.

Interpretation. Act No. 41, 1919, s. 579.

130. A regulation or by-law shall, save as therein otherwise expressly provided, be construed as if the Interpretation Act, 1897, applied, mutatis mutandis, to the interpretation thereof.

PART VIII.

SUPPLEMENTAL.

Notices by the board.

131. (1) Any notice required to be served by the board may be served as provided in this section.

(2) Where a department of the Government is concerned the service may be—

(a) in the case of a notice of valuation or a rate notice upon the Treasurer;

(b)

(b) in any other case upon the permanent head of the department;

(c) in any case upon such person as may be prescribed by regulation.

(3) Where a statutory body representing the Crown is concerned, the service may be—

(a) upon any superior officer thereof; or

(b) upon such person as may be prescribed by regulation.

(4) Any notice required to be served upon a council of a municipality or shire may be served upon the mayor, president, or clerk thereof.

(5) Any notice required to be served upon any other corporate body may be served upon any superior officer thereof.

(6) When the notice is required to be served upon any ratable person or upon any owner or occupier of any land, building, or premises the service may be—

(a) personal; or

(b) by delivering the notice at or on the premises at which the person to be served lives or carries on business, and leaving the same with any person apparently above the age of fourteen years resident or employed thereat; or

(c) by posting the notice by prepaid letter addressed to the last known place of abode or business of the person to be served; or

(d) by affixing the notice on any conspicuous part of the land, building, or premises.

cf. L.G. Act, 1906, s. 195.

(7) In addition to the modes of service prescribed by the last preceding subsection—

(a) in any case where the person to be served—

(i) is or after inquiry appears to be absent from New South Wales; or

(ii) has authorised the board, in writing, to serve notice to him upon an agent,

the service may be upon the agent of such person by any of the modes prescribed in clauses (a) (b) and (c) of the last preceding subsection of this section;

(b)

(b) in any case where the land, building, or premises are unoccupied and the owner thereof or his address is not known to the board, the service may be by advertisement as prescribed by the regulations.

(8) The notice may be addressed by the description of "ratable person" or "the owner" or "the occupier" of the land, building, or premises (naming or otherwise sufficiently indicating the same) in respect of which the notice is served, and without further name or description.

(9) The notice may be wholly or partly in printing or in writing or in both.

(10) Where the notice has been served by any of the modes prescribed by this section, all inquiries requisite under this section shall be deemed to have been made, and the service shall be conclusive evidence thereof. cf. L.G. Act, 1906, s. 195

(11) Proof by affidavit or orally that the notice has been posted in accordance with this section shall be conclusive evidence of service. cf. *Ibid.*

(12) Any notice required to be served upon any ratable person or upon any owner or occupier shall, if due service has been once made upon the ratable person or upon the owner or occupier, be binding upon any person claiming through, or under, or in trust for, or in succession to the ratable person or being a subsequent owner or occupier, as if the notice has been served on such person. Effect. cf. No. 1,893, s. 706; No. 1,197, s. 160 (Vict.).

132. (1) Any information, complaint, or other legal proceeding under this Act, or any by-law made thereunder, may be laid, made, and taken in the name of the Metropolitan Water Sewerage and Drainage Board by the secretary for the time being of the board or by any other duly appointed officer of the board. Legal proceedings. 55 Vic. No. 16, s. 25.

(2) The secretary or other officer shall out of the General Fund be reimbursed all damages, costs, charges, and expenses to which he is put or with which he becomes chargeable by reason of anything contained in the last preceding subsection. No. 2,696 1915 Vict., s. 233.

(3)

Notice of action.

(3) A writ or other process shall not be sued out or served upon the board or any member thereof or any officer of the board or any person acting in his aid for anything done or intended to be done or omitted to be done under the provisions of this Act until the expiration of one month after notice in writing has been served on the board or such member, officer or person, clearly stating the cause of action and the name and place of abode of the intended plaintiff and of his solicitor or agent in the case, and on trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action that is not stated in the notice served; and unless such notice is served a verdict shall be found for the defendant.

Penalties extended to persons causing offences. 1919 No. 41, s. 637.

133. Every penalty imposed by or under this Act in the case of any person committing an offence, shall extend and apply also to any person—

(a) who causes the commission of the offence;

(b) by whose order or direction the offence is committed; or

(c) who aids, abets, counsels or procures, or by act or omission is directly or indirectly concerned in the commission of the offence.

Recovery of rates, &c. 1919 No. 41, s. 590.

134. (1) Any rate, charge, fee, or money due to the board under the provisions of this Act or any by-law may be recovered as a debt in any court of competent jurisdiction.

(2) Proceedings for the recovery of any rate, charge, fee, or money so due to the board shall be deemed to be for the recovery of a debt or liquidated demand within the meaning of—

(a) section twenty-four of the Common Law Procedure Act, 1899;

(b) section sixty-four of the District Courts Act, 1912;

(c) section twenty-five of the Small Debts Recovery Act, 1912.

(3) An unsatisfied judgment or order of any court for the recovery of any rate from any person shall not be a bar to the recovery thereof from any other person liable under this Act to the payment thereof.

135.

135. (1) Every penalty imposed upon any person by this Act or by any by-law or regulation made or continued under the provisions of this Act shall be without prejudice to the right of the board to recover from such person—

Recovery of penalty does not prejudice right to take other proceedings. No. 2,696, 1915 Vict., s. 234.

(a) any sum for damage sustained through his act or default;

(b) the cost and expense incurred by the board in remedying such damage;

(c) the value of any water wasted, misused, unduly consumed, illegally diverted or illegally taken by him.

The payment of any such penalty shall not bar or affect the right of the board to bring any other action or take any other proceeding against such person.

(2) Any penalty, fine, or forfeiture under this Act or the regulations or by-laws (save the penalty mentioned in section eighty-six) recovered shall be paid to the board and be by it directed to be allocated to the appropriate fund established under this Act.

136. (1) If any person—

Penalty for misapplication of water. 43 Vic. No. 32, s. 75.

not having from the board a supply of water for other than domestic purposes uses for other than domestic purposes any water supplied to him by the board;

having from the board a supply of water for any other than domestic purposes uses for any purpose other than that for which he is entitled to use the same any water supplied to him by the board,

then and in any such case he shall for such offence be liable to a penalty not exceeding five pounds.

(2) The board may also recover the value of the water so misused.

137. Every person who commits any of the following offences with respect to any stream or watercourse, reservoir, aqueduct, or other waterworks in any catchment area or belonging to or under the control and management of the board shall for every such offence be liable to a penalty not exceeding five pounds:—

Bathing or washing or throwing dirt and filth into waterworks. *Ibid.* ss. 79, 80.

Bathes therein.

Washes,

Washes, throws, or causes to enter therein any dog or other animal.

Throws, conveys, or causes or permits to be thrown or conveyed therein any refuse, rubbish, dirt, filth, or noisome thing whatsoever.

Washes or cleanses therein the skin of any animal, or any clothes, cloth, wool, leather, or other thing whatsoever.

Penalty for letting foul water flow thereinto.

Ibid. s. 81.

138. If any person causes the water of any sink, sewer, drain, or of any engine or boiler, or any other filthy water belonging to him or under his control to run or be brought into any stream or watercourse, reservoir, aqueduct, or other waterworks in any catchment area or belonging to or under the control and management of the board, or does any other act whereby the water of the board is fouled, he shall for such offence be liable to a penalty not exceeding five pounds and a further penalty not exceeding five pounds for each day (if more than one) that such offence continues.

Fouling water or injuring works by substances produced in making gas.

Ibid. s. 83.

139. Any person making or supplying gas who causes or permits the water in any stream or watercourse, reservoir, aqueduct, or other waterworks in any catchment area or belonging to or under the control and management of the board to be fouled or any pipes or conduits of the board to be injured by reason of his—

doing any act connected with the making of gas;

causing or suffering any substance produced in the making or supplying of gas to be brought into or to flow into any such stream or watercourse, reservoir, aqueduct, or other waterworks, pipe, or conduit or into any drain communicating therewith;

shall be liable to a penalty of twenty pounds for each day during which any such offence continues.

But he shall not become liable to such penalty until the expiration of twenty-four hours from the time when notice of such offence has been served upon him by the board.

Such penalty may be recovered with full costs in any court of competent jurisdiction.

140.

140. Whenever the water supplied by the board is fouled by the gas of any person making or supplying gas, such person shall, for every such offence, be liable to a penalty of not more than twenty pounds, and a further sum of not more than ten pounds for each day during which the offence continues, after the expiration of twenty-four hours from the service on him of notice of such offence.

Gasmakers causing water to be fouled. *Ibid.* s. 84.

141. (1) For the purpose of ascertaining whether the water is fouled, the board may dig up the ground and examine the pipes, conduits, and works of the person making or supplying gas.

Power to examine gas-pipes to ascertain cause of water being fouled. *Ibid.* s. 85.

(2) Before proceeding to do so, the board shall give twenty-four hours' notice in writing to the said person of the time at which the digging and examination is intended to take place, and it shall give the like notice to the Public Authority having the control or management of the street or place where the digging is intended to take place, and it shall be subject to the like obligation of reinstating the street, and the soil and pavement thereof, and to the same penalties for delay or any nonfeasance or misfeasance therein as provided in Part IV of this Act with respect to streets and pavements broken up by it for laying pipes.

Notice of such examination to be given.

(3) If upon the examination it appears that the water has been fouled by any gas belonging to the said person the expenses of the digging examination and repair of the street or place disturbed in any such examination shall be paid by such person.

The expenses of the examination to abide the result.

(4) If upon the examination it appears that the water has not been fouled by the gas of the said person then the board shall pay all expenses of the examination and repair, and also make good to the said person any injury which may be occasioned to his works by the examination.

142. Any person who wilfully obstructs any person acting under the direction of the board in setting out any works undertaken in pursuance of this Act, or pulls or removes any poles or stakes driven into the ground for the purpose of setting out such works, or defaces or destroys

Penalty for obstructing construction of works. *Ibid.* s. 41.

destroys any marks made for the same purpose, shall be guilty of an offence and be liable to a penalty not exceeding five pounds.

Penalty for tampering with works.

143. Any person who opens any ground so as to uncover or expose any pipes or other works or fittings belonging to or under the control and management of the board without being lawfully entitled so to do and without having given to the board two days' notice in writing of his intention so to do, or who wilfully or negligently breaks or injures or opens any pipes or other works or fittings as aforesaid, shall be guilty of an offence and be liable to a penalty not exceeding five pounds

Penalty for unlawfully taking water.

144. (1) Any person who wrongfully takes or uses water from any reservoir, aqueduct or pipe belonging to or under the control and management of the board, or from any pipe leading to or from any such reservoir, aqueduct or pipe, or from any cistern or other like place belonging to or under the control and management of the board or supplied by it with water for the use of any consumer, shall be guilty of an offence and be liable to a penalty of not exceeding five pounds.

Penalty for illegally taking or diverting water.

(2) Any person who illegally diverts or takes water supplying or flowing into any waterworks, watercourse or reservoir belonging to or under the management and control of the board, or who does any unlawful act whereby the water from any such waterworks, watercourse or reservoir may be drawn off or diminished in quantity, shall be liable to a penalty not exceeding five pounds for every day during the whole or any part of which the said supply of water is diverted or diminished by reason of any act done by or by the direction of such person.

When water diverted to any land onus of proof of non-complicity lies on owner or occupier of land.

145. Whenever it is shown that any water is or has been so wrongfully taken or used or illegally diverted or taken to or into land owned or occupied by any person, the taking or using or diversion of such water shall be deemed to have been effected by or by the direction of such person unless such person satisfies the court that such taking or using or diversion of the water on to or into such land was effected without his direction or connivance.

146.

Settlement of disputes between the board and other public authorities.

146. (1) When a dispute arises between the board and another public authority either may refer the dispute to the Minister for settlement by the Governor.

(2) The Minister may appoint any person a commissioner to hold an inquiry and to report to him as to any matter arising in or relating to the dispute.

(3) The provisions of the Royal Commissions Act, 1923, other than those of Division 2 of Part II of that Act, and the provisions of section one hundred and fifty-two of the Justices Act, 1902, shall mutatis mutandis apply to any commissioner appointed under this section.

(4) The Governor may make such order in the public interest and in the circumstances of the case as may seem to be just and equitable. Any such order shall be final and conclusive and shall be given effect to by the board and by the public authority.

(5) This section shall apply to the exclusion of section six hundred and fifty-four of the Local Government Act, 1919.

SCHEDULES.

SCHEDULES.

Sec. 5.

FIRST SCHEDULE.

No. of Act.	Short Title.	Extent to which repealed.
43 Vic. No. 32 ...	The Metropolitan Water and Sewerage Act of 1880.	The whole.
51 Vic. No. 28 ...	The Metropolitan Water and Sewerage Act Amendment Act of 1888	The whole.
53 Vic. No. 16 ...	The Metropolitan Water and Sewerage Act Amendment Act of 1889.	The whole.
57 Vic. No. 12 ...	The Metropolitan Water and Sewerage Act Extension Act of 1894.	The whole.
1916, No. 13 ...	The Metropolitan Water and Sewerage Amendment Act of 1916.	The whole.
1922, No. 25 ...	The Metropolitan Water and Sewerage Act, 1922.	The whole.
1923, No. 37 ...	The Metropolitan Water and Sewerage Act, 1923.	The whole.
1898, No. 33 ...	The Metropolitan Water (Camden) Act, 1898.	The whole.
1910, No. 36 ...	The Camden Sewerage Act, 1910	The whole.
53 Vic. No. 7 ...	The Manly Drainage Works Act, 1889.	The whole.
1902, No. 5 ...	The Manly Water Supply and Sewerage Transfer Act, 1901.	The whole.
1900, No. 36 ...	The Wollongong Water Supply Works Act, 1900.	The whole.
1905, No. 39 ...	The Sydney Corporation Amendment Act, 1905.	Section fourteen.

SECOND

SECOND SCHEDULE. Sec. 8 (2).

Constituencies	Area.	No. of Members to be Elected.
First	Sydney	2
Second	Redfern...	2
	Paddington	
	Woollahra	
	Vaucluse	
	Waverley	
	Randwick	
Third	Darlington	2
	Newtown	
	Petersham	
	Marrickville	
	Erskineville	
	St. Peters	
	Waterloo	
	Alexandria	
	Mascot	
	Botany	
Fourth	Rockdale	2
	Bexley	
	Kogarah	
	Canterbury	
	Hurstville	
	Bankstown	
Fifth	Glebe	2
	Annandale	
	Leichhardt	
	Ashfield	
	Concord	
	Burwood	
	Enfield	
	Strathfield	
	Homebush	
	Lidcombe	
Sixth	Balmain...	2
	Drummoyne	
	Hunter's Hill	
	Lane Cove	
	North Sydney	
	Mosman...	
	Manly	
	Warringah Shire	

SECOND

SECOND SCHEDULE—*continued.*

Constituencies.	Area.	No. of Members to be Elected.
Seventh	Ermington and Rydalmere ... Dundas ... ... Eastwood ... ... Ryde ... ... Willoughby ... ... Kuring-gai Shire ... ... Hornsby Shire	2
Eighth	Parramatta ... ... Granville ... ... Auburn ... ... Prospect and Sherwood ... Smithfield and Fairfield ... Cabramatta and Canley Vale ... Nepean Shire ... ... St. Mary's ... ... Castlereagh ... ... Blacktown Shire ... ... Baulkham Hills ... ... Richmond ... ... Colo Shire	2
Ninth	Sutherland ... ... Bulli Shire ... ... Illawarra Central .. ... Illawarra North ... ... Wollongong ... ... Wollondilly ... ... Liverpool ... ... Ingleburn ... ... Campbelltown ... ... Camden	1

Sec. 35.

THIRD SCHEDULE.

The works the construction of which is authorised by the following Acts :—

PART I.

Granville, Auburn, and Lidcombe Sewerage Act, 1918.
Wollongong Sewerage Act, 1923.
Sydney Water Supply Act, 1922.

PART

PART II.

Sydney Water Supply (Cordeaux River Dam) Act, 1916.
Sydney Water Supply (Avon River Dam) Act, 1919.
Northern Suburbs Sewerage Act, 1918.
Canterbury, Campsie, Belmore, and Bankstown Sewerage Act, 1918.
Sydney Water Supply Amplification Act, 1923, First Schedule (Lupton Dam).

FOURTH SCHEDULE.

Sec. 100.

Rates, charges, and fees.

1. A scale of rates shall be fixed by the by-laws, and such scale shall continue to be the scale according to which rates shall be levied until the by-law fixing the scale is varied or amended.

2. Rates shall be levied annually by resolution of the board, a copy of which resolution shall be published in the Gazette. The production of the Gazette, or the part thereof containing the resolution, shall be evidence of the due levying of a rate.

3. Rates shall be levied in the month of May in each year for the twelve months commencing on the first day of July then next.

4. Rates shall be payable annually in advance on the first day of July, or may in a particular case with the approval of the board be paid by instalments.

5. The owner or occupier of land shall become liable to the payment of rates upon the service by the board on him of a rate notice in the form prescribed by the by-laws.

6. The owner or occupier of the land or the person requiring the service shall become liable to the payment of charges and fees on the service upon him of an account therefor and a notice to pay in the form prescribed by the by-laws, unless by the by-laws the charge or fee is made payable in advance.

7. A rate shall become payable in respect of each separate parcel of land, but any rate in respect thereof may be included in the same rate notice with any rate in respect of the same or different land.

8. In any case where more than one person is an owner or occupier of the land within the meaning of this Act, the rate notice may be served upon any one or more of such persons, and the board may recover the rate as against any person upon whom the rate notice is so served.

Nothing in this clause shall entitle the board to recover more than the full amount of the rate.

9. In any case where the name of any owner or occupier liable to pay the rate is not known to the board, it shall be sufficient to rate such owner or occupier by the designation of "the owner" or "the occupier," as the case may be, without stating his name.

10.

10. Where land which was not ratable has become ratable the rate payable thereon shall be proportionate to the portion of the twelve months during which the land is ratable; and in any such case any valuation made by the board of the land after it becomes ratable shall be deemed to have come into force concurrently with the land becoming ratable.

11. Where land which was ratable has not been valued because of omission from any valuation book or valuation list, the valuation thereof made by the board after discovery of the omission shall come into force and rates may be levied as from the first day of July of the then current financial year of the board. Where in any other case mentioned in subsection four of section ninety-seven a valuation is made by the board, the valuation shall come into force and rates may be levied as from the date when the valuation is made.

12. If for any reason a rate is not levied within or by the time prescribed by or under this Act, or if any irregularity in levying any rate affects or may be considered to affect the validity of the rate, the Governor may extend the time for the levying of the rate and may authorise the doing by the board of such acts as may be necessary to cure the irregularity and to validate the rate.

13. Every rate shall be entered in a rate-book, which shall be in or to the effect of the form prescribed by the regulations.

14. An alteration or amendment in the rate-book may be made in respect of any rate by—

(a) inserting the name of any person claiming and entitled to have his name inserted as owner or as occupier, as the case may be;

(b) inserting the name of any person who ought to have been rated or who has since the levying of the rate become liable to be rated;

(c) striking out the name of any person who ought not to have been rated;

(d) raising or reducing the sum at which any person has been rated, if it appears to the board that owing to any error in entering the rate in any rate notice or in the rate-book or in transcribing any figures from any valuation book, or if a valuation has been varied on appeal, the person has been under rated or over rated;

(e) inserting any land which ought to have been rated and the necessary particulars in respect thereof;

(f) making such other alterations or amendments as will make the rate conformable to this Act.

15. Any such alteration or amendment in the rate-book shall not be held to avoid the rate.

16. An alteration or amendment in the rate-book may be authenticated in the manner prescribed by the regulations, and shall have effect as though made when the rate was made.

17. Every person whose rate is altered or amended to his prejudice, or who by any alteration or amendment has become rated in respect of any land, shall be entitled to receive one month's notice of the alteration or amendment before the rate shall be due and payable by him.

18.

18. Rates shall, except where otherwise expressly provided, be payable by the owner of the land in respect of which the rate notice is served.

19. Where the land is owned by the Crown, and is not held by any person under a lease therefrom, the rate shall be payable by the Crown from the Consolidated Revenue Fund, or if a statutory body representing the Crown is concerned, from the Consolidated Revenue Fund or from moneys of the statutory body, as the Governor may determine.

20. Where the land is owned by the Crown, and is held by any person under a lease therefrom, the rate shall be payable by the holder of the lease:

Provided that where a Crown lease is transferred by way of mortgage, the board may not recover from the mortgagee unless and until it has failed to recover from the mortgagor.

21. (1) Where the land is held under a lease from the Crown by two or more persons successively in the same year, whether with or without any interval between their holdings, the board may, if it thinks fit—

(a) make such adjustment (if any) of the rate, whether paid or unpaid, as it thinks proper, between such persons;

(b) recover from each of such persons his proportion of the rate as fixed by the adjustment;

(c) make any refund in accordance with the adjustment;

(d) write off any amount in respect of the interval between the holding of such persons.

(2) Where the land is vested in the board and is held therefrom by any person under a lease for a term of not less than one year, the rate shall, if the lease contains an agreement by the lessee to pay rates, or to pay any equivalent sum expressly fixed by reference thereto, be paid to the board by the holder of the lease.

22. (a) Where the land is owned or held jointly by two or more ratable persons, such persons shall be jointly and severally liable for the rate, but as between themselves each shall only be liable for such part of the rate as is proportionate to his interest in the land and in the improvements thereon.

(b) If any of such persons pays more than his proportionate part, he may recover the excess by way of contribution from the others.

23. Where a ratable person disposes of his estate or interest in the land, he shall nevertheless be a ratable person and liable for the rate to the same extent as if he had not disposed of his estate or interest, provided that the rate notice is served either—

(a) before he disposes of his estate or interest; or

(b) before a notice of transfer in or to the effect of the form prescribed by the by-laws is given.

24. If any ratable person, who disposes of his estate or interest in the land, pays any rate in respect thereof which has become payable after he disposes of his estate or interest and before the prescribed notice of transfer is given, he may recover the amount from the person to whom he disposes of his estate or interest.

25. As between a ratable person and any other person from or to whom he derives or disposes of his estate or interest in the land every rate shall be considered as accruing from day to day and shall be apportionable in respect of time accordingly.

26.

26. Where a person by becoming entitled to an estate or interest in the land becomes a ratable person, he shall be liable to the board for the current rate and for all arrears of the rate owing by any previous owner in respect of the land, notwithstanding the fact that he became entitled to the estate or interest after the rate notice was served.

27. If any ratable person who becomes entitled to an estate or interest in the land pays to the board any rate in respect thereof which became payable before he became entitled to the estate or interest, he may recover a proportion of the amount from the person who was liable to the board for the rate at the time when the rate notice was served.

28. Nothing in clauses 26 and 27 of this Schedule shall affect or extend to any person who is the holder of a lease from the Crown or from the board, where the lease is granted after the rate is levied, although the land was previously held under a lease from the Crown or from the board.

29. The proviso to clause 31 of this Schedule relating to a charge for rates shall apply mutatis mutandis to the liability for rates under clauses 26 and 27 hereof.

30. (1) Where rates for the payment of which a ratable person is liable are unpaid at the expiration of one month after the date when they became payable, the board may serve notice upon the occupier (if any) to pay the rates, and the occupier shall thereupon become liable to pay the same.

(2) Where the rates for which the owner is liable are required from and paid by the occupier, the occupier may set off the amount so paid against any rent due from him to the owner.

If where the rates are so paid no rent is due, or if the amount of the rates so paid exceeds the amount of rent due, the occupier may either set off the amount so paid or the amount of the excess against accruing rent or recover it or part of it by action as for money paid, with full costs as between solicitor and client.

(3) A tenant who pays rates for a period extending beyond his term shall be entitled to recover from his landlord the amount so paid, with such costs as aforesaid.

(4) The receipt of the board for such rates shall be a discharge of the rent, and conclusive evidence of the payment thereof to the amount specified in the receipt.

31. (1) Every rate under this Act, and any costs awarded to the board by any court in proceedings for the recovery of the rate shall be a charge on the land in respect of which a rate notice is served, in priority to all sales, conveyances, transfers, mortgages, charges, liens, and encumbrances whatsoever:

Provided that—

(a) no such charge for any rate or costs shall be of any effect as against a bona fide purchaser for value who at the time of purchase made due inquiry, but had no notice of the liability; and

(b) a purchaser shall be deemed to have made due inquiry who has obtained a certificate under section one hundred and one as to the amount (if any) due to the board.

(2)

(2) The provisions of the preceding paragraph and the proviso thereto shall extend to all sums due to the board and by this Act declared to be charged upon land.

(3) Where the land is owned by the Crown the charge shall not affect or extend to—

(a) the estate or interest of the Crown in the land; or

(b) the estate or interest of any person holding under a lease from the Crown where the lease is granted after the rate is levied, although the land has been previously held under a lease from the Crown.

(4) The charge shall rank pari passu with any charge on the land under any other Act.

32. In this Schedule the expression "ratable person" means any owner of land or any holder of a lease who is made liable to pay the rates.

In the name and on behalf of His Majesty I assent to this Act.

D. R. S. DE CHAIR,
Governor.

Government House,
Sydney, 23rd December, 1924.

METROPOLITAN WATER, SEWERAGE, AND DRAINAGE BILL.

SCHEDULE of Amendments referred to in Message of 11*th December*, 1924.

Page 2, clause 2, line 29. At end of clause *add* "and (b) by inserting at the end of "section two thereof the following new subsection:—

(4) The vacancy arising on account of David Gilpin, Esquire, having ceased to be an alderman of the Municipal Council of Sydney shall be filled by the appointment by the Governor of an alderman of that Council upon the nomination of that Council, and the person so appointed shall for the purposes of the Principal Act be deemed to be a "City Member" duly elected.

Page 4, clause 4. *After* line 18 *insert* new definition as follows:—

"'Commencement of this Act' or other like expression means the "thirty-first day of March, one thousand nine hundred and "twenty-five."

Page 9, clause 7, subclause (4), lines 19 and 20. *Omit* the words "person who secured "the least number of votes at such election" *insert* in lieu thereof the words "member who at such election secured the least number of votes, or if, "in the opinion of the board expressed by resolution, this method of "determining which of two members shall retire is in the circumstances "of the case inapplicable, then the question shall be determined by lot"

Page 12, clause 16, line 10. *After* the figures "1898" *insert* the words "or being the "president engages in any trade or business or in any employment "other than the performance of his duties under this Act"

Page 12, clause 19. *After* subclause (1) insert new subclause (2).

Page 21, clause 36, subclause (1), paragraph (c), lines 39 to 41. *Omit* the words "pay an amount equal to decimal forty-six per centum of the total capital "indebtedness of" *insert* in lieu thereof the words "pay in each year upon "a date to be specified in the proclamation an amount equal to five "per centum of the gross revenue derived from"

Page 33, clause 56. At end of clause *add* new subclauses (3) and (4).

Page 40, clause 70, subclause (2), lines 14 and 15. *Omit* the words "an amount equal "to decimal forty-six per centum of the total capital indebtedness" *insert* in lieu thereof the words "or on such dates and by such instalments as the "Governor may direct an amount equal to five per centum of the gross "revenue of the board from all sources"

Page 41, clause 73. *After* "it" in line 9 *omit* all the words to end of line 13, and *insert* "in respect of that service and to the amount of its capital indebtedness "in respect of that service as determined under Division 1 of this Part "will cause the total amount of its indebtedness in respect of that service "to exceed fifteen per centum of the unimproved value of all lands "ratable for that service"

Page 51, clause 96, subclause (1). *Omit* line 17.

Page 51, clause 96. *After* subclause (3) *insert* new subclauses (4), (5), and (6).

Page 66, clause 124. At end of clause *add* new subclause (2).

Page 86, Fourth Schedule, line 49. *Omit* "two" *insert* "one"

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

W. S. MOWLE,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 2 *December,* 1924.

The LEGISLATIVE COUNCIL *has this day agreed to this Bill with Amendments.*

W. L. S. COOPER,
Clerk of the Parliaments.

Legislative Council Chamber,
Sydney, 11 *December,* 1924.

New South Wales.

ANNO QUINTO DECIMO

GEORGII V REGIS.

****

Act No. , 1924.

An Act to provide for the water supply, sewerage, and stormwater drainage of certain districts in and adjacent to the County of Cumberland; to repeal the Metropolitan Water and Sewerage Act of 1880, and certain other Acts; to amend the Local Government Act, 1919, and certain other Acts; and for purposes connected therewith.

38983 16—A BE

NOTE.—The words to be *omitted* are *ruled through*; those to be *inserted* are printed in **black letter.**

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

Preliminary and Interpretation.

1. This Act may be cited as the "Metropolitan Water, Sewerage, and Drainage Act, 1924." Short title.

2. (1) This Act shall come into operation as follows :— Commencement of Act.

(a) The provisions of subsection two of this section shall come into operation on the passing of this Act;

(b) the provisions of Part III of this Act relating to elections shall come into operation on the first day of March, one thousand nine hundred and twenty-five;

(c) the other provisions of this Act shall come into operation on the thirty-first day of March, one thousand nine hundred and twenty-five.

(2) The Metropolitan Water and Sewerage (Amendment) Act, 1923, is amended— Amendment, Act No. 37, 1923. Sec. 2.

(a) by omitting from paragraph (a) of subsection one of section two the words "thirty-first day of December, one thousand nine hundred and twenty-four" and by inserting in lieu thereof the words "thirty-first day of March, one thousand nine hundred and twenty-five"; and

(b) **by inserting at the end of section two thereof the following new subsection:—**

(4) The vacancy arising on account of David Gilpin, Esquire, having ceased to be an alderman of the Municipal Council of Sydney shall be filled by the appointment by the Governor of an alderman of that council upon the nomination of that council, and the person so appointed shall for the purposes of the Principal Act be deemed to be a "City Member" duly elected.

3.

3. This Act is divided into Parts, as follows :— Division into Parts.

PART I.—PRELIMINARY AND INTERPRETATION—*ss.* 1–4.

PART II.—REPEALS AND SAVINGS—*ss.* 5, 6.

5 PART III.—CONSTITUTION OF BOARD—*ss.* 7–25.

PART IV.—FUNCTIONS AND POWERS OF BOARD.

DIVISION 1.—*Administration*—*ss.* 26–30.

DIVISION 2.—*Construction*—*ss.* 31–37.

DIVISION 3.—*General*—*ss.* 38–46.

10 DIVISION 4.—*Special provisions as to water supply*—*ss.* 47–56.

DIVISION 5.—*Special provisions as to sewerage*—*ss.* 57–63.

DIVISION 6.—*Special provisions as to stormwater drainage*—*ss.* 64–66.

15

PART V.—FINANCE.

DIVISION 1.—*Capital indebtedness to Treasurer*—*ss.* 67–70.

DIVISION 2.—*Loans*—*ss.* 71–86.

20 DIVISION 3.—*Revenue*—*ss.* 87–101.

DIVISION 4.—*Funds*—*ss.* 102–108.

DIVISION 5.—*Accounts and audit*—*ss.* 109–112.

DIVISION 6.—*General*—*s.* 113.

PART VI.—PROPERTY.

25 DIVISION 1.—*Acquisition*—*ss.* 114–116.

DIVISION 2.—*Transfer*—*ss.* 117–120.

DIVISION 3.—*General*—*ss.* 121–123.

PART VII.—REGULATIONS AND BY-LAWS—*ss.* 124–130.

30 PART VIII.—SUPPLEMENTAL—*ss.* 131–146.

FIRST SCHEDULE.—(Repeals).

SECOND SCHEDULE.—(Constituencies).

THIRD SCHEDULE.—(Works excepted).

FOURTH SCHEDULE.—(Rates, charges, &c.).

4.

4. In this Act, unless inconsistent with the context or subject-matter,— **Definitions.**

"Area of operations" means the City of Sydney, the islands in Sydney Harbour, any catchment area, and the areas enumerated in the Second Schedule and such other areas as are proclaimed from time to time as areas within which the board is authorised to exercise its powers or perform its functions. 53 Vic. No. 16, s. 19.

"Board" means the Metropolitan Water Sewerage and Drainage Board constituted under this Act.

"By-laws" means by-laws made under this Act, and includes by-laws continued in force by this Act.

"Catchment area" means any area proclaimed as such under the Acts hereby repealed and any area as defined from time to time by proclamation from which the supply of water is drawn. Sec. 2 of 1880 Act, also secs. 27 and 82 *Ibid.*, and Act No. 25, 1922.

"Commencement of this Act" or other like expression means the thirty-first day of March, one thousand nine hundred and twenty-five.

"Domestic purposes" shall not include a supply of water for stables, for manufacturing, trade, or business purposes, for irrigation, for water power, for fountains, for watering cattle or horses, for watering gardens, or for washing motor or other vehicles.

"Elected members" means members of the board elected in the prescribed manner.

"Joint" and "jointly" in relation to owning, holding, or occupying land includes owning, holding, or occupying in common.

"Land" includes any easement or right over, through, or above any land.

"Municipality" means an area constituted or continued as a municipality under the Local Government Act, 1919, and includes the city of Sydney.

"Owner"

"Owner" in relation to land includes every person who jointly or severally whether at law or in equity—

(a) is entitled to the land for any estate of freehold in possession; or

(b) is a person to whom the Crown has lawfully contracted to grant the fee simple under the Crown Lands Acts; or

(c) is entitled to receive, or is in receipt of, or if the land were let to a tenant would be entitled to receive, the rents and profits thereof whether as beneficial owner, trustee, mortgagee in possession, or otherwise;

and includes every person who by virtue of this Act is deemed to be the owner.

The Crown shall be deemed to be the owner of—

(a) any Crown land; and

(b) any land vested in a statutory body representing the Crown.

"Part" means Part of this Act.

"Prescribed" means prescribed by this Act or by regulations or by-laws.

"Public Authority" includes the Governor or any Minister of the Crown, or any statutory body representing the Crown, and the council of any shire or municipality.

"Public road" means road which the public are entitled to use and includes any road dedicated as a highway by the Crown or by any person, or a road notified, proclaimed, or dedicated as a public road or highway under the provisions of any Act.

"Ratable land" includes all land upon which any rate is leviable or levied under this Act.

"Regulations" means regulations made under this Act, and includes regulations continued in force by this Act.

"Shire" means an area constituted or continued as a shire under the Local Government Act, 1919.

"Stormwater

"Stormwater channel" means any artificial channel, whereby surface water is carried off, now constructed or in course of construction and not now under the care and control of the council of any municipality or shire and which is declared by the Governor by notification in the Gazette to be a stormwater channel, and also any such channel to be constructed as is on the recommendation of the board so declared by the Governor to be a stormwater channel.

" Street " includes any way, public or private.

" Treasurer " means Colonial Treasurer.

PART II.

Repeals and Savings.

Repeal of certain Acts. Schedule One.

5. The Acts set out in the First Schedule are to the extent therein indicated hereby repealed.

Savings.

6. (1) The repeal of any Act by this Act shall not—

(a) interfere with the perpetual succession of the Board of Water Supply and Sewerage, the powers, functions, rights, exemptions, duties, liabilities, obligations, and remedies of which shall, from the date of the assumption of office by the Metropolitan Water Sewerage and Drainage Board, be discharged, preserved, vested in, carried on, continued, and assumed completely and without any abatement or cessation in any respect whatsoever except as amended and replaced by this Act, by the Metropolitan Water Sewerage and Drainage Board, and until such assumption of office shall be discharged, preserved, vested in, carried on, continued, and assumed completely and without any abatement or cessation in any respect whatsoever by the board constituted under the Acts so repealed;

(b)

(b) except as specifically provided, terminate any contract or appointment;

(c) prejudice the operation of any regulations or by-laws in force at the commencement of this Act, which regulations or by-laws shall continue in force until repealed by proclamation published in the Gazette, and until such repeal may be enforced as if they were regulations or by-laws made under this Act;

(d) prejudice any license issued under the Acts hereby repealed or the regulations or by-laws made thereunder, and any such license shall remain in force for the period for which it was granted, unless cancelled by the board;

(e) affect the validity of any proclamation, notification, or any Gazette notice made under any of the Acts hereby repealed until such is rescinded, revoked, repealed, amended or varied by proclamation published in the Gazette;

(f) as far as relates to any previous or pending transaction or matter, affect property vested, acts and things validated and authorised, rights, powers, and protection acquired, liabilities incurred, or indemnities given by or under any of the Acts so repealed.

(2) Nothing in this Act shall affect the rights accrued or accruing under the Civil Service Act of 1884, the Public Service Act of 1895, or any Acts amending or consolidating the same, or under any regulations or by-laws made thereunder, or under the Acts hereby repealed, to any officer or servant of the Board of Water Supply and Sewerage, or to any public servant whose services are transferred to the board, and without limiting the generality of the foregoing saving in particular, any such officer or servant shall continue to contribute to the Superannuation Account or to the State Superannuation Fund, as the case may be, and shall be entitled to receive any payment, pension, or gratuity to which he would have become entitled under the said Acts or regulations if he had remained a public servant or an officer or servant of the said Board of Water Supply and Sewerage.

(3)

(3) Printed notices, forms, books, and formal documents prescribed or customarily used under the provisions of the Acts hereby repealed may during the first year after the commencement of this Act be used in place of the corresponding notices, forms, books, and formal documents under this Act.

(4) After the commencement of this Act a reference to the Board of Water Supply and Sewerage in any Act or other instrument may be construed as a reference to the Metropolitan Water Sewerage and Drainage Board constituted under this Act.

(5) Notwithstanding the repeal of the Acts hereby repealed, all rates, charges, fees, and sums of money which under those Acts or any of them are immediately before the commencement of this Act due and payable to or leviable by or for the Board of Water Supply and Sewerage shall be paid to and may be received, levied, and recovered by the Metropolitan Water Sewerage and Drainage Board, and shall remain a charge upon property or land as if this Act had not passed.

(6) Without limiting the generality of the savings in this section contained the Metropolitan Water Sewerage and Drainage Board shall collect and may recover all rates, charges, fees, and sums of money which under the Acts hereby repealed and the by-laws made thereunder would have been payable on the first day of January, one thousand nine hundred and twenty-five, to the Board of Water Supply and Sewerage or which would have become payable to or chargeable by that board during the period between the said date and the thirtieth day of June, one thousand nine hundred and twenty-five, if this Act had not passed.

(7) This section shall not limit any saving in this Act or in the Interpretation Act, 1897.

PART

PART III.

Constitution of Board.

7. (1) The authority to carry out the provisions of this Act, save where otherwise provided, shall be the Metropolitan Water Sewerage and Drainage Board. Composition of board.

(2) The board shall be composed of eighteen members to be respectively elected and appointed as hereinafter provided.

(3) One member shall be appointed by the Governor by commission under the Seal of the State, shall hold office for five years, and shall be eligible for reappointment. Such appointed member shall in and by his commission be appointed president of the board.

(4) Elected members shall hold office for four years: Provided that of the two members elected for any two member constituency at the election held in March, one thousand nine hundred and twenty-five, one shall hold office for two years only. The member to hold office for two years only shall be the ~~person who secured the least number of votes at such election.~~ **member who at such election secured the least number of votes, or if, in the opinion of the board expressed by resolution, this method of determining which of two members shall retire is in the circumstances of the case inapplicable, then the question shall be determined by lot.** Any member retiring in accordance with this provision, if otherwise qualified, shall be eligible for re-election. Elected members—duration of office.

8. (1) The elected members shall be elected for constituencies which shall each return the number of members indicated in the Second Schedule. Constituencies.

(2) One of such constituencies shall be the City of Sydney and each of the other constituencies shall comprise the areas grouped therein respectively as set out in the Second Schedule to this Act.

(3) The Governor may by proclamation published in the Gazette add the names of other areas to the names of the areas mentioned in the said Schedule, and may include such areas in any of the constituencies therein named, and may re-group the areas included in the said constituencies by including or excluding areas from such constituencies.

(4)

(4) Members for constituencies shall be elected by the aldermen and councillors of the areas comprised therein.

(5) For the purposes of this Part and the Second Schedule, "area" shall have the meaning ascribed thereto in the Local Government Act, 1919, and shall include the city of Sydney.

9. Any person shall be eligible for election as a member of the board if at the time of the holding of the election he is eligible to be elected as an alderman or councillor of any of the areas for the time being comprised in any constituency under this Act.

Qualification for election. 43 Vic. No. 32, s. 16.

10. (1) For the purposes of the election of members of the board the Governor may appoint a returning officer and such deputy returning officers as he may deem necessary.

Conduct of elections. *Ibid.* s. 14.

(2) The elections shall be carried out and conducted and the result thereof certified to the Governor as prescribed by the regulations.

11. (1) Elections to fill other than extraordinary vacancies shall be held in the month of March in the year one thousand nine hundred and twenty-five, and in the month of February in every second year thereafter, as may be required in accordance with the provisions of this Act.

Date of elections. *Ibid.* s. 13.

(2) Members elected in the year one thousand nine hundred and twenty-five, and members elected at the periodical elections held in February in subsequent years, shall hold office as from the thirty-first day of March following their elections.

12. (1) If a candidate at an election, or any other person, shall directly or indirectly by himself or his agent, offer to pay or give money, food, drink, or valuable consideration to induce any person to vote or to abstain from voting at the election, he shall be guilty of a misdemeanour.

Bribery. *Ibid.* s. 19.

(2) The election of a candidate shall upon his conviction for an offence under this section be null and void.

13.

13. (1) If at the time appointed for an election to be held in a constituency there is no candidate, the Governor may appoint a person qualified under the provisions of this Act to be a member of the board for the constituency.

Governor may appoint in certain cases. 43 Vic. No. 32, s. 20.

(2) The person so appointed shall hold office for the term for which the member to be elected would have held office, and shall for the purposes of this Act be deemed to be an elected member.

14. No election under this Act shall be questioned by reason of any defect in the appointment of any person before whom such election shall have taken place if such person shall have really acted at the election, nor by reason of any formal error or defect in any publication under this Act or the regulations (or purporting so to be), nor by reason of any publication being out of time, nor by reason of any election not having been duly held.

Election not to be questioned for informality. *Ibid.* s. 21.

15. (1) Each member of the board, before entering upon the duties of his office shall make and subscribe before the Executive Council an oath of allegiance to His Majesty, and shall make and subscribe the following declaration of office:—

Declaration and oath. *Ibid.* s. 12.

> I, , having been elected [*or* appointed] a member of the Metropolitan Water Sewerage and Drainage Board, do hereby declare that I will truly and faithfully fulfil the duties of that office according to the best of my judgment and ability.

(2) If a person after having been afforded an opportunity of making and subscribing the oath and declaration neglects to do so for a period of one month after the date of his election or appointment, he shall be deemed to have declined to accept office.

(3) Where the Governor is satisfied that the delay in making and subscribing the oath and declaration is unavoidable he may extend the time for making and subscribing the oath and declaration for any period not exceeding six months.

(4) Any person declining to accept office shall not be eligible for re-election to fill the extraordinary vacancy created.

16.

16. A member of the board may resign his office by writing under his hand addressed to the Governor, and in that event, or in the event of the death of any member, or if any member of the board declines office or is deemed to so decline office, or if he without the permission of the board fails to give his attendance at four consecutive meetings of the board, or becomes bankrupt, or is convicted of a felony or misdemeanour, or becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898, **or being the president engages in any trade or business or in any employment other than the performance of his duties under this Act,** his seat shall become vacant.

Vacancies, how caused. 43 Vic. No. 32, s. 23.

17. (1) An election to fill an extraordinary vacancy shall be carried out and conducted as prescribed by regulations.

Extraordinary vacancy. *Ibid.* ss. 10 and 18.

(2) A person elected to fill a vacancy shall hold office until the time when his predecessor's term of office would have expired and no longer, but shall be eligible for re-election if otherwise qualified.

18. The expenses incurred in the conduct of an election shall, when certified under the hand of the returning officer, be paid out of the General Fund of the board.

Expenses of election. *Ibid.* s. 15.

19. (1) The president of the board shall be paid an annual salary of two thousand pounds.

Remuneration of members. *Ibid.* s.

(2) The president shall not during his term of office engage in any trade, business, or in any employment other than the performance of his duties under this Act.

(~~2~~ **3**) Each of the members of the board other than the president shall be entitled to receive as remuneration for his services a sum not exceeding two hundred pounds per annum, to be paid in the form of a fee of such amount as may be prescribed by the regulations for each meeting of the board attended.

(~~3~~ **4**) The office of an elected member of the board shall not, for the purposes of the Constitution Act, 1902, or the Sydney Corporation Act, 1902, be deemed to be an office or place of profit under the Crown.

20.

20. (1) The board shall elect one of its members to be the vice-president thereof. Vice-president.

(2) In the absence of the president the vice-president may act in his stead, and whilst so acting shall have the same powers and duties as the president, if present, would have. 43 Vic No. 32, s. 8.

21. (1) The president, or in his absence the vice-president, shall preside at all meetings of the board, and shall have a casting vote in addition to a deliberative vote. Meetings. *Ibid.*

(2) Any ten members of the board, of whom the president or vice-president for the time being shall be one, shall be a quorum thereof, and shall have and may exercise all the powers and authorities which by this Act are conferred on the board.

(3) All questions arising at any meeting of the board shall be decided by the majority of the votes of the members present.

(4) The board shall keep full and accurate minutes of all its proceedings in such manner and form as may be prescribed by the regulations. *Ibid.* s. 25.

22. (1) The board is hereby declared to be a body corporate with perpetual succession and a common seal. Incorporation and style of board.

(2) The board may sue and be sued in the corporate name of "The Metropolitan Water Sewerage and Drainage Board."

(3) The common seal shall be kept in the custody of the president or of such member of the board as the board may determine, and shall not be affixed to any instrument or writing except in the presence of a quorum of the board, and two of the members in whose presence the seal is affixed shall attest by their signatures the fact and date of the seal being so affixed. *Ibid.* s. 24.

(4) All courts and persons having by law or consent of parties authority to hear, receive, and examine evidence— Act No. 41, 1919, s. 617.

(a) shall take judicial notice of the seal of the board affixed to any document; and

(b) shall, until the contrary be proved, presume that such seal was properly affixed thereto.

(5) No proceedings of the board shall be invalid or illegal in consequence only of the fact that there was at the time a vacancy in the board.

23.

23. For the purposes of and subject to the provisions of this Act, the board shall be capable of purchasing, holding, granting, demising, disposing of, and alienating real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer. Legal status of board.

24. Any moneys due to the board, whether for rates or otherwise, shall, for the purposes of the recovery thereof, be deemed to be moneys due to His Majesty, and may be sued for and recovered by the board. Crown debts.

25. (1) No matter or thing done and no contract entered into by the board, and no matter or thing done by any member or officer of the board or by any other person whomsoever acting under the direction of the board shall, if the matter or thing was done or the contract was entered into bona fide for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim or demand whatsoever. Members acting bona fide not personally liable. No. 2,696, 1915 Vict., s. 225.

(2) Nothing in this section shall exempt any member of the board from liability to be surcharged with the amount of any payment which is disallowed by the auditor or auditors in the accounts of the board, and which such member authorised or joined in authorising.

PART IV.

Functions and Powers of Board.

Division 1.—*Administration.*

26. (1) The board shall appoint and employ a secretary and such other officers and workmen to assist in the execution of this Act as it may think necessary. The officers and workmen so appointed shall continue in the employ of the board at the will of the board only. Officers and workmen. 43 Vic. No. 32, s. 28.

(2) Until the completion or transfer of the works mentioned in the Third Schedule to this Act and for two years thereafter the board in engaging an officer

officer shall give preference to a person employed in the Public Service under the Department of Public Works in connection with the construction of water supply, sewerage, or drainage works, whether such person is in the professional, clerical, or general division of the Public Service, and on appointment by the board such person shall be deemed to be a public servant whose services are transferred to the board.

(3) A member of the board shall not, except with the approval of the Governor, be appointed to any position in the pay of the board until six months have elapsed from his ceasing to be a member.

(4) No officer or workman appointed under this section shall, without the permission of the board, engage in any other employment.

(5) All officers and workmen shall be subject to the control and governance of the board, shall be subject to the provisions of any by-laws made by the board in that behalf, and (where required by the board) shall give such security for the performance of their several duties as the board shall require.

Corruption. 1919 No. 41, s. 101.

27. (1) Any person in any office or employment under this Act who, without lawful authority, demands or receives from any person any payment, gratuity, or present in consideration of doing or of omitting to do any act or thing pertaining to his office or employment shall be liable to imprisonment with or without hard labour for a term not exceeding two years.

(2) Any person who, without lawful authority, offers, makes, or gives to any person in any office or employment under this Act any payment, gratuity, or present in consideration that the latter will do or omit to do some act or thing pertaining to his office or employment shall be liable to imprisonment with or without hard labour for a term not exceeding two years.

Failure to account or deliver up. *Ibid.* s. 102.

28. (1) If any officer or workman, when required by the president or secretary, fails—

(a) to render account of moneys which shall have come into his hands or under his control and of his dealings therewith or to pay to the president or secretary the balance of any such moneys; or

(b)

(b) to deliver up within two days to the president or secretary all papers, property, and things in his possession or power relating to the execution of this Act or belonging to the board,

5 any stipendiary or police magistrate or any two justices may, on the complaint of the president or secretary, order such officer or workman to render the accounts, pay the balance, or deliver up the papers, property, and things, as the case may be, and that on non-compliance with 10 the order the officer or workman be imprisoned for a period not exceeding six months.

(2) Proceedings under this section shall not affect the liability of any surety of any officer, or relieve any officer or workman from being held to answer any 15 criminal information, charge, or proceeding.

(3) For the purposes of this section "officer or workman" shall include a person who has, within twelve months prior to any requirement aforesaid, been an officer or workman.

Wilful destruction of documents. 1919 No. 41, s. 103.

20 **29.** Any officer, workman, or other person who wilfully destroys any document of or belonging to the board shall be deemed guilty of a misdemeanour.

Functions generally.

30. (1) Subject to the provisions of this Act the board is charged with—

25 (a) the conservation, preservation, and distribution of water for domestic and other uses;

(b) the provision of reticulation and other means for the discharge of sewage and its treatment and disposal;

30 (c) the construction, control, and management of such stormwater channels as are from time to time assigned to it by the Governor or are vested in it by this Act;

(d) the administration and management of all 35 properties from time to time vested in it;

(e) the operation and maintenance, and where necessary the improvement and extension of all works from time to time vested in it;

(f) the construction of any new, additional, or 40 supplementary works of water supply, sewerage, or drainage;

(g)

(g) the extension of its services to areas or districts not served with its mains or sewers or drains;

(h) the provision of such offices, stores, warehouses, depots, and other accommodation as may be requisite;

(i) the exercise of the duties conferred and imposed upon it by this Act.

(2) The board shall exercise the functions set out in the last preceding subsection within the following areas, namely, the City of Sydney, the islands in Sydney Harbour, any catchment area, the areas enumerated in the Second Schedule, and in such other areas as the Governor may from time to time by proclamation direct.

(3) The provisions of Part III of the Public Works Act, 1912, shall not extend to works constructed or proposed to be constructed by the board.

(4) The board may, with the approval of the Governor, supply water in bulk to the council of any municipality or shire within or outside its area of operations.

DIVISION 2.—*Construction.*

Construction.

31. The board may construct—

(a) such storage dams, weirs, tunnels, aqueducts, pipe lines, canals, reservoirs, filters, and water treatment works, pumping stations, gravitation, rising and reticulation mains, and distributory works, and other works as in its opinion may be required for water supply purposes;

(b) such main and reticulating sewers, pumping stations, mains, works for treatment and purification of sewage, outfall works, ventilating shafts, and other works as in its opinion may be required for sewerage purposes;

(c) channels and branch channels, cuttings, drains, pipes, and other works as in its opinion may be required for stormwater drainage purposes.

32. (1) For the purposes and subject to the provisions of this Act the board may— Powers in relation to works, &c.

(a) enter upon any lands and take levels of the same and set out such parts thereof as it shall think necessary, and dig, break, and trench the soil of such lands and remove or use all earth, stone, mines, minerals, trees, or other things dug or obtained out of or from the same;

(b) enter upon, take and hold such land as it may from time to time deem necessary for the construction, maintenance, repair, or improvement of any works;

(c) from time to time sink such wells or shafts and make, maintain, alter, or discontinue such reservoirs, waterworks, cisterns, tanks, aqueducts, drains, cuts, sluices, pipes, culverts, engines, and other works, and erect such buildings upon the lands, streams, and watercourses authorised to be taken as it shall think proper;

(d) from time to time divert and impound the water from any streams as it may think fit and alter the courses of the same, and also take such waters as may be found in, under, or on any lands for the purposes of this Act;

(e) enter upon any Crown or private land, public road, or street, and may erect any ventilating shaft or lay or place therein any water or sewerage main, pipe, or drain, or repair, alter, cut off or remove the same;

(f) erect, construct, or carry out any works necessary or convenient in connection with any works or undertakings authorised by or under this Act or any other Act, or any Act repealed by this Act;

(g) alter, repair or renew, pull down or re-erect any works authorised by or under this Act or any other Act, or any Act repealed by this Act;

(h) do any act not otherwise unlawful which may be necessary to the proper exercise and performance of its duties.

(2)

(2) The board may cause any ventilating shaft, pipe, or tube for any sewer to be attached to the wall of any building, but the mouth of any such shaft, pipe, or tube shall be at least six feet higher than the highest point of the roof of the building, and be distant in a horizontal direction not less than thirty feet from a door or window of any building.

(3) Where any land is subdivided into holdings or allotments the board may make and provide any sewer which it deems necessary for the proper drainage of such holdings or allotments without making any compensation therefor to parties interested except in reference to any building or other improvement that may be injured or interfered with by the sewer or the making thereof and which the board has not reinstated or repaired, or in respect of any manhole constructed or main ventilator erected on the land.

(4) In the exercise of any of the powers hereby conferred the board shall inflict as little damage as may be, and in all cases where it can be done shall provide other watering-places, drains, and channels for the use of adjoining lands in place of any taken away or interrupted by it, and shall make full compensation to all parties interested for all damage sustained by them through the exercise of such powers.

(5) The board shall not be liable to make compensation in respect of any damage sustained by reason of the exercise of any of its powers unless a claim in writing shall be made for the compensation within three months after the damage is sustained; and in every case where the board cannot agree with the owner or claimant the amount of compensation shall be ascertained and the case in other respects shall be dealt with under the provisions of the Land and Valuation Court Act, 1921, as if it were a case in which a claim for compensation by reason of the acquisition of land for public purposes under the Public Works Act, 1912, had been made

33. (1) The board shall cause maps to be prepared showing the areas served by its water mains and reticulation, its sewer mains and reticulation, and its storm-water channels and branches.

Maps.
43 Vic. No. 32, s. 92.
Act No. 41, 1919, s. 387.

(2)

(2) The maps shall indicate the land liable to payment of rates, the levels of the works of the board at the road frontages of all such lands, and where practicable the distance of the works from the nearest boundaries of the lands, and the situation of the buildings on the lands.

(3) The maps shall be kept revised from time to time and shall, within the office hours of the board, be open to the inspection of the owners of the lands and of licensed plumbers and drainers.

Contracts. 43 Vic. No. 32, ss. 36 and 37.

34. (1) The board may make and enter into contracts or agreements with any person for the construction of works, or otherwise for the performance of services, or for the supply of goods, machinery, or material, in connection with the discharge or exercise by the board of its functions and powers.

(2) All persons contracting with the board shall be deemed for the purposes of the Constitution Act, 1902, to be public contractors.

(3) Any contract or agreement authorised by this or any other section of this Act shall be in the name of the board and may be made as follows, that is to say—

with respect to any contract which if made between private persons would be by law required to be in writing and signed by the parties to be charged therewith or in writing and under seal the board may make such contract in writing and under their common seal and in the same manner may vary or discharge the same;

with respect to any contract which if made between private persons would by law be valid although made by parol only and not reduced into writing the president of the board may make such contract by parol only without writing and in the same manner may vary or discharge the same.

Works excepted from control of the board

35. (1) The board is hereby empowered to carry out under the provisions of this Act the works authorised by the Acts mentioned in Part I of the Third Schedule and also the works mentioned in the Second Schedule of the Sydney Water Supply Amplification Act, 1923, and authorised by that Act. The

The said works to the extent to which they have been already carried out are hereby transferred to the board.

(2) Subject to this section the works enumerated in Part II of the Third Schedule are until not later than the thirtieth day of June, one thousand nine hundred and thirty, excepted from the control of the board, and the construction of such works shall in the meantime continue to be the function of the Minister.

(3) The Governor may at any time by proclamation order that the construction of any of the said works shall, from a date to be fixed in the proclamation, be assumed by the board, and the works shall be transferred accordingly. The board is hereby empowered to carry out and complete the works so transferred under the provisions of this Act.

(4) Where such an order as in the next preceding subsection is made, such officers of the Public Service employed in connection with the work as the Governor may direct shall be transferred to and become officers of the board.

Works may be removed from control of the board.

36. (1) The Governor may by proclamation remove from the control of the board any service in any locality, and may charge the council of any area with the care, control, and management of the service, and thereupon the following provisions shall have effect:—

(a) The council shall have and may exercise and be subject to all the powers, liabilities and obligations of the board in relation to the service, and more particularly may—

(i) make, levy, and recover rates;

(ii) make by-laws;

and the provisions of this Act shall apply as if the said council were the board.

(b) The council shall pay interest to the Treasurer at a rate and upon a capital indebtedness to be stated in the proclamation.

(c) The council shall, in reduction of capital indebtedness, ~~pay an amount equal to decimal forty six per centum of the total capital indebtedness of~~ **pay in each year upon a date to be specified in the proclamation an amount equal to five per centum of the gross revenue derived from the** service to the State Debt Commissioners,

Commissioners, to be applied by them in accordance with section eight of the State Debt and Sinking Fund Act, 1904.

(2) A proclamation under this section shall specify in detail the service to be removed and the area within which the service is to be performed by the council, and the proclamation may be rescinded by a subsequent proclamation, and thereupon the works specified and their care and management shall again vest in the board.

Exclusive powers of the board.

37. Subject to the provisions of this Act the board shall be the sole authority for the conduct of water supply and sewerage services, and the construction, control, and management of stormwater channels, within its area of operations.

DIVISION 3.—*General.*

Inspection.

Act No. 32, 1880, s. 108, et seq.

Act No. 13, 1916, s. 10.

Act No. 41, 1919, s. 524.

38. (1) For the purposes and subject to the provisions of this Act and the by-laws the board and any person authorised by it may enter upon any land or building at any reasonable hour in the daytime and at any hour during which business is in progress or is usually carried on in the premises for the purpose of making inspections authorised or required to be made, and for that purpose may open any ground and remove any flooring and take such measures as may be necessary to ascertain the character and condition of the land or building and of any pipe, sewer, drain, or fitting in connection therewith.

(2) If such pipe, sewer, drain, or fitting or other works are found on inspection to be made to the satisfaction of the board and in proper order and condition, it shall cause the same to be reinstated and made good as soon as may be, and except in a case where a breach of this Act or the by-laws with respect to the pipe, sewer, drain, or fitting has been committed, the costs and expenses of examination, reinstating, and making good thereof shall be defrayed by the board.

(3) In the exercise of the power conferred by this section the board shall do as little damage as possible.

(4)

(4) The board may direct and compel all defective and improper work to be altered or repaired to its satisfaction or to be removed. Unless the alteration, repair, or removal be effected within twenty-four hours after notice given to the owner or occupier of the premises, the board may by its officers and workmen, enter any land or premises and remove the work or effect the necessary alterations or repairs thereto. The costs and expenses of removal, alteration, or repair may be recovered by the board from the owner or occupier as a rate.

Obstruction. Act No. 32, 1880, s. 114.

39. Any person who wilfully or maliciously hinders or interrupts or causes or procures to be hindered or interrupted the board or any officer or person acting under the authority of the board in doing any work or in the exercise of any power, shall be liable, on summary conviction, to a penalty not exceeding ten pounds.

Power to break up streets and to open drains. No. 2,696, Vict. 1915, s. 97.

40. The board may open and break up the soil and pavement of the paths, roads, streets, and bridges within any part of its area of operations, and may open and break up any sewers, drains, or tunnels within or under such paths, roads, streets, and bridges, and lay down and place pipes, ventilating shafts, and other works and fittings, and from time to time repair, alter, or remove the same; and for the purposes aforesaid may remove and use all earth and materials in and under such paths, roads, streets, and bridges, and do all other acts which the board from time to time deems necessary.

Notice to be served before breaking up streets or opening drains. No. 2,696, Vict. 1915, s. 98.

41. (1) Before the board opens or breaks up the soil or pavement of any path, road, street, or bridge or any sewer, drain, or tunnel, it shall give to the Public Authority under whose control or management the same may be, or to their clerk, surveyor or other proper officer, notice in writing of its intention to open and break up the same.

(2) Such notice shall be given not less than seven clear days before beginning the work, except in cases of emergency arising from defects in any pipes or other works or fittings, and then so soon as possible after the beginning of the work or after the necessity for the same has arisen.

(3) Where the board proposes to lay a new line of pipes across a bridge it shall give to the Public Authority having control of the bridge twenty-one days' notice of its intention so to do, and shall conform to the requirements (if any) of the Public Authority in relation to the laying of the pipe line, communicated to the board within twenty-one days of the notice. Should the board deem the requirements of the Public Authority unreasonable it may refer the dispute to the Minister for settlement in accordance with Part VIII of this Act.

Streets broken up to be reinstated without delay. No. 2,696, Vict. 1915, s. 99.

42. (1) When the board opens or breaks up the soil or pavement of any path, road, street, or bridge, or any sewer, drain, or tunnel, it shall with all convenient speed complete the work for which the same is broken up and fill in the ground and reinstate and make good the path, road, street, or bridge, or the sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby.

(2) The board shall at all times whilst any such path, road, street, or bridge is so open or broken up cause the same to be fenced and guarded, and shall cause a light sufficient for the warning of passengers to be set up and kept there throughout every night during which such path, road, street, or bridge continues open or broken up.

(3) It shall make such temporary and other works for the convenience of passengers and traffic as the circumstances may require.

(4) It shall, after replacing and making good the path, road, street, or bridge so broken up, keep the same in good repair for six months thereafter.

(5) A council, if a public road becomes damaged by reason of leakages from the mains of the board, may require the board to make good the damage.

(6) If the board omits to give notice as required or fails to perform or makes any unnecessary delay in performing any of the said duties required to be performed by it, it shall for every such offence forfeit to the Public Authority having the control or management of the path, road, street, or bridge, sewer, drain, or tunnel in respect of which the default is made

a sum of not more than five pounds and an additional sum of five pounds for each day during which any delay as aforesaid continues after it has received notice thereof; and the Public Authority may after notice in writing to the board cause to be executed any work so delayed or not performed; and the expense thereof shall be repaid to it by the board, and may be recovered with full costs in any court of competent jurisdiction.

Alteration of gaspipes and tramways. No. 2,696, 1915 Vict., s. 146.

43. If the board at any time deems it necessary for the purposes of this Part to raise, sink, or otherwise alter the position of any gaspipes or gasworks, water, hydraulic, or steam pipes, electric wires, pneumatic pipes or tubes, or tramways laid in or under any street the board may, by notice in writing, require the person to whom the said pipes or works or wires or tubes or tramways belong to raise, sink, or otherwise alter the situation of the same in such manner and within such reasonable time as is specified in such notice.

The expenses attendant upon or connected with such alterations shall be paid by the board.

If such notice is not complied with the board may make the alterations required.

No such alteration shall be required or made which will permanently injure any such pipes or works or tramways, or prevent the gas from flowing or vehicles from passing as freely and conveniently as usual.

Connections. Act No. 32, 1880, ss. 67, 72, 76, 104, 106, and 108. 53 Vic. No. 16, ss. 5, 6. Act No. 12, 1894, ss. 7, 8, and 9.

44. (1) Where a water or sewer main has been laid and is available to be connected to, public notice thereof by advertisement in the Gazette shall be given.

(2) Subject to the provisions of this Act, the owners of all lands within the prescribed distance shall, in the case of a water main, as from the expiration of three weeks, and in the case of a sewer main, as from the expiration of sixty days after the publication of the said notice, be liable for payment of water or sewerage rates, as the case may be.

(3) The board shall, so far as practicable, forthwith give notice in the prescribed form to the persons who appear by the rate-books of the council of the municipality or shire to be the owners of the lands who will be liable to be rated under this Act in respect of water rates or sewerage rates, as the case may be.

(4)

(4) Any person desiring to connect his premises with a main may, subject to such conditions as may be imposed by law, open up any street or footpath to the extent required to make the connection.

(5) All connections shall be made to the satisfaction of the board and in the manner prescribed by the by-laws.

(6) If any person fails to connect his premises to a main before he becomes ratable under this section, the board may of its own motion or at the request of the council of the municipality or shire in which the main is situated, itself make such connection and do all things necessary in that regard.

(7) Any person desiring to connect his premises to a main may apply to the board to make the connection on a system of deferred payment, and it shall be lawful for the board to enter into an agreement to carry out the work on such terms and conditions as it may deem proper.

(8) Any moneys due to the board under any such agreement to make a connection or for making a connection under the power conferred in subsection six of this section, shall become charged upon the premises and may be recovered as a rate.

Power of occupier to do work if owner fails. No. 2,761, Q. 1915, s. 140.

45. Whenever default is made by the owner of any land or premises in the execution of any work by this Act or by any regulation or by-law required to be executed by him, the occupier of such building or land may, with the approval of the board, cause such work to be executed, and such occupier may deduct the amount of the expense thereof, with interest thereon at the rate of eight pounds per centum per annum out of any rent from time to time due or becoming due from him to such owner, or he may recover the same in a court of petty sessions as a civil debt recoverable summarily, or in any court of competent jurisdiction.

Licenses. Act No. 13, 1916, s. 11.

46. (1) The board may, on such terms as to the passing of examinations and the payment of fees as may be prescribed by the by-laws, issue licenses to persons authorising them to supervise and perform works in connection with water supply, sewerage, and drainage.

(2)

(2) The board may in the manner and subject to the conditions prescribed by the by-laws, suspend or cancel any license issued as aforesaid or any license issued under the provisions of any Act repealed by this Act.

(3) No person shall commence or perform any work in connection with water supply, sewerage, or drainage which communicates or is intended to communicate directly or indirectly with the pipes, sewers, or drains of the board unless he is, or is under the immediate supervision of, the holder of a license.

(4) Any person acting in contravention of the provisions of this section or any person who knowingly employs another to commence or perform any such work in contravention of this section shall be liable on summary conviction to a penalty not exceeding ten pounds.

(5) No license issued by any authority other than the board or the Board of Water Supply and Sewerage shall entitle the holder thereof to commence or perform work in connection with water supply, sewerage, or drainage, which communicates with the pipes, sewers, or drains of the board.

DIVISION 4.—*Special provisions as to water supply.*

Purposes for which water may be supplied.
43 Vic. No. 32, s. 63.
Act No. 41, 1919, s. 389.

47. (1) Water available from works provided by or vested in the board shall be primarily used and equitably distributed for domestic purposes, sewerage flushing, and the maintenance of a suitable pressure for fire extinguishing.

(2) The board may distribute the balance available in accordance with the importance, in the opinion of the board, of the purposes for which the water is to be applied.

(3) In cases where works are specially constructed to supply water for purposes other than for human consumption, and where water available is unfit for human consumption, and in the case of water collected in the Botany Water Reserve there shall be no such restriction.

48.

48. (1) The board may supply any person with water for domestic or other purposes by measure or otherwise at such rates upon such terms and subject to such conditions as may be prescribed by the by-laws.

Supply by measure, &c. 43 Vic. No 32, s. 51. Act No. 13, 1916, s. 9.

(2) The board shall fix rates of charge at which water may be purchased from the board if in the opinion of the board it is available.

(3) The rates of charge may vary according to the purpose for which the water is purchased or the point at or district in which the water is delivered.

49. The board shall not be liable to any penalty or damages for not supplying water if want of such supply arises from unusual drought or other unavoidable cause or accident, nor shall the board be compellable to supply water to any person whomsoever.

Failure of supply. 43 Vic. No. 32, s. 50.

50. (1) The board shall fix proper hydrants in its mains and other pipes at such convenient distances and at such places as the board considers proper and convenient for the ready supply of water for extinguishing any fire. It shall renew and keep in effective order every such hydrant, and shall exhibit a conspicuous sign directing notice to the situation of the hydrant. The sign may be painted on or attached to any building, fence, or other structure, and the board shall not be required to obtain any permission to paint or attach any such sign nor to pay for doing so.

Extinguishing fires. 43 Vic. No. 32, ss. 64 and 66. 53 Vic. No. 16, s. 33.

(2) The board may at the request and expense of the owner or occupier of any building, manufactory, or works place and maintain in effective order a hydrant (to be used only for extinguishing fires) in or as near as conveniently may be to such building, manufactory, or works.

(3) The board shall at all times keep charged with water all its pipes to which hydrants are fixed unless prevented by drought or other unavoidable cause or accident or during necessary repairs. Water may be taken without charge by authorised persons for the purpose of extinguishing fires.

51. (1) The board shall take effective measures to protect the supply of water from being illegally diverted, polluted, misused, or wasted, and to maintain an adequate and pure supply.

Board's duty to protect supply. 43 Vic. No. 32, ss. 42, 74, 75, 77, 79–86.

(2)

(2) In the case of drought or of any accident or unavoidable cause the board may regulate the use of water supplied by the board for any purpose, and the consumption and method of consumption of water whether the supply is by measure or otherwise.

52. Any person who unlawfully and maliciously destroys or damages, or attempts to destroy or damage, any storage reservoir, main, pipe, hydrant, plant, or other work or structure, used for or incidental to the supply of water by the board shall be liable on conviction to penal servitude for a term not exceeding ten years.

Damage to waterworks. 43 Vic. No. 32, s. 44.

53. The board may cut off the supply of water to any land—

Cutting off supply. 43 Vic. No. 32, ss. 59, 73, 78, 86. 53 Vic. No. 16, s. 18. Act No. 41, 1919, s. 391.

(a) if any meter used to measure the supply is out of repair, or in the opinion of the board incorrectly registers the supply; or

(b) if any rates or charges in respect either of water, sewerage, or drainage on the land are unpaid; or

(c) if in the opinion of the board such course is necessary owing to any unavoidable cause, or to any accident, or to effect repairs, or to cleanse a main; or

(d) if the owner or occupier or person requiring a supply of water neglects to comply with the lawful requirements of the board as to the installing of meters; or

(e) if the owner or occupier or person requiring a supply of water neglects to comply with any lawful requirements of the board to repair or alter water connections, pipes, fittings, or appliances connected to the board's water mains; or

(f) if the owner or occupier or person requiring a supply of water permits any offence in respect of the waste, misuse, and undue consumption or contamination of water; or

(g) if the owner or occupier or person requiring a supply of water obstructs any officer of the board in the exercise of any powers under this Act or the by-laws.

54.

54. (1) The board may instal and charge hire for— Meters.

(a) meters or instruments for measuring the quantity of water supplied; and 43 Vic. No. 32, ss. 53-62. Act No. 41, 1919, s. 392.

(b) pipes and apparatus for the conveyance, reception, and storage of water.

(2) The hire may be recovered as rates.

(3) The meters, instruments, pipes, and apparatus shall not be subject to distress for rent of the premises, nor be attached or taken in execution under any process of any court of law or equity or under or in pursuance of any sequestration or other legal proceedings against or affecting the consumer of the water or owner or occupier of the premises or other persons in whose possession or care the meters, instruments, pipes, or apparatus may be.

(4) In lieu of installing meters, instruments, pipes, and apparatus the board may require the owner or occupier or person requiring a supply of water to instal the same. All meters, instruments, pipes, and apparatus so installed shall be in accordance with the requirements of the board, and shall be maintained in good working condition by the person installing the same.

55. (1) All catchment areas proclaimed as such under the Acts hereby repealed shall be catchment areas for the purposes of this Act. Catchment areas. 43 Vic. No. 32, ss. 2, 27, 82.

(2) The Governor may, by proclamation published in the Gazette, proclaim any lands to be a catchment area in connection with the supply of water by the board. 56 Vic. No. 16, s. 29. Act No. 25, 1922.

(3) The Governor may, by like proclamation, at any time revoke and cancel the proclamation of any catchment area and reproclaim the boundaries thereof, and may by like proclamation amend the boundaries of any catchment area previously thereto proclaimed under this Act or any Act repealed thereby. Act No. 41, 1919, s. 401.

(4) After the passing of this Act it shall not be lawful to make any conditional or other sales or to grant any lease or license under the Crown Lands Consolidation Act, 1913, of any Crown lands within any catchment area.

(5)

(5) If a Public Authority proposes—

(a) to grant any license under the provisions of the Forestry Act, 1916; or

(b) to grant any lease or license under the Mining Act, 1906; or

(c) to construct any railway under the provisions of the Government Railways Act, 1912; or

(d) to grant any permission or franchise under Division 3 of Part XVII of the Local Government Act, 1919; or

(e) to grant any license under the Public Health Act, 1902, the Dairy Supervision Act, 1901, the Cattle Slaughtering and Diseased Animals and Meat Act, 1902, or the Noxious Trades Act, 1902: or

(f) to grant a license under Division 3 of the Water Act, 1912,

affecting any land within a catchment area, notice of such intention shall be given to the board in the manner and of the duration prescribed by the regulations. If, notwithstanding the representations of the board to the contrary, it be decided by the Public Authority to grant the right, license, lease, permission, or franchise, or to construct the works as the case may be, the board shall be so notified and it may, within fourteen days of the date of such notification, refer the dispute to the Minister for settlement in accordance with Part VIII of this Act.

(6) The Public Authority shall not proceed to grant any right, license, lease, permission, or franchise or to construct works except in accordance with the order of the Governor made for the settlement of the dispute.

(7) The board may undertake or arrange for the plantation of and the provision of arboreal cover for any catchment area, and may undertake or arrange for the cutting and marketing of timber of commercial value cut upon any catchment area.

56. (1) The board may in the manner prescribed by the by-laws control and regulate the sanitation of any catchment area and the sanitation, use, and occupation of premises

Prevention of pollution of water supply.

premises therein so as to avoid any insanitary condition thereon or any interference therefrom with the purity of the water supply.

(2) In particular and without limiting the foregoing power the board may with respect to any catchment area and for the purposes of the preservation of the purity of the water supply and the prevention of the pollution of the catchment area—

(a) control, regulate, and require privy accommodation in premises, and require special treatment or disposal of any fæcal or excrementitious matter;

(b) require premises to be kept free from rubbish or offensive or unwholesome matter;

(c) require premises to be cleansed, disinfected, and limewashed;

(d) control and regulate the drains of premises, including the alteration of any drain;

(e) control and regulate the erection of pigsties, cow-yards, poultry houses or yards, stockyards, or stables, and prescribe the distance from any watercourse or reservoir within which no such structure shall be erected or continued, and require methods to be adopted, by the cultivation of land or otherwise, whereby the drainage or stormwater from the land occupied by such structures shall be prevented from polluting the water supply;

(f) control and regulate the disposal of trade refuse from tanneries, breweries, chemical works, butter, cheese, or bacon factories, creameries, wool scours, or other industrial operations so that any pollution of the water supply may be avoided;

(g) control and regulate and, within limits defined in the by-laws, prevent picnicking, camping, shooting, fishing, flower gathering, or the parking of motor or other vehicles;

(h) control and regulate the methods to be adopted for the destruction of rabbits or other vermin and the disposal of their bodies;

(i)

(i) control and regulate the slaughtering of beasts and the disposal of offal;

(j) control and regulate the sanitation of camps of workmen engaged in construction of public or other works;

(k) control and regulate the sanitation of areas specially set apart for picnicking, camping, or the parking of motor or other vehicles;

(l) require the notification to the board by householder or occupier of any premises within the catchment area of the occurrence of any case of typhoid, paratyphoid, dysentery, cholera, or epidemic diarrhœa on his premises, and the notification to the board by any medical practitioner in attendance of any such case;

(m) provide for the disposal, whether by removal, sale, destruction or otherwise, of any stock found straying on lands of the board or on enclosed Crown lands within a catchment area;

(n) and generally to control and regulate or prohibit the doing or continuance of anything likely to cause the pollution of a catchment area or the water supply.

(3) The board may control and regulate the access of stock to such portions of any catchment area as are not in possession of private owners, and upon such lands may grant rights of agistment and by impounding or prosecution prevent the trespass of stock on such lands.

(4) The board may, upon Crown lands, dedicated lands, or resumed lands upon any catchment area, assume all the rights, powers, obligations, privileges, and immunities as are conferred or imposed upon trustees by the Public Trusts Act, 1897, the Public Parks Act, 1902, or the Crown Lands Consolidation Act, 1913, and shall require no further warrant than this Act so to do. For the purpose of the impounding of animals the board shall be deemed to have all the rights as are by law conferred upon occupiers.

DIVISION 5.—*Special provisions as to sewerage.*

57. The board shall cause all sewerage works to be constructed, maintained, kept, and cleansed, with due regard to the health and convenience of the public.

Sewerage not to be a nuisance. 43 Vic. No. 32, s. 97. Act No. 41, 1919, s. 395.

58. The board may cause sewage to be discharged at such places and to be treated in such works, or so disposed of as it may decide.

Discharge of sewage. 43 Vic. No. 32, s. 98. Act No. 41, 1919, s. 396.

59. Where in the opinion of the board greater expense would be incurred in causing the sewage from two or more separate portions of land to flow into an existing sewer of the board than in constructing a new sewer and causing such sewage to flow thereto, it may construct such new sewer, and by notice order the owners of such separate portions of land to connect their premises with the new sewer. The board shall apportion as it deems just the expenses of the construction of the new sewer among the owners of the several portions of land and may recover the sums so apportioned from such owners as debts.

Connections. Act No. 41, 1919, s. 393.

60. The board may, upon such terms and conditions as may be agreed upon, enter into a contract with any person, who is not liable for payment of sewerage rates upon any lands, for the discharge of sewage from such lands into the sewers of the board.

Contract to sewer land not subject to sewerage rate. Act No. 41, 1919, s. 394.

61. (1) Before—

(a) the construction of the foundations of any new tenement; or

(b) the rebuilding of any existing tenement; or

(c) the construction of the foundations of any addition to an existing tenement

is commenced, the person intending to build or rebuild shall give to the board written notice thereof, indicating the levels or intended levels of the cellar or lowest floor, and the situation and construction of all latrines, lavatories, and other such offices proposed to be built, constructed, or used in connection with such tenement.

The board shall within the space of fourteen days of receiving such notice, approve or disapprove the proposed levels and the other arrangements for the construction of offices.

Notice of building or rebuilding. 43 Vic. No. 32, ss. 107-111.

(2)

(2) If any person commences to build or rebuild before the board has approved the proposed levels and other arrangements for the construction of offices he shall be liable on summary conviction to a penalty not exceeding ten pounds, and the board may at the expense of such person demolish any work so constructed.

62. (1) Any person who erects, constructs or places any building, wall, fence, or other structure in, upon, over, or under any sewer so as to interfere with or obstruct the sewer in the carrying off of sewage, shall be liable on summary conviction to a penalty not exceeding twenty pounds, and, in case of a continuing offence, to a further penalty not exceeding one pound for each day during which the offence continues after notice to abate or cease the interference or obstruction has been given. Buildings obstructing. 53 Vic. No. 16, s. 8.

(2) The board may demolish and remove the building, wall, fence, or other structure, repair the sewer, and may recover the cost and expenses of so doing from the person offending as a debt.

(3) The board may in any case where there is a threatened breach of this section sue for and obtain an injunction to prevent any damage to, interference with, or obstruction of a sewer.

63. Any person who unlawfully and maliciously destroys or damages, or attempts to destroy or damage, any sewer, pumping station, tank, pipe, ventilating shaft, machinery, plant, or other work or structure used for or incidental to the provision of sewerage services by the board shall be liable on conviction to penal servitude for a term not exceeding ten years. Damage to sewerage works.

DIVISION 6.—*Special provisions as to stormwater drainage.*

64. The board shall maintain, repair, and cleanse all stormwater channels transferred to or vested in or constructed or acquired by it, and shall keep the same so as not to be a nuisance or injurious to health. Board to maintain.

65.

65. As soon as practicable after a stormwater channel is transferred to or vested in or constructed or acquired by the board— Drainage areas. Act No. 12, 1894, s. 2 (ii).

(a) the board shall define the boundaries of the drainage area, so as to include therein land which is within the basin served by the channel, and also if it thinks fit delimit zones into which the area is proposed to be divided for the purpose of levying differential rates in accordance with section ninety-one of this Act;

(b) a map or plan showing the boundaries so defined and the delimitation of the proposed zones shall be lodged with the council of the municipality or shire in which the drainage area is situated and a duplicate shall be kept at the head office in Sydney of the board. The map or plan shall be made available for public inspection by the council of the municipality or shire and by the board;

(c) any owner of land comprised within the drainage area, as defined by the board, may appeal in the manner prescribed by the regulations against the inclusion of his land in the drainage area or in any zone thereof to a stipendiary or police magistrate sitting in open court within the drainage area or convenient thereto;

(d) notice of the day and place of hearing of appeals shall be published by the board by advertisement in the Gazette and in one or more newspapers circulating in the drainage area;

(e) the board shall serve upon all persons appearing by the books of the municipality or shire to be owners of the land within the drainage area a notice in the prescribed form—

(i) that the boundaries of the drainage area have been defined;

(ii) that a map or plan showing the boundaries may be inspected at the office of the council or of the board; (iii)

(iii) that any owner of land within the drainage area may appeal to a stipendiary or police magistrate at some court (to be named) within or convenient to the area;

(iv) that an appeal may be made in the form prescribed by the regulations against the inclusion of any particular parcel of land in the drainage area or in any zone thereof;

(v) that the appeals will be heard on a date and at a court-house or place named in the notice;

(f) the magistrate shall hear the appeal, and for that purpose shall have the powers of a court of petty sessions, and may confirm or make such alterations in the boundaries of the drainage area or any zone as he may think just, having regard in the case of the boundaries to the course of the actual flow of storm waters and in the case of a zone to the benefit derived, or to be derived, by the owners or occupiers of properties within the drainage area from the construction of the works; or if there is no appeal shall confirm the boundaries;

(g) where the boundaries of the drainage area or a zone are confirmed, the magistrate shall attest by his signature a copy of the map or plan; and where such boundaries are altered, the magistrate shall there and then amend and alter the map or plan accordingly and attest the same as so altered;

(h) the board shall cause a description of the boundaries in accordance with the attested map or plan to be published in the Gazette in the form prescribed by regulation;

(i) the boundaries so notified in the Gazette shall be the boundaries of the drainage area and of the zones thereof for the purposes of this Act;

(j)

(j) all lands within the drainage area shall become liable to be rated for drainage rates in accordance with this Act as from the date of the notification of the boundaries in the Gazette at a rate thereafter fixed by the by-laws.

Damage to drainage works.

66. Any person who unlawfully and maliciously destroys or damages or attempts to destroy or damage any stormwater channel or any plant or other work or structure used for or incidental to the provision of stormwater drainage by the board, shall be liable on conviction to penal servitude for a term not exceeding ten years.

PART V.

FINANCE.

DIVISION 1.—*Capital indebtedness.*

Declaration of capital indebtedness.

67. The capital indebtedness of the board to the State is hereby declared to be the sum of twenty-two millions four hundred and eighty-nine thousand four hundred and seventy-eight pounds fifteen shillings and eight pence, which sum was the capital indebtedness of the Board of Water Supply and Sewerage on the thirtieth day of June, one thousand nine hundred and twenty-four.

Committee of review.

68. (1) As soon as may be after the passing of this Act the Governor may appoint a committee of review to investigate the financial position of the board. The committee shall consist of the persons for the time being holding the following offices, namely :—

The Chairman of the Public Accounts Committee;
The Auditor-General;
The Director of Finance;
The Under Secretary for Public Works;
The President of the Board.

(2)

(2) The committee shall so soon as practicable consider and review the amount of the capital indebtedness of the board, and shall report at what sum in the opinion of the majority of the committee the total capital indebtedness at the date of the commencement of this Act shall be fixed.

(3) The committee shall forward its report to the Minister, who shall cause the same to be laid upon the table of each of the Houses of Parliament as soon as possible.

(4) If each of the Houses of Parliament passes a resolution adopting the report of the committee, the amount stated by the committee shall, notwithstanding the terms of the last preceding section, be deemed to be the capital indebtedness of the board to the State as at the date of the commencement of this Act.

(5) The Minister shall cause a notification of the passing of the resolutions and of their tenor, to be published in the Gazette.

(6) The committee shall also proceed to allocate to the water fund, the sewerage fund, and the drainage fund, such proportions of the capital indebtedness as shall be properly allocated to each of those funds.

(7) Where any work is vested in or removed from the control of the board, or where any land is vested in or divested from the board, or where any service removed from the control of the board is again vested in the board, the Minister shall require the committee of review to determine what readjustment of the board's capital indebtedness is proper, and the board's capital indebtedness and its obligations in respect thereof shall be varied accordingly.

(8) The committee shall perform such other duties as may be prescribed by this Act or the regulations.

Additional works. Increase of capital indebtedness.

69. At the end of each financial year the Treasurer shall certify the amount expended by the Minister on the works specified in the Third Schedule or any other works of water supply, sewerage, or drainage in course of construction at the passing of this Act during that financial year, and the sum so certified shall be added

to

to the capital indebtedness of the board and shall bear interest as from the first day of January preceding at the rate specified in subsection one of the next succeeding section.

Board to pay interest.

70. (1) The board shall pay, at the time prescribed by the regulations, to the Treasurer interest upon its capital indebtedness as at the close of the last financial year at the rate as certified by the Treasurer and notified in the Gazette to be for that year the rate of interest chargeable to statutory bodies representing the Crown on their loan capital.

(2) The board shall also pay in reduction of its capital indebtedness at the close of each financial year ~~an amount equal to decimal forty six per centum of the total capital indebtedness~~ **or on such dates and by such instalments as the Governor may direct an amount equal to five per centum of the gross revenue of the board from all sources** to the State Debt Commissioners, to be applied by them in accordance with section eight of the State Debt and Sinking Fund Act, 1904.

(3) If default is made in any payment required by this section or in the repayment of any sum due to the Treasurer or to any bank for a period of six months the Treasurer or the said commissioners or the bank as the case may be may apply to the Supreme Court in its equitable jurisdiction for the appointment of a receiver of the rates and other income of the board.

DIVISION 2.—*Loans.*

Temporary accommodation.

71. (1) For the temporary accommodation of the board it may obtain advances by overdraft of current account in any bank or banks upon the credit of the board's funds but so that the principal moneys owing on overdraft do not at any time exceed the sum of two hundred thousand pounds.

(2) The Treasurer may advance such moneys to the board as the Governor may approve, upon such terms and conditions as to repayment and interest as may be agreed upon.

Purposes for which money may be borrowed.

72. (1) The board may, with the approval of the Governor, borrow money for—

(a) the construction of additional works;

(b)

(b) the renewal of loans; and

(c) the discharge, or partial discharge, of any indebtedness to the Treasurer or to any bank.

(2) Maintenance and repair of works shall not be deemed additional works within the meaning of this section.

Limit of borrowing. Act No. 41, 1919, s. 184.

73. The board shall not borrow money for any of its services in excess of an amount which, added to any other amount then owing by it, ~~and to the amount of its capital indebtedness as determined under Division 1 of this Part, will cause the total amount of its indebtedness in respect of any of its services to exceed fifteen per centum of the unimproved value of all lands ratable for such service.~~ **in respect of that service and to the amount of its capital indebtedness in respect of that service as determined under Division 1 of this Part will cause the total amount of its indebtedness in respect of that service to exceed fifteen per centum of the unimproved value of all lands ratable for that service.**

Security for loans. *Ibid.* s. 181.

74. (1) Loans shall be deemed to be secured—

(a) firstly, upon the income of that fund for which the money was borrowed;

(b) secondly, upon the income of the board from whatever source arising.

(2) This section shall not affect the order of priority of loans in respect of the same or any other fund.

Reserves for repayments. Act 41 of 1919, s. 186.

75. (1) There shall be a reserve for loan repayments in every fund in respect to which any renewal or other loan or any part thereof has been raised by the board.

(2) The board shall during each year transfer to the reserve for loan repayment from the moneys of the appropriate fund a sum not less than the board in its application for approval of the loan intimated that it proposed to set apart as aforesaid. Where a loan rate is levied the sum shall be set apart out of the proceeds of the rate.

(3) Where any land or property of any kind which has been provided out of loan moneys is sold before the loan has been wholly repaid, the net proceeds of the sale shall be added to the reserve for loan repayment in the appropriate fund or paid directly to the lender or used for the provision or purchase of other land or property chargeable upon the fund to which the proceeds belong.

(4) Moneys held as reserve for loan repayment may be invested in Government securities of the State of New South Wales or in such other securities as the Governor may approve or as may be prescribed by the regulations. Any interests or profits realised on such investments shall be added to and form part of the reserve for loan repayments. All moneys paid into the reserve for loan repayment in any fund may be applied in or towards repayment of any renewal or other loan raised in respect of the same fund, but except where otherwise provided, may not be applied for any other purpose.

(5) If, after all the loans raised in respect of any fund have been repaid, there remains in any reserve for loan repayment any balance, such balance may be transferred to the current account of that fund.

(6) The reserve for loan repayment shall not be subject to seizure in satisfaction of any debt other than for loans primarily charged on the income of the fund in which the reserve is provided.

Debentures, &c. *Ibid.* s. 188.

76. (1) For securing repayment of the principal and interest on any moneys borrowed, the board may issue debentures or inscribed stock as prescribed by the regulations.

(2) Debentures and stock shall have priority as between the respective holders thereof according to their respective dates of execution or inscription.

(3) The holders of debentures or stock by which the same loan was raised shall, as between themselves, rank pari passu.

Transfer of debentures, &c.

(4) Every such debenture and every coupon originally annexed to the debenture and whether separated therefrom or not shall be transferable by simple delivery.

(5) Inscribed stock shall be transferable in the books of the board in accordance with the regulations.

(6) Debentures or inscribed stock issued under this Act shall be deemed to be included in the general exemptions from stamp duty under Part III of the Stamp Duties Act, 1920, contained in the Second Schedule to that Act.

(7)

(7) The holder of a coupon originally annexed to a debenture and whether separated therefrom or not, shall be entitled to receive payment from the board of the interest mentioned in the coupon upon the presentation of the same on or after the date when and at the place where the interest is payable. Interest. Act No. 41, 1919, s. 191.

(8) The due repayment of the debentures and stock and the interest thereon shall be a charge upon the income and revenue of the board, and is hereby guaranteed by the Government. Any liability arising from such guarantee shall be payable out of the Consolidated Revenue Fund: Such charge shall not prejudice or affect the power of the board to sell or convey any property vested in it free of any such charge. 1906 No. s. 49 (2).

77. Debentures and inscribed stock of the board may be purchased by the board out of moneys held as a reserve for the repayment of the loan for which they were issued, at or below their face value. Any debenture or inscribed stock so purchased shall be cancelled. Exchange debenture, &c. 1906 No. 48, s. 56.

78. (1) Any trustee, unless expressly forbidden by the instrument (if any) creating the trust, may invest any trust moneys in his hands in stock inscribed by the board, and the investment shall be deemed to be an investment authorised by the Trustee Act, 1898, or any Act replacing the said Act. Trustees. Act No. 41, 1919, s. 191.

(2) Any debenture issued or stock inscribed by the board shall be a lawful investment for any moneys which any company, council, or body corporate incorporated by any Act of the Parliament of New South Wales is authorised or directed to invest in addition to any other investment expressly provided for the investment of such moneys.

(3) No notice of any trust expressed, implied, or constructive shall be received by the board or by any officer or servant of the same in relation to any debenture or coupon issued or stock inscribed by the board.

79. (1) If any debenture issued by the board is lost or destroyed or defaced before the same has been paid, the board may, subject to the provisions of this section, issue a new debenture in lieu thereof. Lost debentures.

(2)

(2) The new debenture with interest coupon annexed shall bear the same date, number, principal sum, and rate of interest as the lost, destroyed, or defaced debenture.

5 (3) When the debenture is lost or destroyed the new debenture shall not be issued unless and until—

(a) a judge of the Supreme Court has been satisfied by affidavit of the person entitled to the lost
10 or destroyed debenture, or of some person approved by the judge, that the same has been lost or destroyed before it has been paid off;

(b) such advertisement as the judge may direct has been published;

15 (c) six months have elapsed since the publication of the last of the advertisements; and

(d) sufficient security has been given to the board to indemnify it against any double payment if the missing debenture be at any time thereafter
20 presented for payment.

(4) When the debenture is defaced the new debenture shall not be issued unless and until the defaced debenture is lodged with the board for cancellation.

25 (5) The provisions of this section shall mutatis mutandis extend to the case of a lost, destroyed, or defaced coupon.

Receivers.

80. (1) If for six months default is made by the board in making any payment, whether of principal or
30 interest, to the holder of any debenture, or coupon, issued or stock inscribed by the board, the holder thereof may apply to the Supreme Court in its equitable jurisdiction, in accordance with rules of court, for the appointment of a receiver of the rates and other income
35 of the board.

(2) A receiver may be appointed in respect of the rates and other income of the board either generally or as regards specified rates or income.

(3) The court may make such orders and give
0 such directions as it may deem proper for and with respect to—

(a) the appointment of a receiver; (b)

(b) the removal of a receiver;

(c) the appointment of a receiver in place of a receiver previously appointed.

(4) The receiver shall be deemed to be an officer of the court, and shall act under its directions.

Powers and duties of receiver.

81. (1) A receiver shall have power to make levy and collect all income and in particular all rates payable to the board, but the rates so made and levied shall not exceed the maximum limits permitted under the law in force for the time being, and for the purposes of this subsection the receiver shall be deemed to be the board, and may exercise all the powers of the board.

(2) The receiver shall discharge such duties of the board and of the president or any officer or servant of the board, as may be prescribed by the regulations.

Commission to receiver.

82. The receiver shall be entitled to such commission or remuneration for his services as the court may order, and the commission or remuneration shall be payable out of the rates or income for and in respect of which he has been appointed receiver.

Application of moneys received.

83. The receiver shall, subject to any order of the court, pay and apply all moneys received by him in the following order, that is to say:—

(a) Firstly, in payment of the costs, charges, and expenses of collection, and of his commission or remuneration;

(b) secondly, in the payment of the amount due and payable to the holder of the debenture or inscribed stock or coupon, as the case may be;

(c) thirdly, in payment of all the residue of the moneys to the board.

Application of four preceding sections.

84. The provisions of the last four preceding sections shall extend mutatis mutandis to a receiver appointed under the provisions of section seventy of this Act.

Protection of investors.

85. (1) A person advancing money to the board shall not be bound to enquire into the application of the money advanced, or to be in any way responsible for the non-application or misapplication thereof.

(2) A notification in the Gazette of the approval of the Governor having been given to a borrowing by the board shall, in favour of a lender and of any holder of

of a security given by the board, be conclusive evidence that all conditions precedent to the borrowing have been complied with, and that the prescribed limits of borrowing have not been exceeded.

86. If the board borrows any money without having first obtained the approval of the Governor, every member holding office who has knowingly and wilfully, or for any personal benefit or advantage, consented to the borrowing shall be liable to a penalty of five hundred pounds: The action to recover the penalty shall not be taken without the written consent of the Attorney-General.

Penalty for illegally borrowing.

DIVISION 3.—*Revenue.*

87. For or towards defraying the expenses of the board and meeting its obligations in respect of the services which it is authorised to conduct, the board may levy—

Purposes for which rates may be levied.

(a) water rates;
(b) sewerage rates;
(c) stormwater drainage rates;
(d) loan rates.

88. (1) No rates shall be levied upon any of the following classes of land—

Lands exempted from rates. cf. 1919 No. 41, s. 132.

(a) land which is vested in the Crown, or in a public body, or in trustees, and is used for a public cemetery;
(b) land which is vested in the Crown, or in a public body, or in trustees, and is used for a common;
(c) land which is vested in the Crown, or in a public body, or in trustees, and is used for a public reserve or park;
(d) land which belongs to any public hospital, public benevolent institution, or public charity, and is used or occupied by the hospital, institution, or charity as the case may be, solely for the purposes thereof;
(e) land which is vested in the Crown, or in a public body, or in trustees, and is used solely for the purposes of a free public library;

(f)

(f) land which is vested in the University of Sydney, or in a college thereof, and is used or occupied by the University or college as the case may be solely for the purposes thereof;

5 (g) land (other than land which is dedicated as a State forest or reserved for the growth of timber) which is the property of the Crown or any statutory body representing the Crown and is not occupied or is occupied only by public 10 works which are in course of construction by or for the Crown;

(h) land which is occupied by and is used directly in connection with a church, Sunday school, or other building which is used or occupied 15 solely for public worship, or for religious teaching;

(i) land which is a public place within the meaning of the Local Government Act, 1919;

(j) land which is unoccupied and which is below 20 high-water mark of any tidal water;

(k) land used or occupied solely as a playground in connection with any State school or school registered under the Bursary Endowment Act, 1912, or certified school under the Public 25 Instruction Act (Amendment) Act, 1916;

(l) drill grounds, sports grounds, gardens, or children's playgrounds provided by the council of a municipality or shire under the powers conferred by the Local Government Act, 1919, 30 or the Sydney Corporation Act, 1902, or any amendment of the said Acts.

(2) No water rates shall be leviable upon land vested in the Railway Commissioners for New South Wales in use for railway or tramway purposes and not 35 let to any other person.

Lands subject to water rates.

1919, No. 41, s. 379.

89. Subject to the provisions of this Division water rates may be levied upon—

(a) land, whether the property of the Crown or not, which is situated within two hundred and 40 fifty yards of a water-pipe of the board measured in a direction at right-angles to the water-pipe where

where such land has a frontage to the public road or street in which the water-pipe is laid, and whether or not the land is actually supplied with water from any water-pipe of the board:

Provided that water rates may not be levied upon such land unless water could be supplied to some part thereof from a stand-pipe at least three feet in height from the ground level if such pipe were laid and connected to the board's mains;

(b) land whether the property of the Crown or not which is supplied with water from any water-pipe of the board.

Lands subject to sewerage rates.

90. (1) Subject to the provisions of this Division, sewerage rates may be levied upon all land whether the property of the Crown or not (notwithstanding that such land is by any other Act exempted from rates) except—

(a) land which is distant more than two hundred and fifty feet from any sewer of the board, and is not connected thereto;

(b) land from which sewage cannot be drained into any sewer of the board.

(2) Sewerage rates may be levied upon land which is vested in the Railway Commissioners for New South Wales if—

(a) the land is let to any other person; or

(b) there are buildings on such land, and the sewage from such buildings is drained into a sewer of the board; or

(c) there is a sewer of the board in a road to which such land has frontage, or in the land, and there are buildings on such land, the sewage from which could be drained into such sewer, and such sewer is not distant more than two hundred and fifty feet from such buildings.

The land upon which the rates may be levied is the land in connection with which the buildings aforesaid are used, and such land shall be deemed to be the mean width

width of frontage of platforms or buildings in the case of railway stations, tramway depots, workshops, offices, or other similar buildings used in connection with the operations of the railway or tramway systems, excepting any buildings separately enclosed by fences, which shall be assessed on the mean frontage of the enclosed area.

Lands subject to stormwater drainage rates.

91. Subject to the provisions of this Division, stormwater drainage rates may be levied upon land situated within the boundaries of any drainage area defined in accordance with this Act or under any Act repealed by this Act. Differential drainage rates may be levied in respect of different zones as defined by the board and notified in the Gazette under the provisions Part IV of this Act. Any drainage rate imposed on any property may be in addition to any sewerage rate imposed thereon.

Lands subject to loan rates.

92. Loan rates may be levied upon lands which would be subject to rates for the water, sewerage, or stormwater drainage service for which any money is borrowed. Where money is borrowed for expenditure in any particular locality the loan rate may, with the approval of the Governor, be levied as a rate upon the particular lands which in the opinion of the board will be benefited by the expenditure of the loan moneys.

Exemptions from rates: Hospitals.

Act No. 41, 1919, s. 379 (5).

93. (1) The board may supply water free of charge to any public hospital, or public benevolent or charitable institution, subject to the following conditions:—

(a) The quantity to be supplied free of charge shall be fifty gallons per day for every person resident in a public hospital and thirty gallons per day for every person resident in a public benevolent or charitable institution: Provided that the board may by resolution increase the quantity of water which may be supplied as aforesaid to the hospital or institution.

(b) For the purposes of this section an inmate shall be deemed to be resident and the number of persons resident shall be the average number of persons so resident during the year last preceding the period in respect of which charges would be payable; and the board may at any reasonable

reasonable time demand the production of the books of such hospital or institution to verify such average number.

(c) The supply shall in each case be through a meter, and any quantity of water in excess of that which may be supplied free of charge shall be paid for according to the charge fixed by the board for water supplied by measure.

(2) The board may also supply free of charge any quantity of water prescribed by the by-laws but subject to such conditions as may be so prescribed for use in any public park, reserve, garden or land vested in any shire or municipal council or in trustees for public recreation, health or enjoyment, or for cleansing gutters and drains, or for cleansing and watering streets, or for any drinking fountain or public horse or animal trough, or for the practice of any fire brigade, or for any public baths, washhouses or public lavatories established by any council:

Provided that no baths or washhouses shall be supplied with water under the provisions of this section unless the charges for the use thereof shall be approved of and shall not exceed the amount fixed by the board.

Amount of rate.

94. Subject to the provisions of this Act the board shall in the manner prescribed, for the purposes for which it is so authorised, levy rates, the proceeds of which, together with any other revenues of the service for which the rate is levied, shall be sufficient to discharge all its obligations under this Act.

Limit of rates.

95. (1) The proceeds of any water or sewerage rate shall not exceed the amount which would be yielded by a rate which would produce an amount equal to seven and a half per centum on the assessed annual value of the properties ratable.

(2) The proceeds of any stormwater drainage rate shall not exceed the amount which would be yielded by a rate which would produce a revenue equal to three per centum on the assessed annual value of the land ratable.

(3) The proceeds of any loan rate shall not exceed the amount stated in the loan proposal approved by

by the Governor as sufficient to provide the sum required for the payment of interest and the provision of reserve for loan repayment.

(4) Notwithstanding the provisions of subsection one or two of this section the board may levy a special rate in addition to the ordinary rate for the provision of any water, sewerage, or drainage service in any district in which the provision of the service at the ordinary rate either on account of the remoteness of the district or the high cost involved in the provision of the service would occasion a loss to the board.

96. (1) The board may determine whether for any year the rates to be levied, or any of them shall be levied— Basis of rating.

(a) upon the assessed annual value of ratable land; or

(~~b~~) ~~on the unimproved value of ratable land; or~~

(~~c~~ b) partly upon the assessed annual value and partly upon the unimproved value of ratable land.

(2) For the purpose of securing compliance with the provisions of this Act as to the limitation of rates the board shall before levying a rate in pursuance of paragraph (b) or paragraph (c) of the last preceding subsection, furnish the Government Statistician with the details of the proposed rate.

(3) Subject to the provisions of subsection four of the last preceding section, no rates shall be levied in pursuance of paragraph (b) or paragraph (c) of subsection one of this section unless and until the Government Statistician furnishes a certificate to the Governor (which shall be published in the Gazette) that the proceeds of any such proposed rate will not exceed the amount which would be yielded by a rate which would produce a revenue approximately equal to—

(a) in the case of a water rate or a sewerage rate seven and one-half per centum of the assessed annual value of the property ratable; or

(b) in the case of a stormwater drainage rate three per centum on the assessed annual value of the property ratable.

(4)

(4) No rates shall be levied in pursuance of paragraph (b) of subsection one of this section unless and until the Government Statistician furnishes a certificate to the Governor (which shall be published in the Gazette) that the revenue from such proposed rates, so far as the same are to be levied upon unimproved value, will not exceed the amount of the capital expenses.

(5) For the purposes of this section the capital expenses shall mean the aggregate of the following sums:—

(a) the interest charged for the preceding financial year on the total sum debited in the Treasury against the board as at the end of that year in respect of capital expenditure;

(b) one per centum on such capital expenditure.

(6) Any revenue raised from rates levied upon unimproved value shall, so far as that revenue exceeds such interest, be applied in reduction of any sum debited against the board in respect of capital expenditure.

(4 7) In levying any rate it shall be lawful for the board to levy in respect of any property ratable—

(a) for water rate a minimum amount of five shillings per annum in respect of unoccupied land or a minimum amount of fifteen shillings per annum in respect of other land;

(b) for sewerage rate a minimum amount of five shillings per annum in respect of unoccupied land or a minimum amount of fifteen shillings per annum in respect of other land;

(c) for stormwater drainage rate a minimum amount of two shillings and sixpence per annum.

(5 8) The valuations made under the provisions of the Valuation of Land Act, 1916, the Sydney Corporation Act, 1902, or the Local Government Act, 1919, or any Acts amending such Acts, and in force on the first day of January immediately preceding the giving of a certificate by the Government Statistician or the levying of a rate shall be the valuation to be adopted for the purpose of such certificate or rate.

97. (1) For the purposes and subject to the provisions of this Act— Valuations.

(a) unimproved value, and

(b) assessed annual value

5 of ratable land shall respectively be the unimproved value and the assessed annual value of the land as determined in accordance with the Valuation of Land Act, 1916, and until so determined, as valued under the Sydney Corporation Act, 1902, or any amendment 10 thereof, or the Local Government Act, 1919.

(2) This section shall be deemed to extend to all ratable land, including land owned by the Crown, and land held under lease from the Crown.

(3) Any parcel of land separately valued under 15 any of the said Acts shall be a separate parcel of land, and may be separately rated.

(4) In any case where any land has not been valued under the provisions of the Valuation of Land Act, 1916, the Sydney Corporation Act, 1902, or the 20 Local Government Act, 1919, and in any case where by reason of new or additional buildings being erected or of the alteration of buildings or of the subdivision of land the valuations in force under the said Acts are considered by the board not to be the true valuation, or in 25 any case in which the valuation made is not made in sufficient detail, the board may cause a valuation of such land to be made, and shall give notice of such valuation, and appeal against such valuation shall lie in the manner as provided in the case for appeals 30 against valuations under the Valuation of Land Act, 1916.

(5) The fact that an objection has been lodged shall not affect the valuation of the board which is objected to, and any rate may be levied and recovered 35 on the valuation as if no objection were pending:

Provided that if the valuation is altered on objection a due adjustment shall be made and any amount paid in excess shall be refunded and any amount short-paid shall be recoverable as arrears.

40 (6) Any occupier of land who refuses, or wilfully omits to disclose, or wilfully misstates, to any officer of the

the board directed by the board to value any land, the name of the owner of the land, or of the person who receives or is authorised to receive the rents of the same, or any other information required for or calculated to affect the valuation shall be liable to a penalty not exceeding five pounds.

(7) Any owner of land who refuses, or wilfully omits to disclose, or wilfully misstates, to any officer of the board directed by the board to value the land, any information required for or calculated to affect the valuation shall be liable to a penalty not exceeding five pounds.

Inspection of rate and valuation books.

98. (1) Any officer of the board authorised in that behalf shall have liberty at all reasonable times without charge to inspect any valuation, rate, or assessment book for any municipality or shire within the board's area of operations and to take a copy or make extracts from the same.

Any town clerk or shire clerk or other person having the custody of such valuation, rate, or assessment books refusing or preventing such officer from having access thereto or taking copies or extracts therefrom shall incur a penalty for every such offence not exceeding fifty pounds.

(2) A copy of or extract from any valuation, rate, or assessment book for any municipality or shire made by any officer of the board as provided in this section, or any copy of or extract from any valuation list furnished to the board by the Valuer-General, or any valuation made by the board in pursuance of this Act, shall be entered in the rate book of the board, and such entry shall be signed by the president, vice-president, or secretary of the board.

All entries made in such rate book, upon production thereof by any officer authorised in that behalf by the board, shall, without any other evidence that the requirements of this Act have been complied with, be received in all courts as prima facie evidence of the facts therein contained.

Charges for service.

Act No. 41, 1919, s. 378.

99. (1) The board may impose charges and fees for services rendered by the board, and in particular, and without

without limiting the generality of the foregoing power, may impose charges for water supplied to or sewerage or drainage services rendered in respect of lands not ratable under this Act.

5 (2) Any charges or fees imposed under any section of this Act shall be charged upon the land in respect of which the charge or fee is imposed, and may be recovered as rates.

(3) Charges and fees shall be fixed by the 10 by-laws and may be made payable in advance or otherwise.

(4) The board may supply the Railway Commissioners for New South Wales with water by measure at a charge to be fixed by the by-laws.

15 **100.** With regard to rates, charges, and fees, the provisions contained in the Fourth Schedule to this Act shall have effect.

Rates, &c. Fourth Schedule.

101. (1) Any person may apply for a certificate under this section as to the amount (if any) due or 20 payable to the board for rates or otherwise in respect of any land.

Certificate as to amount due. L.G. Act, 1919, No. 41. s. 160.

(2) Application for the certificate shall be made in writing, and shall state the name and address of the applicant and the particulars of the land in 25 respect of which the information is required.

(3) The board shall, upon payment of a fee of two shillings and sixpence for each certificate having reference to a parcel of land separately assessed, forthwith give or post to the applicant a certificate in writing, 30 signed by the officer prescribed by the by-laws, and stating what (if any) rates, charges, or sums of money are due or payable to the board in respect of the land, with the particulars thereof, and when the same became due or payable, or that no such rates or charges or sums 35 are then due or payable, as the case may be.

(4) The production of the certificate shall for all purposes be deemed conclusive proof in favour of a bona fide purchaser for value that at the date thereof no rates, charges, or sums other than those stated in the 40 certificate were due or payable to the board in respect of the land.

(5)

(5) For the purposes of this section, rates, charges, or sums of money shall be deemed to be due or payable notwithstanding that the requisite period after service of any notice may not have expired.

5 DIVISION 4.—*Funds.*

102. (1) For the purposes and subject to the provisions of this Act, the board shall establish the following funds :— Establishment of funds.

(a) A water fund ;

10 (b) a sewerage fund ;

(c) a drainage fund ;

(d) a general fund.

(2) The funds shall be separate and distinct.

103. (1) The water fund shall consist of the following :— Water fund.

15

(a) All moneys received or receivable in respect of the water rate.

(b) All moneys received or receivable in respect of any charges, rents, fees, or profits in connection with the board's water supply services.

20

(c) All moneys borrowed in respect of the water supply service and all moneys received or receivable in respect of a loan rate, if any, levied in respect of such borrowing.

25 (d) All moneys and property directed by or under this Act to be allocated to the water fund.

(2) The water fund may be applied to any of the following purposes :—

(a) Any purpose for which the water rate is levied.

30 (b) Contributions to the general fund in respect of payments to be made in liquidation of the capital indebtedness of the board and interest thereon.

(c) Contributions to any reserve for loan repay-

35 ment in respect of moneys borrowed for the water supply service.

(d) Payment of principal, interest, and expenses in respect of moneys borrowed for the water supply service.

40 (e) Any purpose authorised by this Act or the regulations for the application of the fund.

104.

104. (1) The sewerage fund shall consist of the following:— The sewerage fund.

(a) All moneys received or receivable in respect of the sewerage rate.

(b) All moneys received or receivable in respect of any charges, rents, fees, or profits in connection with the board's sewerage service.

(c) All moneys borrowed in respect of the sewerage service and all moneys received or receivable in respect of a loan rate, if any, levied in respect of such borrowing.

(d) All moneys and property directed by or under this Act to be allocated to the sewerage fund.

(2) The sewerage fund may be applied to any of the following purposes:—

(a) Any purpose for which the sewerage rate is levied.

(b) Contributions to the general fund in respect of payments to be made in liquidation of the capital indebtedness of the board and interest thereon.

(c) Contributions to any reserve for loan repayment in respect of moneys borrowed for the sewerage service.

(d) Payment of principal, interest, and expenses in connection with the moneys borrowed for the sewerage service.

(e) Any purpose authorised by or under this Act for the application of the fund.

105. (1) The drainage fund shall consist of the following:— The drainage fund.

(a) All moneys received or receivable in respect of drainage rates.

(b) All moneys received or receivable in respect of charges, rents, fees, or profits in connection with the board's drainage service.

(c) All moneys borrowed in respect of the drainage service and all moneys received or receivable in respect of a loan rate, if any, levied in respect of such borrowing.

(d)

(d) All moneys and property directed by or under this Act to be allocated to the drainage fund.

(2) The drainage fund may be applied to any of the following purposes:—

(a) Any purpose for which drainage rates are levied.

(b) Contributions to the general fund in respect of payments to be made in liquidation of the capital indebtedness of the board and interest thereon.

(c) Contributions to any reserve for loan repayment in respect of moneys borrowed for the drainage service.

(d) Payment of principal, interest, and expenses in respect of moneys borrowed for the drainage service.

(e) Any purpose authorised by or under this Act for the application of the fund.

106. (1) The general fund shall consist of the following:— General fund.

(a) All moneys voted from the other funds of the board for the purpose of meeting the expenses of administration and management, and meeting such of the general expenses of the board as cannot be conveniently provided for out of any other fund.

(b) Moneys voted from the other funds in respect of payments to be made in liquidation of the capital indebtedness of the board and interest thereon.

(c) Any other moneys of the board not payable to any of the other funds and all moneys held by it in suspense or on trust.

(2) The general fund may be applied to any purpose of the board to which its funds may be applied in accordance with this Act and as to which no special provision has been made in this Act or for any prescribed purpose.

107. (1) Moneys shall not be transferred from one fund to any other fund except in accordance with this Act or with the regulations. Transfers from fund to fund.

(2)

(2) Provision may be made by the regulations for the distribution of the administrative expenses of the board among the various funds and for the definition of administrative expenses.

(3) The Governor may permit the board to lend money from one fund to another fund, but this provision shall not apply to loan moneys.

(4) The board shall comply in all respects with the provisions fixed by the Governor in the document conveying such permission as to the amount of and the application of the money, the time and method of repayment and the interest payable thereon.

Questions as to funds.

108. If any question arises under this Act or the regulations with respect to—

(a) the fund, or account within a fund, to which any moneys or property should be allocated; or

(b) the fund which should be applied for any purpose,

the Treasurer may determine the question.

DIVISION 5.—*Accounts and audit.*

Accounts generally.

109. (1) The board shall cause books to be provided and kept, and true and regular accounts to be entered therein in respect of each fund so as to show—

(a) the assets, liabilities, income and expenditure in respect of the fund; and

(b) the sources of income and purposes of expenditure in respect of the fund.

(2) The accounts of the board shall be kept as prescribed by the regulations.

Charging expenditure generally.

110. The expenditure of each fund shall, subject to any provisions made by or under this Act, be charged against income and capital as nearly as may be in accordance with commercial principles.

Annual statements.

111. (1) The board shall cause an annual report of its operations and statements of accounts as prescribed to be prepared.

(2) The board shall furnish to the Municipal Council of Sydney and to each of the councils of the areas

areas mentioned in the Second Schedule a copy of such report and statements, and shall also furnish a copy of the same to the Minister.

(3) The report shall be laid before both Houses of Parliament.

112. (1) The statements of account so prepared shall be audited and reported upon by the Auditor-General, who shall have in respect to the accounts of the board all the powers conferred on the Auditor-General by any law now or hereafter to be in force relating to the audit of the public accounts, as well as all powers conferred by this Act. Audit.

(2) The Auditor-General shall report to the board and the Minister—

(a) whether or not in his opinion—

(i) due provision has been made for the repayment of loans; and

(ii) the value of assets has (so far as he can judge) been in all cases fairly stated; and

(iii) due diligence and care have been shown in the collection and banking of income; and

(iv) the expenditure incurred has been duly authorised, vouched, and supervised; and

(v) proper account has been kept of plant, stores, and materials; and

(vi) any of the moneys or other property of the board have been misappropriated or improperly or irregularly dealt with; and

(b) as to any other matters which in his judgment call for special notice or which are prescribed by the regulations.

(3) Towards defraying the cost and expenses of the audit the board shall pay to the Treasurer, by four even quarterly payments, an amount of eight hundred pounds annually, and after three years from the commencement of this Act such further annual sum as may from time to time be fixed by the Committee of Review

DIVISION 6.—*General.*

113. All sums of money hereafter due and payable by the board to the Treasurer shall be charged upon the assets and revenues of the board in priority to any debenture, inscribed stock, overdraft, lien or incumbrance of any nature whatsoever. Priority of Crown.

PART VI.

PROPERTY.

DIVISION 1.—*Acquisition.*

114. (1) The board may purchase from any person (including the Crown) any land which it may require for any of the purposes of this Act. Purchase.

(2) The board may acquire a leasehold estate in any land. Leases.

(3) If the purchase money exceeds five thousand pounds or the term of the lease exceeds five years the approval of the Governor to the purchase or the acquisition of the lease shall be first obtained.

115. (1) Where the board proposes to acquire land by appropriation or resumption it may apply to the Governor through the Minister. Resumption. 1919 No. 41, s. 536.

(2) The board shall make provision to the satisfaction of the Governor for the payment of compensation for the land together with interest and all necessary charges and expenses incidental to the appropriation or resumption.

(3) The Governor may authorise the appropriation or resumption of the land.

(4) Thereupon the Minister for Public Works may—

(a) appropriate or resume the land by Gazette notification under Division 1 of Part V of the Public Works Act, 1912; and

(b) notify that the land is vested in the board.

(5) Thereupon the land shall vest in the board.

(6)

(6) For the purposes of the Public Works Act, 1912, such appropriation or resumption shall be deemed to be for the purpose of carrying out an authorised work within the meaning of that Act.

(7) Whenever land is appropriated or resumed under this Act a copy of the Gazette notification declaring such land to be so appropriated or resumed, certified under the hand of the Minister for Public Works, shall in every case be lodged with the Registrar-General, and be registered by him in the general register of deeds, unless the land so resumed is wholly or in part comprised in a grant or a certificate of title under the Real Property Acts, in which case, upon production of such copy of the Gazette notification so certified as aforesaid, it shall be the duty of the Registrar-General to deal with and give effect to such notification as if the same were a memorandum of transfer duly executed under the said Acts.

116. For the purposes of this Act the Public Works Act, 1912, is amended as follows :— Amendment of Act, 1912 No. 45.

(a) By inserting after section four the following new section :—

4A. (1) The provisions of this Act relating to the acquisition of land shall, whether such easement or right is acquired separately from or together with any land, also apply to the acquisition of an easement or right— Acquisition of easement.

(a) to use in any manner, for the construction and maintenance of works, the surface of land, and without limiting the generality of the foregoing purpose to use the surface—

(i) for canals, drainage, or stormwater channels ; or

(ii) for the erection and maintenance of wires or cables for the transmission of electricity and the erection of the necessary supports therefor ; or

(iii) for the construction and maintenance of manholes or ventilators;

(b)

(b) to use in any manner for the construction and maintenance of works the subsoil or undersurface of land, and without limiting the generality of the foregoing purpose to use any of the strata beneath the surface—

(i) for tunnels or pipes for the conveyance of water or sewage; or

(ii) for tunnels or conduits for electric wires or cables.

(2) Where an easement or right to use the surface of land is acquired the easement or right shall be deemed to include a power, from time to time as occasion may require, to enter upon the land for the purpose of inspection and for carrying out of any additions, renewals, or repairs.

(3) Where an easement or right to use the subsoil or undersurface of land is acquired, no compensation shall be payable except for actual damage done in the construction of the work or occasioned thereby;

(b) by adding at the end of section one hundred and thirty-eight the following proviso:— Sec. 138.

Provided that where an easement or right to use the surface or the subsoil or undersurface of any land is taken, the easement or right shall not be deemed part of a house or other building or manufactory.

DIVISION 2.—*Transfer.*

117. (1) All property real or personal heretofore transferred to, acquired by, or vested in the Board of Water Supply and Sewerage or in the Minister for the purposes of that board is hereby vested in the Metropolitan Water Sewerage and Drainage Board, and as to the real property for an estate in fee-simple in possession or for such lesser estate therein as the Board of Water Supply and Sewerage or the Minister is entitled to, subject to any rights or estates now existing. If any of the land was held by the Board of Water Supply Property transferred to board.

Supply and Sewerage for a leasehold interest then the vesting shall be for the balance of the term therein still unexpired and subject to the rents and covenants affecting the same.

(2) Where any of the lands were held upon trust for any particular purpose the board shall hold the same upon the same trust.

(3) Subject to the provisions of this Act the board shall hold all lands and property acquired by or vested in it upon trust for His Majesty.

Additional lands transferred.

118. (1) Upon completion of any work constructed by the Minister or where the Governor directs that the construction or work shall be assumed by the board, the Governor shall notify in the Gazette that the work is transferred to the board. The lands occupied by or used in connection with the work shall thereupon become vested in the board, on trust for His Majesty.

(2) Where the Minister possesses a less estate or interest in any land than the fee simple, the estate of the Constructing Authority to that extent only shall become vested in the board.

Divesting.

119. The Governor may divest the board of any land, and upon publication of a notification in the Gazette of such divesting, the land shall revert to or vest in the Minister and shall be held by him under and subject to the provisions of the Public Works Act, 1912.

Record of property.

120. The board shall compile and keep a register showing all the property transferred to and vested in the board, and shall on request furnish copies thereof or extracts therefrom to the Minister.

DIVISION 3.—*General.*

Municipal rates.

121. Any Crown lands or lands vested in the board within any catchment area, and any tunnel, water or sewer main or stormwater channel of the board shall be exempt from any rate or rental charge which but for this section the council of any municipality or shire might have levied or imposed thereon; but nothing herein contained shall preclude any municipality or shire from levying and collecting rates upon any land vested in or acquired by the board and occupied by it or upon Crown lands occupied by it.

122.

122. (1) The board may sell any of its personal property and may, with the approval of the Governor, sell or exchange any land vested in it. Sale and lease of property.

(2) The proceeds of the sale of any land vested in the board by this Act or acquired out of moneys provided by the Treasurer shall, unless the Governor on the recommendation of the Committee of Review otherwise directs, be paid in reduction of the capital indebtedness of the board to the State Debt Commissioners, to be applied by them in accordance with section eight of the State Debt and Sinking Fund Act, 1904.

(3) The board may lease any land or building or other real or personal property vested in or belonging to it.

No lease for any period in excess of five years shall be entered into unless the Governor's approval shall have been first obtained.

(4) The board may let for hire any of its plant or material not immediately required for the purposes of the board.

123. The board may insure any property of or under the control and management of the board, and for the purpose of any such insurance shall be deemed to have an insurable interest in the subject-matter thereof, any such insurance shall be effected with the Treasury Insurance Board. Insurance. 1919 No. 41, s. 528.

PART VII.

Regulations and By-laws.

124. (1) The Governor may make regulations not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed by regulations and in particular in relation to the following matters:— Regulations.

(i) Any of the powers conferred or duties imposed on the Governor or the Minister.

(ii) The method in which the accounts of the board shall be kept.

(iii) The method in which payments of the board are to be made.

(2) Regulations relating to the election of members of the board may include provision for voting by way of preferential ballot, that ballot-papers may be issued and returned by post, or that voters shall personally cast the ballot-papers at an appointed polling-place, and different regulations may be made and applied to different constituencies.

125. (1) The board, with the approval of the Governor, may make by-laws, not inconsistent with this Act or the regulations, prescribing all matters which by this Act are required or permitted to be prescribed by by-laws or which are necessary or convenient to be so prescribed and in particular in relation to the following matters :— By-laws.

Catchment areas.

(a) The marking of the boundaries of any catchment area.

(b) The protection of any catchment area or any watercourse or reservoir therein from pollution, and the protection of any property of the board on any catchment area.

(c) The inspection of land and buildings upon any catchment area.

(d) The regulation or the prohibition of burials on any catchment area.

(e) The authorising of the carrying out by the board of structural alteration of buildings or other works to prevent or minimise danger of pollution of any catchment area.

(f) Requiring the removal of buildings or works on any catchment area.

(g) Preventing the diversion of or taking of water from any natural or artificial watercourse, the water of which flows into the board's works, except by or under the authority of the board or of any statute.

(h) The prevention of the destruction of trees or shrubs, and the authorising of measures necessary to preserve or provide arboreal cover.

(i) Any matter which by this Act the board is authorised to control, regulate, or prohibit.

Water

Water Supply.

(j) The regulation of water service pipes and fittings between the water main and the outlets of such pipes, the construction, alteration, extension, disconnection, removal, maintenance, repair, renewal or clearing of any water service pipes or fittings, the performance by the board of any work required to be performed as a result of the default of the person concerned.

(k) The direction and regulation as to the use, supply, fixing, maintenance, repair, removal, alteration, and inspection of meters.

(l) The prevention of the waste or misuse or unlawful taking of water.

(m) The assessment of the volume of water lost by leakages upon any property, the determination of the volume to be paid for by the consumer, and the recovery of payment therefor.

(n) The regulation of the method by which water shall be supplied to ratable properties or to any consumer.

Sewerage.

(o) The regulation of sewerage service pipes and fittings, the construction, alteration, extension, disconnection, removal, maintenance, repair, renewal, ventilation, flushing, and cleansing of any such service pipes and fittings, the performance by the board of any work required to be performed as a result of default of the person concerned.

(p) The regulation or prevention of the discharge into any sewer of the board of roof waters and other surface waters from any public road or any street or elsewhere, and for preventing the admission of any dust, soil, rubbish, filth, or garbage.

(q)

(q) The regulation of the conditions to be observed with regard to liquid trade or factory wastes, or chemical or other impurities before they are discharged into the board's sewers, and the prevention of such discharge.

(r) The regulation of water closet and urinal accommodation for premises served by a sewer of the board, and for the alteration of existing premises served by a sewer of the board to conform to the requirements of the board.

Stormwater drainage.

(s) Regulating and preventing the discharge of urine, fæcal matte , liquid wastes, and polluted waters into stormwater channels, and preventing obstruction to the free flow of waters in such drains.

General.

(t) The regulation of all matters relating to the connection of premises to the mains or channels of the board, and without limiting the generality of the foregoing power, in particular the regulation of the number, design, dimension, level, materials, form, position, and arrangement of all pipes and fittings which the board may require to be provided and used in connection with any water supply, sewerage, or stormwater drainage service.

(u) The regulation of the testing, stamping, and marking of fittings intended for use in connection with any of the board's water, sewerage, or drainage services.

(v) The conditions upon which licenses or certificates of competency shall be issued to persons applying therefor, and the amount of fees to be charged.

(w) The prescribing of the fees to be paid for the connection of any premises with the board's water or sewerage services, for examining and preparing drainage plans and estimates, and such other fees as may lawfully be imposed.

(x)

(x) The prescribing of the form of any notice or other document to be prepared, issued, or received in accordance with this Act and any by-laws thereunder.

(y) The protection of the property of the board from damage and trespass, and the water supply from pollution.

(z) The governance of the officers and workmen of the board, the regulation of their conditions of employment, and for their guidance in the execution of their duties.

(aa) The insuring of the fidelity of officers with the Treasury Insurance Fund or otherwise.

(ab) The conduct of the business of the board.

(ac) The carrying into effect of the several provisions, intentions, and objects of this Act.

(2) Where any owner or occupier of land within a catchment area is prejudicially affected by the operation of any by-laws made respecting that catchment area, he shall be entitled to be paid compensation by the board in respect of the damage sustained by him.

(3) Where there is any conflict between the by-laws made by the board in relation to any matter concerning catchment areas and the ordinances, regulations, or by-laws made under any other Act, the by-laws made by the board shall prevail.

Ancillary. Act No. 41, 1919, s. 576 (2).

126. Without affecting the generality of any other provisions of this Act, by-laws may be made for and with respect to—

(a) any premises, person, or matter in any case where by this Act the board is authorised or required to control, regulate, license, appoint, inspect, examine, register, authorise, permit, prescribe, prevent, acquire, define, or classify;

(b) preventing obstruction of any person acting under the authority of the board or under the provisions of this Act or of any by-law;

(c) preventing destruction, injury, damage, interference or misuse by any person in respect of any work, undertaking, or property of or under the control or management of the board;

(d)

(d) regulating the use by the public of any work, undertaking, or property of or under the control or management of the board, and authorising or directing the removal of trespassers or other persons causing damage, annoyance, or inconvenience;

(e) enforcing and securing the observance of the provisions of this Act or of any by-law.

Penalties, directions, fees, &c.

Act No. 41, 1919, s. 376 (4).

127. (1) A regulation or by-law may—

(a) impose a penalty for any breach thereof and also distinct penalties in case of successive breaches thereof, but no such penalty shall exceed fifty pounds;

(b) impose also a daily penalty for any continuing breach thereof not exceeding five pounds per day;

(c) fix a minimum as well as a maximum penalty.

(2) A by-law may—

(a) provide that in addition to a penalty any expense incurred by the board in consequence of a breach of the by-law or in the execution of work directed by the by-law to be executed by any person and not executed by him shall be paid by the person committing such breach or failing to execute such work;

(b) require any work or thing to be executed or done of such materials, within such time or in such manner as is directed or approved in any particular case by the board or any person duly authorised, and require works to be executed only by qualified or licensed persons;

(c) provide for the payment of fees for inspections and for services rendered by the board.

Publication, &c.

Act No. 41, 1919, s. 377.

128. (1) Regulations and by-laws shall—

(a) be published in the Gazette;

(b) take effect from the date of publication or from a later date to be specified therein; and

(c) be laid before both Houses of Parliament within fourteen days of publication if Parliament is in session, and if not, then within fourteen days after the commencement of the next session.

(2)

(2) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulation or by-law has been laid before such House disallowing the regulation or by-law or any part thereof, such regulation or by-law or part shall thereupon cease to have effect.

(3) Subject to the provisions of this Act such regulation or by-law shall have the force of law.

Incorporation of amendments. Act No. 41, 1919, s. 578.

129. (1) Where any regulation or by-law is amended by—

(a) the repeal or omission of certain words or figures; or

(b) the substitution of certain words or figures in lieu of any repealed or omitted words or figures; or

(c) the insertion of certain words or figures,

the regulation or by-law as so amended may be printed by the Government Printer in the form as certified as correct by the Attorney-General.

(2) The provisions of the Amendments Incorporation Act, 1906, shall, mutatis mutandis, apply to any regulation or by-law as so amended.

Interpretation. Act No. 41, 1919, s. 579.

130. A regulation or by-law shall, save as therein otherwise expressly provided, be construed as if the Interpretation Act, 1897, applied, mutatis mutandis, to the interpretation thereof.

PART VIII.

SUPPLEMENTAL.

Notices by the board.

131. (1) Any notice required to be served by the board may be served as provided in this section.

(2) Where a department of the Government is concerned the service may be—

(a) in the case of a notice of valuation or a rate notice upon the Treasurer;

(b)

(b) in any other case upon the permanent head of the department;

(c) in any case upon such person as may be prescribed by regulation.

5 (3) Where a statutory body representing the Crown is concerned, the service may be—

(a) upon any superior officer thereof; or

(b) upon such person as may be prescribed by regulation.

10 (4) Any notice required to be served upon a council of a municipality or shire may be served upon the mayor, president, or clerk thereof.

(5) Any notice required to be served upon any other corporate body may be served upon any 15 superior officer thereof.

(6) When the notice is required to be served upon any ratable person or upon any owner or occupier of any land, building, or premises the service may be—

(a) personal; or

20 (b) by delivering the notice at or on the premises at which the person to be served lives or carries on business, and leaving the same with any person apparently above the age of fourteen years resident or employed thereat; or

25 (c) by posting the notice by prepaid letter addressed to the last known place of abode or business of the person to be served; or

(d) by affixing the notice on any conspicuous part of the land, building, or premises.

30 (7) In addition to the modes of service prescribed by the last preceding subsection— cf. L.G. Act, 1906, s. 195.

(a) in any case where the person to be served—

(i) is or after inquiry appears to be absent from New South Wales; or

35 (ii) has authorised the board, in writing, to serve notice to him upon an agent,

the service may be upon the agent of such person by any of the modes prescribed in clauses (a) (b) and (c) of the last preceding 40 subsection of this section;

(b)

(b) in any case where the land, building, or premises are unoccupied and the owner thereof or his address is not known to the board, the service may be by advertisement as prescribed by the regulations.

(8) The notice may be addressed by the description of "ratable person" or "the owner" or "the occupier" of the land, building, or premises (naming or otherwise sufficiently indicating the same) in respect of which the notice is served, and without further name or description.

(9) The notice may be wholly or partly in printing or in writing or in both.

(10) Where the notice has been served by any of the modes prescribed by this section, all inquiries requisite under this section shall be deemed to have been made, and the service shall be conclusive evidence thereof. cf. L.G. Act, 1906, s. 195.

(11) Proof by affidavit or orally that the notice has been posted in accordance with this section shall be conclusive evidence of service. cf. *Ibid.*

(12) Any notice required to be served upon any ratable person or upon any owner or occupier shall, if due service has been once made upon the ratable person or upon the owner or occupier, be binding upon any person claiming through, or under, or in trust for, or in succession to the ratable person or being a subsequent owner or occupier, as if the notice has been served on such person. Effect. cf. No. 1,893, s. 706; No. 1,197, s. 160 (Vict.).

132. (1) Any information, complaint, or other legal proceeding under this Act, or any by-law made thereunder, may be laid, made, and taken in the name of the Metropolitan Water Sewerage and Drainage Board by the secretary for the time being of the board or by any other duly appointed officer of the board. Legal proceedings. 55 Vic. No. 16, s. 25.

(2) The secretary or other officer shall out of the General Fund be reimbursed all damages, costs, charges, and expenses to which he is put or with which he becomes chargeable by reason of anything contained in the last preceding subsection. No. 2,696, 1915 Vict., s. 233.

(3)

(3) A writ or other process shall not be sued out or served upon the board or any member thereof or any officer of the board or any person acting in his aid for anything done or intended to be done or omitted to be done under the provisions of this Act until the expiration of one month after notice in writing has been served on the board or such member, officer or person, clearly stating the cause of action and the name and place of abode of the intended plaintiff and of his solicitor or agent in the case, and on trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action that is not stated in the notice served; and unless such notice is served a verdict shall be found for the defendant. Notice of action.

133. Every penalty imposed by or under this Act in the case of any person committing an offence, shall extend and apply also to any person— Penalties extended to persons causing offences. 1919 No. 41, s. 637.

(a) who causes the commission of the offence;

(b) by whose order or direction the offence is committed; or

(c) who aids, abets, counsels or procures, or by act or omission is directly or indirectly concerned in the commission of the offence.

134. (1) Any rate, charge, fee, or money due to the board under the provisions of this Act or any by-law may be recovered as a debt in any court of competent jurisdiction. Recovery of rates, &c. 1919 No. 41, s. 590.

(2) Proceedings for the recovery of any rate, charge, fee, or money so due to the board shall be deemed to be for the recovery of a debt or liquidated demand within the meaning of—

(a) section twenty-four of the Common Law Procedure Act, 1899;

(b) section sixty-four of the District Courts Act, 1912;

(c) section twenty-five of the Small Debts Recovery Act, 1912.

(3) An unsatisfied judgment or order of any court for the recovery of any rate from any person shall not be a bar to the recovery thereof from any other person liable under this Act to the payment thereof.

135.

135. (1) Every penalty imposed upon any person by this Act or by any by-law or regulation made or continued under the provisions of this Act shall be without prejudice to the right of the board to recover from such person—

Recovery of penalty does not prejudice right to take other proceedings. No. 2,696, 1915 Vict., s. 234.

(a) any sum for damage sustained through his act or default;

(b) the cost and expense incurred by the board in remedying such damage;

(c) the value of any water wasted, misused, unduly consumed, illegally diverted or illegally taken by him.

The payment of any such penalty shall not bar or affect the right of the board to bring any other action or take any other proceeding against such person.

(2) Any penalty, fine, or forfeiture under this Act or the regulations or by-laws (save the penalty mentioned in section eighty-six) recovered shall be paid to the board and be by it directed to be allocated to the appropriate fund established under this Act.

136. (1) If any person—

Penalty for misapplication of water. 43 Vic. No. 32, s. 75.

not having from the board a supply of water for other than domestic purposes uses for other than domestic purposes any water supplied to him by the board;

having from the board a supply of water for any other than domestic purposes uses for any purpose other than that for which he is entitled to use the same any water supplied to him by the board,

then and in any such case he shall for such offence be liable to a penalty not exceeding five pounds.

(2) The board may also recover the value of the water so misused.

137. Every person who commits any of the following offences with respect to any stream or watercourse, reservoir, aqueduct, or other waterworks in any catchment area or belonging to or under the control and management of the board shall for every such offence be liable to a penalty not exceeding five pounds:—

Bathing or washing or throwing dirt and filth into waterworks. *Ibid.* ss. 79, 80.

Bathes therein.

Washes,

Washes, throws, or causes to enter therein any dog or other animal.

Throws, conveys, or causes or permits to be thrown or conveyed therein any refuse, rubbish, dirt, filth, or noisome thing whatsoever.

Washes or cleanses therein the skin of any animal, or any clothes, cloth, wool, leather, or other thing whatsoever.

Penalty for letting foul water flow thereinto. *Ibid.* s. 81.

138. If any person causes the water of any sink, sewer, drain, or of any engine or boiler, or any other filthy water belonging to him or under his control to run or be brought into any stream or watercourse, reservoir, aqueduct, or other waterworks in any catchment area or belonging to or under the control and management of the board, or does any other act whereby the water of the board is fouled, he shall for such offence be liable to a penalty not exceeding five pounds and a further penalty not exceeding five pounds for each day (if more than one) that such offence continues.

Fouling water or injuring works by substances produced in making gas. *Ibid.* s. 83.

139. Any person making or supplying gas who causes or permits the water in any stream or watercourse, reservoir, aqueduct, or other waterworks in any catchment area or belonging to or under the control and management of the board to be fouled or any pipes or conduits of the board to be injured by reason of his—

doing any act connected with the making of gas;

causing or suffering any substance produced in the making or supplying of gas to be brought into or to flow into any such stream or watercourse, reservoir, aqueduct, or other waterworks, pipe, or conduit or into any drain communicating therewith;

shall be liable to a penalty of twenty pounds for each day during which any such offence continues.

But he shall not become liable to such penalty until the expiration of twenty-four hours from the time when notice of such offence has been served upon him by the board.

Such penalty may be recovered with full costs in any court of competent jurisdiction.

140.

140. Whenever the water supplied by the board is fouled by the gas of any person making or supplying gas, such person shall, for every such offence, be liable to a penalty of not more than twenty pounds, and a further sum of not more than ten pounds for each day during which the offence continues, after the expiration of twenty-four hours from the service on him of notice of such offence.

Gasmakers causing water to be fouled. *Ibid.* s. 84.

141. (1) For the purpose of ascertaining whether the water is fouled, the board may dig up the ground and examine the pipes, conduits, and works of the person making or supplying gas.

Power to examine gas-pipes to ascertain cause of water being fouled. *Ibid.* s. 85.

(2) Before proceeding to do so, the board shall give twenty-four hours' notice in writing to the said person of the time at which the digging and examination is intended to take place, and it shall give the like notice to the Public Authority having the control or management of the street or place where the digging is intended to take place, and it shall be subject to the like obligation of reinstating the street, and the soil and pavement thereof, and to the same penalties for delay or any nonfeasance or misfeasance therein as provided in Part IV of this Act with respect to streets and pavements broken up by it for laying pipes.

Notice of such examination to be given.

(3) If upon the examination it appears that the water has been fouled by any gas belonging to the said person the expenses of the digging examination and repair of the street or place disturbed in any such examination shall be paid by such person.

The expenses of the examination to abide the result.

(4) If upon the examination it appears that the water has not been fouled by the gas of the said person then the board shall pay all expenses of the examination and repair, and also make good to the said person any injury which may be occasioned to his works by the examination.

142. Any person who wilfully obstructs any person acting under the direction of the board in setting out any works undertaken in pursuance of this Act, or pulls or removes any poles or stakes driven into the ground for the purpose of setting out such works, or defaces or destroys

Penalty for obstructing construction of works. *Ibid.* s. 41.

destroys any marks made for the same purpose, shall be guilty of an offence and be liable to a penalty not exceeding five pounds.

Penalty for tampering with works.

143. Any person who opens any ground so as to uncover or expose any pipes or other works or fittings belonging to or under the control and management of the board without being lawfully entitled so to do and without having given to the board two days' notice in writing of his intention so to do, or who wilfully or negligently breaks or injures or opens any pipes or other works or fittings as aforesaid, shall be guilty of an offence and be liable to a penalty not exceeding five pounds

Penalty for unlawfully taking water.

144. (1) Any person who wrongfully takes or uses water from any reservoir, aqueduct or pipe belonging to or under the control and management of the board, or from any pipe leading to or from any such reservoir, aqueduct or pipe, or from any cistern or other like place belonging to or under the control and management of the board or supplied by it with water for the use of any consumer, shall be guilty of an offence and be liable to a penalty of not exceeding five pounds.

Penalty for illegally taking or diverting water.

(2) Any person who illegally diverts or takes water supplying or flowing into any waterworks, watercourse or reservoir belonging to or under the management and control of the board, or who does any unlawful act whereby the water from any such waterworks, watercourse or reservoir may be drawn off or diminished in quantity, shall be liable to a penalty not exceeding five pounds for every day during the whole or any part of which the said supply of water is diverted or diminished by reason of any act done by or by the direction of such person.

When water diverted to any land onus of proof of non-complicity lies on owner or occupier of land.

145. Whenever it is shown that any water is or has been so wrongfully taken or used or illegally diverted or taken to or into land owned or occupied by any person, the taking or using or diversion of such water shall be deemed to have been effected by or by the direction of such person unless such person satisfies the court that such taking or using or diversion of the water on to or into such land was effected without his direction or connivance.

146.

Settlement of disputes between the board and other public authorities.

146. (1) When a dispute arises between the board and another public authority either may refer the dispute to the Minister for settlement by the Governor.

(2) The Minister may appoint any person a commissioner to hold an inquiry and to report to him as to any matter arising in or relating to the dispute.

( ) The provisions of the Royal Commissions Act, 1923, other than those of Division 2 of Part II of that Act, and the provisions of section one hundred and fifty-two of the Justices Act, 1902, shall mutatis mutandis apply to any commissioner appointed under this section.

(4) The Governor may make such order in the public interest and in the circumstances of the case as may seem to be just and equitable. Any such order shall be final and conclusive and shall be given effect to by the board and by the public authority.

(5) This section shall apply to the exclusion of section six hundred and fifty-four of the Local Government Act, 1919.

SCHEDULES.

SCHEDULES.

FIRST SCHEDULE.

Sec. 5.

No. of Act.	Short Title.	Extent to which repealed.
43 Vic. No. 32 ...	The Metropolitan Water and Sewerage Act of 1880.	The whole.
51 Vic. No. 28 ...	The Metropolitan Water and Sewerage Act Amendment Act of 1888	The whole.
53 Vic. No. 16 ...	The Metropolitan Water and Sewerage Act Amendment Act of 1889.	The whole.
57 Vic. No. 12 ...	The Metropolitan Water and Sewerage Act Extension Act of 1894.	The whole.
1916, No. 13 ...	The Metropolitan Water and Sewerage Amendment Act of 1916.	The whole.
1922, No. 25 ...	The Metropolitan Water and Sewerage Act, 1922.	The whole.
1923, No. 37 ...	The Metropolitan Water and Sewerage Act, 1923.	The whole.
1898, No. 33 ...	The Metropolitan Water (Camden) Act, 1898.	The whole.
1910, No. 36 ...	The Camden Sewerage Act, 1910	The whole.
53 Vic. No. 7 ...	The Manly Drainage Works Act, 1889.	The whole.
1902, No. 5 ...	The Manly Water Supply and Sewerage Transfer Act, 1901.	The whole.
1900, No. 36 ...	The Wollongong Water Supply Works Act, 1900.	The whole.
1905, No. 39 ...	The Sydney Corporation Amendment Act, 1905.	Section fourteen.

SECOND

SECOND SCHEDULE.

Sec. 8 (2).

Constituencies	Area.	No. of Members to be Elected.
First	Sydney	2
Second	Redfern... ... ... Paddington ... ... Woollahra ... ... Vaucluse ... ... Waverley .. .. Randwick	2
Third	Darlington ... ... Newtown ... ... Petersham ... ... Marrickville ... ... Erskineville ... ... St. Peters ... ... Waterloo ... ... Alexandria ... ... Mascot ... ... Botany	2
Fourth	Rockdale ... ... Bexley ... ... Kogarah ... ... Canterbury ... ... Hurstville ... ... Bankstown	2
Fifth	Glebe ... ... Annandale ... ... Leichhardt ... ... Ashfield ... ... Concord ... ... Burwood ... ... Enfield ... ... Strathfield ... ... Homebush ... ... Lidcombe	2
Sixth	Balmain... ... ... Drummoyne ... ... Hunter's Hill ... ... Lane Cove ... ... North Sydney ... ... Mosman... ... ... Manly ... ... Warringah Shire	2

SECOND SCHEDULE—*continued.*

Constituencies.	Area.	No. of Members to be Elected.
Seventh	Ermington and Rydalmere ... Dundas ... ... Eastwood ... ... Ryde ... ... Willoughby ... ... Kuring-gai Shire ... ... Hornsby Shire	2
Eighth	Parramatta ... ... Granville ... ... Auburn ... ... Prospect and Sherwood ... Smithfield and Fairfield ... Cabramatta and Canley Vale ... Nepean Shire ... ... St. Mary's ... ... Castlereagh ... ... Blacktown Shire ... ... Baulkham Hills ... ... Richmond ... ... Colo Shire	2
Ninth	Sutherland ... ... Bulli Shire ... ... Illawarra Central ... ... Illawarra North ... ... Wollongong ... ... Wollondilly ... ... Liverpool ... ... Ingleburn ... ... Campbelltown ... ... Camden	1

THIRD SCHEDULE. Sec. 35

The works the construction of which is authorised by the following Acts:—

PART I.

Granville, Auburn, and Lidcombe Sewerage Act, 1918.
Wollongong Sewerage Act, 1923.
Sydney Water Supply Act, 1922.

PART

PART II.

Sydney Water Supply (Cordeaux River Dam) Act, 1916.
Sydney Water Supply (Avon River Dam) Act, 1919.
Northern Suburbs Sewerage Act, 1918.
5 Canterbury, Campsie, Belmore, and Bankstown Sewerage Act, 1918.
Sydney Water Supply Amplification Act, 1923, First Schedule (Lupton Dam).

FOURTH SCHEDULE.

Sec. 100.

10 *Rates, charges, and fees.*

1. A scale of rates shall be fixed by the by-laws, and such scale shall continue to be the scale according to which rates shall be levied until the by-law fixing the scale is varied or amended.

2. Rates shall be levied annually by resolution of the board, a copy 15 of which resolution shall be published in the Gazette. The production of the Gazette, or the part thereof containing the resolution, shall be evidence of the due levying of a rate.

3. Rates shall be levied in the month of May in each year for the twelve months commencing on the first day of July then next.

20 4. Rates shall be payable annually in advance on the first day of July, or may in a particular case with the approval of the board be paid by instalments.

5. The owner or occupier of land shall become liable to the payment of rates upon the service by the board on him of a rate notice in the 25 form prescribed by the by-laws.

6. The owner or occupier of the land or the person requiring the service shall become liable to the payment of charges and fees on the service upon him of an account therefor and a notice to pay in the form prescribed by the by-laws, unless by the by-laws the charge or fee 30 is made payable in advance.

7. A rate shall become payable in respect of each separate parcel of land, but any rate in respect thereof may be included in the same rate notice with any rate in respect of the same or different land.

8. In any case where more than one person is an owner or occupier 35 of the land within the meaning of this Act, the rate notice may be served upon any one or more of such persons, and the board may recover the rate as against any person upon whom the rate notice is so served.

Nothing in this clause shall entitle the board to recover more than 40 the full amount of the rate.

9. In any case where the name of any owner or occupier liable to pay the rate is not known to the board, it shall be sufficient to rate such owner or occupier by the designation of "the owner" or "the occupier," as the case may be, without stating his name.

10. Where land which was not ratable has become ratable the rate payable thereon shall be proportionate to the portion of the twelve months during which the land is ratable; and in any such case any valuation made by the board of the land after it becomes ratable shall be deemed to have come into force concurrently with the land becoming ratable.

11. Where land which was ratable has not been valued because of omission from any valuation book or valuation list, the valuation thereof made by the board after discovery of the omission shall come into force and rates may be levied as from the first day of July of the then current financial year of the board. Where in any other case mentioned in subsection four of section ninety-seven a valuation is made by the board, the valuation shall come into force and rates may be levied as from the date when the valuation is made.

12. If for any reason a rate is not levied within or by the time prescribed by or under this Act, or if any irregularity in levying any rate affects or may be considered to affect the validity of the rate, the Governor may extend the time for the levying of the rate and may authorise the doing by the board of such acts as may be necessary to cure the irregularity and to validate the rate.

13. Every rate shall be entered in a rate-book, which shall be in or to the effect of the form prescribed by the regulations.

14. An alteration or amendment in the rate-book may be made in respect of any rate by—

(a) inserting the name of any person claiming and entitled to have his name inserted as owner or as occupier, as the case may be;

(b) inserting the name of any person who ought to have been rated or who has since the levying of the rate become liable to be rated;

(c) striking out the name of any person who ought not to have been rated;

(d) raising or reducing the sum at which any person has been rated, if it appears to the board that owing to any error in entering the rate in any rate notice or in the rate-book or in transcribing any figures from any valuation book, or if a valuation has been varied on appeal, the person has been under rated or over rated;

(e) inserting any land which ought to have been rated and the necessary particulars in respect thereof;

(f) making such other alterations or amendments as will make the rate conformable to this Act.

15. Any such alteration or amendment in the rate-book shall not be held to avoid the rate.

16. An alteration or amendment in the rate-book may be authenticated in the manner prescribed by the regulations, and shall have effect as though made when the rate was made.

17. Every person whose rate is altered or amended to his prejudice, or who by any alteration or amendment has become rated in respect of any land, shall be entitled to receive one month's notice of the alteration or amendment before the rate shall be due and payable by him.

18.

18. Rates shall, except where otherwise expressly provided, be payable by the owner of the land in respect of which the rate notice is served.

19. Where the land is owned by the Crown, and is not held by any person under a lease therefrom, the rate shall be payable by the Crown from the Consolidated Revenue Fund, or if a statutory body representing the Crown is concerned, from the Consolidated Revenue Fund or from moneys of the statutory body, as the Governor may determine.

20. Where the land is owned by the Crown, and is held by any person under a lease therefrom, the rate shall be payable by the holder of the lease:

Provided that where a Crown lease is transferred by way of mortgage, the board may not recover from the mortgagee unless and until it has failed to recover from the mortgagor.

21. (1) Where the land is held under a lease from the Crown by two or more persons successively in the same year, whether with or without any interval between their holdings, the board may, if it thinks fit—

(a) make such adjustment (if any) of the rate, whether paid or unpaid, as it thinks proper, between such persons;

(b) recover from each of such persons his proportion of the rate as fixed by the adjustment;

(c) make any refund in accordance with the adjustment;

(d) write off any amount in respect of the interval between the holding of such persons.

(2) Where the land is vested in the board and is held therefrom by any person under a lease for a term of not less than one year, the rate shall, if the lease contains an agreement by the lessee to pay rates, or to pay any equivalent sum expressly fixed by reference thereto, be paid to the board by the holder of the lease.

22. (a) Where the land is owned or held jointly by two or more ratable persons, such persons shall be jointly and severally liable for the rate, but as between themselves each shall only be liable for such part of the rate as is proportionate to his interest in the land and in the improvements thereon.

(b) If any of such persons pays more than his proportionate part, he may recover the excess by way of contribution from the others.

23. Where a ratable person disposes of his estate or interest in the land, he shall nevertheless be a ratable person and liable for the rate to the same extent as if he had not disposed of his estate or interest, provided that the rate notice is served either—

(a) before he disposes of his estate or interest; or

(b) before a notice of transfer in or to the effect of the form prescribed by the by-laws is given.

24. If any ratable person, who disposes of his estate or interest in the land, pays any rate in respect thereof which has become payable after he disposes of his estate or interest and before the prescribed notice of transfer is given, he may recover the amount from the person to whom he disposes of his estate or interest.

25. As between a ratable person and any other person from or to whom he derives or disposes of his estate or interest in the land every rate shall be considered as accruing from day to day and shall be apportionable in respect of time accordingly.

26. Where a person by becoming entitled to an estate or interest in the land becomes a ratable person, he shall be liable to the board for the current rate and for all arrears of the rate owing by any previous owner in respect of the land, notwithstanding the fact that he became entitled to the estate or interest after the rate notice was served.

27. If any ratable person who becomes entitled to an estate or interest in the land pays to the board any rate in respect thereof which became payable before he became entitled to the estate or interest, he may recover a proportion of the amount from the person who was liable to the board for the rate at the time when the rate notice was served.

28. Nothing in clauses 26 and 27 of this Schedule shall affect or extend to any person who is the holder of a lease from the Crown or from the board, where the lease is granted after the rate is levied, although the land was previously held under a lease from the Crown or from the board.

29. The proviso to clause 31 of this Schedule relating to a charge for rates shall apply mutatis mutandis to the liability for rates under clauses 26 and 27 hereof.

30. (1) Where rates for the payment of which a ratable person is liable are unpaid at the expiration of one month after the date when they became payable, the board may serve notice upon the occupier (if any) to pay the rates, and the occupier shall thereupon become liable to pay the same.

(2) Where the rates for which the owner is liable are required from and paid by the occupier, the occupier may set off the amount so paid against any rent due from him to the owner.

If where the rates are so paid no rent is due, or if the amount of the rates so paid exceeds the amount of rent due, the occupier may either set off the amount so paid or the amount of the excess against accruing rent or recover it or part of it by action as for money paid, with full costs as between solicitor and client.

(3) A tenant who pays rates for a period extending beyond his term shall be entitled to recover from his landlord the amount so paid, with such costs as aforesaid.

(4) The receipt of the board for such rates shall be a discharge of the rent, and conclusive evidence of the payment thereof to the amount specified in the receipt.

31. (1) Every rate under this Act, and any costs awarded to the board by any court in proceedings for the recovery of the rate shall be a charge on the land in respect of which a rate notice is served, in priority to all sales, conveyances, transfers, mortgages, charges, liens, and encumbrances whatsoever:

Provided that—

(a) no such charge for any rate or costs shall be of any effect as against a bona fide purchaser for value who at the time of purchase made due inquiry, but had no notice of the liability; and

(b) a purchaser shall be deemed to have made due inquiry who has obtained a certificate under section one hundred and ~~two~~ one as to the amount (if any) due to the board.

(2)

(2) The provisions of the preceding paragraph and the proviso thereto shall extend to all sums due to the board and by this Act declared to be charged upon land.

(3) Where the land is owned by the Crown the charge shall not affect or extend to—

(a) the estate or interest of the Crown in the land; or

(b) the estate or interest of any person holding under a lease from the Crown where the lease is granted after the rate is levied, although the land has been previously held under a lease from the Crown.

(4) The charge shall rank pari passu with any charge on the land under any other Act.

32. In this Schedule the expression "ratable person" means any owner of land or any holder of a lease who is made liable to pay the rates.

Sydney: Alfred James Kent, Government Printer—1924.

[4*s*. 9*d*.]

1924.

Legislative Council.

METROPOLITAN WATER, SEWERAGE, AND DRAINAGE BILL.

(*Amendments to be moved in Committee of the Whole.*)

Page 2, clause 2, line 23. *Insert* after the word "twenty-five" the words "and (b) by inserting at the end of section two "thereof the following new subsection :—

"(4) The vacancy arising on account of David Gilpin, Esquire, having ceased to be an alderman of the Municipal Council of Sydney shall be filled by the appointment by the Governor of an alderman of that Council upon the nomination of that Council, and the person so appointed shall for the purposes of the Principal Act be deemed to be a 'City Member' duly elected."

Page 3, clause 4. *After* line 37 *insert* the words "'Commencement of "'this Act'" or other like expression means the thirty-first day of March, one thousand nine hundred and twenty-five"

Page 6, clause 7, lines 27 and 28. *Omit* the words "person who "secured the least number of votes at such election" *insert* in lieu thereof the words "member who at such election "secured the least number of votes, or if, in the opinion "of the board expressed by resolution, this method of "determining which of two members shall retire is in the "circumstances of the case inapplicable, then the question "shall be determined by lot"

Page 11, clause 16, line 13. *After* the figures "1898" *insert* the words "or being the President engages in any trade or "business or in any employment other than the performance "of his duties under this Act"

Page 11, clause 19. *After* line 27 *insert* the following new sub-clause :—

(2) The President shall not during his term of office engage in any trade, business, or in any employment other than the performance of his duties under this Act.

Page 20, clause 36, lines 39 to 41. *Omit* the words "pay an amount "equal to decimal forty-six per centum of the total capital "indebtedness of" *insert* in lieu thereof the words "pay in "each year upon a date to be specified in the proclamation "an amount equal to five per centum of the gross revenue "derived from"

Page 32, clause 56. *After* line 24 *insert* the following subclauses:—

(3) The board may control and regulate the access of stock to such portions of any catchment area as are not in possession of private owners, and upon such lands may grant rights of agistment and by impounding or prosecution prevent the trespass of stock on such lands.

(4) The board may, upon Crown lands, dedicated lands, or resumed lands upon any catchment area, assume all the rights, powers, obligations, privileges, and immunities as are conferred or imposed upon trustees by the Public Trusts Act, 1897, the Public Parks Act, 1902, or the Crown Lands Consolidation Act, 1913, and shall require no further warrant than this Act so to do. For the purpose of the impounding of animals the board shall be deemed to have all the rights as are by law conferred upon occupiers.

Page 38, clause 70, lines 36 and 37. *Omit* the words "an amount "equal to decimal forty-six per centum of the total capital "indebtedness" *insert* in lieu thereof the words "or on such "dates and by such instalments as the Governor may direct "an amount equal to five per centum of the gross revenue of "the board from all sources"

Page 39, clause 73, lines 28 to 30. *Omit* all the words on these lines after the word "it" on line 28 and *insert* in lieu thereof the words "in respect of that service and to the amount of its "capital indebtedness in respect of that service as determined "under Division 1 of this Part will cause the total amount "of its indebtedness in respect of that service to exceed "fifteen per centum of the unimproved value of all lands "ratable for that service"

Page 64, clause 124. *After* line 4 *insert* the following new subclause:—

(2) Regulations relating to the election of members of the board may include provision for voting by way of preferential ballot, that ballot-papers may be issued and returned by post, or that voters shall personally cast the ballot-papers at an appointed polling-place, and different regulations may be made and applied to different constituencies.

Page 84, Fourth Schedule, line 49. *Omit* the word "two" *insert* in lieu the word "one"