

No. XVIII.

An Act to define and extend the operation of certain provisions of the "Country Towns Water and Sewerage Act of 1880," and to amend the said Act in other respects. [13th December, 1887.]

COUNTRY TOWNS
WATER AND
SEWERAGE ACT
EXTENSION.
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WHEREAS it is desirable in the public interest that the benefits Preamble. intended to be conferred by the "Country Towns Water and Sewerage Act of 1880" should not be unduly restricted, and that the operation of certain provisions of the said Act should be extended, in order that Councils of Municipalities may be the better able to distribute for Municipal purposes water supplied by means of works authorized by the Government, and it is also desirable, in cases where the Councils of Municipalities have commenced or completed works for the supply of water within Municipalities independently of the provisions of Part V of the said Act, that certain provisions contained in such Part should be extended to such Councils, and that other provision in furtherance of such works should be sanctioned by Parliament. Be it therefore enacted by the Queen'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:—

1. This Act may be cited as the "Country Towns Water and Sewerage Act Extension Act of 1887," and in its construction the expression "Governor," means Governor with the advice of the Executive Council, "Minister," means the Minister for Works for the time being or the responsible Minister of the Crown charged with the administration of the "Country Towns Water and Sewerage Act of 1880."

Definition and extension of provisions of "Country Towns Water and Sewerage Act of 1880."

2. The permanent works for water supply or sewerage mentioned in section five and referred to (whether expressly or inferentially) in any other section of the "Country Towns Water and Sewerage Act of 1880" shall not be deemed to refer or to have referred exclusively to works for water supply or sewerage situated wholly within the boundaries of the Council constructing or desirous of constructing such works, or to works for water supply or sewerage wholly under the control of any such Council, provided that in each case the Governor shall be or have been satisfied that the works in question are or were intended to be permanent in regard to the character of their construction and not intended to satisfy a temporary purpose only.

3. It shall be lawful for the Minister and the Council of any Borough or Municipal District to agree by writing under their respective hand and common seal for the supply to such Council for distribution within such Borough or District of water conveyed by means of any works now or hereafter constructed under directions of the Minister. Every such contract, after approval by the Governor, shall during the continuance thereof bind the contracting Council and its successors, and any sum of money payable thereunder may be enforced and

Certain works
referred to in
sec. 5 of 44 Vic.
No. 14 defined.

Extension of
provisions of
section 127 of said
Act.

Country Towns Water and Sewerage Act Extension.

and recovered as a debt due to the Crown. And for the purpose of enabling any such Council to carry out the terms and conditions of such contract, to provide funds for satisfying any liabilities incurred thereunder, to control and regulate the distribution of water thereby contracted to be supplied, and generally to exercise all necessary powers in connection with such water, it shall be lawful for the Governor to declare by proclamation in the *Gazette* that any specified powers and provisions contained in the "Country Towns Water and Sewerage Act of 1880" applicable to any of the aforesaid purposes, including powers incident to the levying of water rates, may be exercised and applied within such Borough or District by and with respect to the Council and inhabitants thereof respectively. And any specified parts or enactments contained in the said Act shall, upon the publication of such proclamation, apply to and be in force within such Borough or District, and with respect to such Council and inhabitants with the same effect for all purposes as if the said Act had specifically declared such parts or enactments so to be in force or applied.

Loans for Waterworks in cases where independent works have been undertaken.

Extension to certain
Councils of provisions
of Part V of 44 Vic.
No. 14.

4. It shall be lawful for the Governor by notification in the *Gazette*, to declare that any of the special provisions contained in Part V of the "Country Towns Water and Sewerage Act of 1880" shall apply to the Council of any Borough or Municipal District in respect of any loan authorized to be made by the Colonial Treasurer to such Council pursuant to this Act. And upon the publication of such notification, the enactments specified in such notification, with such necessary modifications as the Governor may think fit to make, shall apply to the Council and to the waterworks therein referred to, with as full effect as if the said enactments had been embodied in this Act and specifically applied to such Council and works. And for the purposes of this section and the six following sections, the term "Council" means the Council of any Municipality in which works for the supply of water have been commenced or completed before the passing of this Act, independently of the powers granted by the "Country Towns Water and Sewerage Act of 1880."

Bond to be entered
into &c.

5. Before any such notification shall be so published, the Minister and the Council shall agree by writing under their respective hand and common seal as to the amount of the loan which the Governor may authorize the Colonial Treasurer to make to the Council upon the security hereinafter specified, and no such notification shall be published or loan made until the Council shall have entered into a bond to Her Majesty (which bond they are hereby authorized and empowered to enter into), binding themselves and their successors in such sums, upon such terms and conditions, and with such provisions as the Governor shall prescribe. Provided always that no such loan shall exceed the estimated value of the works as ascertained by the said Minister for or in connection with which such loan has been made.

Loans authorized by
the Governor to be
paid by Treasurer.

6. At any time after the publication of such notification, the Colonial Treasurer when authorized by the Governor by writing under his hand may, out of the sum of one hundred thousand pounds voted by Parliament for country towns water supplies and contained in the "Appropriation Act of 1886," or out of any other sum voted for similar purposes pay to the Council, mentioned in such notification, such sum or sums of money by way of loan as may have been agreed upon by the said Council and the Minister as hereinbefore provided.

Country Towns Water and Sewerage Act Extension.

7. Every such loan shall from the time of the payment thereof constitute a debt within the meaning and for the purposes of the one hundred and twenty-fifth section of the "Country Towns Water and Sewerage Act of 1880." The first payment in liquidation of such debt shall be made within one year from the date of the aforesaid notification, and the subsequent payments shall be made pursuant to the said section.

8. In addition to any penalty or sum prescribed in the bond hereinbefore mentioned which may be enforced on behalf of Her Majesty, every Council, to which any loan shall have been made pursuant to this Act, shall be subject to the enactments contained in sub-sections (i) (ii) (iii) (iv) (v) (vi) and (vii) of the said one hundred and twenty-fifth section as if the same had been specifically applied to such Council by this Act; and for the purposes of this Act and the incorporation of such enactments, the certified amount expended on waterworks in such sub-sections referred to shall be read as meaning the loan or loans made to such Council under the authority of this Act.

9. Notwithstanding anything in any Act or under any other authority to the contrary, every loan made to a Council under the authority of this Act shall be a first charge on the waterworks belonging to such Council, and upon all rates and revenues derivable therefrom, until such debt has been duly liquidated.

10. It shall be the duty of the Minister in every case where a loan is made to any Council under this Act to ensure that all sums previously borrowed for the construction of waterworks and wholly or partly due and payable by such Council shall, with the interest accrued thereon, be repaid out of such loan, and that the balance remaining after any such repayment shall only be used in and upon the waterworks of such Council or upon works connected therewith to be sanctioned by the Governor, and to be carried out subject to the approval of some officer to be appointed by him for that purpose.

11. Notwithstanding anything contained in section eleven of the "Country Towns Water and Sewerage Act of 1880," the person holding the office of Treasurer under the said Act and under this Act, or his partner or any person in the service or employ of them or either of them, may hold or assist or officiate in the office of Council Clerk. And the person holding the office of such Clerk, or his partner or any person in the service or employ of them or either of them, may hold or assist or officiate in the office of Treasurer.