

No. XXVIII.

METROPOLITAN
WATER AND
SEWERAGE ACT
AMENDMENT.
—

An Act to constitute the Board of Water Supply and Sewerage, and to amend the “Metropolitan Water and Sewerage Act of 1880,” and for other purposes. [1st March, 1888.]

Preamble.

WHEREAS the approved scheme of Water Supply authorized to be carried out pursuant to the provisions of the “Metropolitan Water and Sewerage Act of 1880” has been so far completed that the city of Sydney and its suburbs, and other portions of the county of Cumberland, are now either actually supplied by means of the Conduit, or may be so supplied when occasion requires; and whereas it is desirable that the Board of Water Supply and Sewerage should be constituted with as little delay as possible; and it is also desirable that the said Act should be amended in certain respects: Be it therefore enacted by the Queen’s Most Excellent Majesty, by

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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.

1. This Act may be cited as the “Metropolitan Water and Sewerage Act Amendment Act of 1888;” and in it the expression “Principal Act” means the “Metropolitan Water and Sewerage Act of 1880.” “Prescribed” means prescribed by by-laws or regulations made under the said last-mentioned Act; and all other expressions used in this Act shall have the respective meanings which they have under the Principal Act. The several Parts into which this Act is divided are intended to be read with the corresponding Parts of the Principal Act.

Short title, interpretation, &c.

2. On the passing of this Act the fourth and one hundred and thirty-eighth and one hundred and fortieth sections of the Principal Act shall be repealed.

Repeal of enactments.

3. (i) Notwithstanding anything in the Principal Act, the Board of Water Supply and Sewerage shall be constituted within sixty days after the passing of this Act by the appointment, within that period, of the President and two other members of the Board by the Governor, and by the election, on the twenty-second day of March, one thousand eight hundred and eighty-eight, of the two city and two suburban members, mentioned in the fifth section of the said Principal Act. Provided always that, for such first election, only the mayors and aldermen of the boroughs and municipal districts enumerated in the Schedule hereto, and the mayor and aldermen of the Municipal Council of the city of Sydney shall be qualified as electors. The Board so constituted shall, for all purposes, but subject to the provisions of this Act, be a Board within the meaning and for the purposes of the Principal Act as amended by this Act.

Provision for early constitution of Board and first election.

(ii) Subject to all other provisions of the fourteenth section of the Principal Act, the places and time for holding the first elections of city and suburban members shall be appointed by the Governor, and notified in the *Gazette* at least fourteen clear days before the date of the holding thereof, pursuant to this Act; and such places and time shall also be notified in at least two newspapers circulating in the Metropolitan Police District.

(iii) The public notices to be given by each Returning Officer, pursuant to the seventeenth section of the Principal Act, shall for the purposes of such first elections be so given ten clear days before the holding of the said elections.

4. (i) For the purposes of all elections held subsequent to the first election the expression “corresponding day and month in every second year,” as used in the thirteenth section of the Principal Act, shall mean the day and month of March in each such year corresponding to the day on which the elections shall have been held pursuant to the last preceding section of this Act.

Provision for subsequent elections, &c.

(ii) Only the Mayors and Aldermen of all Municipalities now or hereafter established within the county of Cumberland, and supplied with water from the Conduit, or of which the respective Councils shall have agreed with the Board to be so supplied, shall, at elections after the first, be qualified as electors.

Provision as to informalities, &c.

5. No act, matter, or thing done or commenced by the Board, and no proceedings taken, assessment made, or rate struck by such Board shall be liable to be questioned in any Court by reason only that any one or more of the elected Members of the Board were unduly elected, or that the Board was, for any other reason, illegally constituted, if such act, matter, thing, proceedings, assessment, or rate were done, commenced, made, or struck (as the case may be), by at least a quorum of the said Board.

PART

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PART II.

Powers, &c., granted
in Part II of
Principal Act
exercisable
throughout county
of Cumberland.
Ratification of
contracts, &c.

6. The powers and authorities granted to the Board, and the duties and liabilities imposed on the Board by Part II of the Principal Act may be exercised in, and shall be applicable to, any Municipality, District, or place within the county of Cumberland. Provided always that all contracts, assessments, rates, and charges heretofore made or struck, for or in respect of the supplying of water by the Municipal Council of the city of Sydney, shall, to all intents and purposes, be as binding on all parties thereto or affected thereby as if the same had been made by the Board. Provided always that no such contracts, agreements, or rates shall be binding on the Board after the thirtieth day of June, one thousand eight hundred and eighty-eight.

PART V.

Saving of powers.
Transfer of
waterworks.

7. Notwithstanding anything in this Act, any works for Water Supply which the Board is empowered to carry out, pursuant to Part V of the Principal Act, may be carried out by the Minister, or by any authority empowered by statute to carry out Public Works; but the provisions for the transfer of any such works for Water Supply to a local authority contained in such Part shall not be carried out unless the Board, by writing addressed to the Governor, recommend such transfer to be carried out.

PARTS VI, VII, AND GENERALLY.

Transfer of real and
personal property
to Board.

8. Upon the constitution of the Board, pursuant to the provisions of the Principal Act as amended by this Act, the Minister shall publish in the *Gazette* the names of the Members of the Board: And immediately upon such publication all provisions of the "Sydney Corporation Act of 1879," and of any other Act inconsistent with this or the Principal Act shall to the extent of such inconsistency be repealed; and upon such publication as aforesaid, and by virtue of this Act alone there shall be transferred to and be vested in the Board absolutely, but on behalf of Her Majesty,

- (a) The property in, and control and management of, the Sydney Water Reserve (save and except such portion thereof as may have been vested in the Chief Minister under the "Centenary Celebration Act") together with all reservoirs, dams, engines, buildings, works, mains, pipes, material, plant, books of account, documents and papers and all other property whatsoever theretofore vested in or under the control or custody of the Municipal Council of the city of Sydney or any Officer of such Council or other Corporation or person whatsoever, and used with or in any way relating to the Water Supply derived from such Reserve;—
 - (b) All real and personal property, of what kind soever, being within the limits of any municipality or place other than the city of Sydney, and occupied and used for purposes of Water Supply which, before the passing of this Act, was vested in or under the control and management of the Municipal Council of the said city;
 - (c) All lands reserved or resumed by the Crown for or in connection with the Metropolitan Water Supply, by or under the authority of any Act of Parliament, together with all waters and watercourses flowing therein or being thereon or thereunder; and all works, reservoirs, mains, pipes, buildings, plant, machinery, stand-pipes, branches, and all material whatsoever used therewith, and all personal property whatsoever being on any such lands or any other lands whatsoever,
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and used in connection with such water supply (save and except such service-pipes as have been laid at the cost of any owner or occupier of premises); and all the estate or interest of the Municipal Council of the said city or of any other Council or Authority whatsoever in any such real or personal property shall be transferred to and be absolutely vested in the Board as aforesaid.

- (d) The whole amount of moneys and securities for money being to the credit of, or available for, the Water Fund according to the books of the said Municipal Council on the said publication, shall be transferred to, and become the property of, the Board on behalf of Her Majesty, to be dealt with pursuant to the Principal Act: And all debentures issued by the said Council on account of Water Supply, together with all obligations annexed thereto, and the burthen and benefit of all lawful contracts entered into by the said Council for or in connection with such Water Supply shall, respectively, be a charge on the Consolidated Revenue Fund, and attach to the Board.

9. Such officers of the engineering and administrative staff of the water department of the Council of the said city as the Minister shall recommend, together with a Secretary and Engineer to the Board, may, notwithstanding anything in the twenty-eighth section of the Principal Act, be appointed to be officers of the Board by the Governor; and the persons so appointed shall be deemed for all purposes to have been appointed under the authority and within the meaning of the said section.

As to officers of
water department
of City Council, &c.

10. Notwithstanding anything in this or the Principal Act, the Governor may authorize and empower the Minister to carry out any works for the supply of water to any Municipality or place within the county of Cumberland, whether such works shall be independent of the Conduit or not. And the Minister, when so authorized, shall have all the powers for purposes of construction of works and resumption of land therefor as he had before the passing of this Act. The Minister shall also continue to be the authority to carry out to completion, and to maintain, until the same shall be reported complete to the Governor, the approved scheme of Water Supply mentioned in the Principal Act.

Notwithstanding Act
Minister to have
powers.

SCHEDULE.

COUNTY OF CUMBERLAND.

List of Boroughs and Municipal Districts supplied with water by the Conduit.

Boroughs.

Alexandria	Paddington
Ashfield	Petersham
Balmain	Randwick
Burwood	Redfern
Camperdown	E. St. Leonards
Darlington	St. Leonards
The Glebe	Victoria
Granville	Waterloo
Marrickville	Waverley
Newtown	Woollahra.

Municipal Districts.

Canterbury	St. Peters
Macdonaldtown	Strathfield.
Leichhardt	