

An Act to extend the time for completing the Broken Hill and District Water Supply Company's (Limited) Works, and to amend the "Broken Hill and District Water Supply Act of 1888." [1st April, 1892.]

BROKEN HILL AND
DISTRICT WATER
SUPPLY ACT
AMENDMENT.

WHEREAS an Act of the Legislature of New South Wales was passed in the fifty-third year of the reign of Her present Majesty, intituled "*The Broken Hill and District Water Supply Act of 1888*": And whereas by the seventy-ninth section of the said Act it was provided that the works thereby authorized to be established and carried out by the Broken Hill and District Water Supply Company (Limited) should be completed within a period of two years from the passing of such Act: And whereas it is expedient to extend the time limited by such section for the completion of the said works: 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. The time limited by the said recited Act for the completion of the said works shall be extended beyond the time thereby limited, that is to say, it shall be extended for the period of eighteen months from the passing of this Act. Extension of time for completing works.

2. From and after the passing of this Act the Company registered as "Broken Hill and District Water Supply Company (Limited)" may, subject to the approval of the Governor, take and conduct water from the Darling River, from a point to be approved by the Governor, to the said Company's reservoir and works at Broken Hill, and also, subject to the like approval, to take and conduct water from Lake Speculation to the said reservoir and works, and to take land within the area described in Part I of the Schedule to this Act, with power to deviate, subject to such approval as aforesaid, and to use the said land or any part thereof for a pipe-track or pipe-tracks and other works necessary or expedient for the better supply of water by the said Company within the said District of Broken Hill, and for the construction and maintenance of works, tanks, reservoirs, machinery, depôts, and buildings required by the said Company; and all the provisions of the "Broken Hill and District Water Supply Company's Act," except the fourth subsection of the third section, the ninth, forty-third, forty-sixth, sixty-first, and seventy-ninth sections, and the Third Schedule of the "Broken Hill and District Water Supply Act of 1888," hereinafter referred to as the Principal Act thereof shall, *mutatis mutandis*, be applicable to the purposes of this Act, and in connection with the lands mentioned in the Schedule hereto: Provided always that the Company shall not have exclusive rights to draw water from the lake and river aforesaid, and in the exercise of any of the powers hereby conferred the Company 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 them, and shall make full compensation to all parties interested for all damage sustained by them through the exercise of such powers: Provided nevertheless that the Company shall not be liable to make compensation in respect of any damage sustained by reason of the taking of water from the said river or lakes or either of them. Powers of Company and extent of works areas.

Broken Hill and District Water Supply Act Amendment.

Commencement of
the work of the
Company.

Penalty.

Rating powers.

Works to become
the property of
Government.

Rights of the Crown
not to be interfered
with.

Short title.

3. The "Broken Hill and District Water Supply Company (Limited)" shall, within four months after the passing of this Act, commence, and within eighteen months after the said passing complete, to the satisfaction of an officer to be appointed by the Governor, the following works, viz.: The extension of a pipe-track from the Broken Hill reservoir or reservoirs to Lake Speculation, and its continuation, if necessary in the opinion of the Governor, to the River Darling; and the construction of all necessary pumping appliances and work connected therewith. And the said Company shall as a guarantee of good faith, within one month from the passing of this Act, deposit with the Colonial Treasurer the sum of ten thousand pounds, which sum shall be held by him as a Trust Fund. And in the event of the works not being so commenced or completed as herein provided it shall be lawful for the Governor in either case to order such sum to be forfeited to Her Majesty, and to become part of the Consolidated Revenue Fund, and that all rights and concessions granted by this Act or the Principal Act shall be void and of no effect, and thereupon the said sum shall be so forfeited, and the said rights and concessions shall be void and of no effect. But after the completion of the said works, to the approval of an officer to be appointed as aforesaid, the said sum of ten thousand pounds shall be returned to the said Company with interest at the rate of four pounds per centum per annum. And in the event of such deposit not being made as herein provided, this Act and the Principal Act shall be void and of no effect.

4. The maximum charge to be made by the Company for the supply of water by meter shall not exceed the sum of five shillings per thousand gallons.

5. All the works of the Company, together with all the rights, powers, and authorities conveyed by this Act, with all their hereditaments and appurtenances, shall, at the expiration of twenty-eight years from the date of this Act, become and remain the absolute property of the Government, freed and discharged from all claims and liabilities whatsoever, anything in section forty-seven of the Principal Act notwithstanding.

6. Nothing in this Act or the Principal Act shall be construed to limit or in any way interfere with the rights of the Crown to the general control of the natural supplies of water, nor with the right of the Governor from time to time to resume and dedicate any portion of the Crown lands comprised in the Schedule to this Act for a common, park, or other public purposes of a like nature, subject to such regulations as the Governor may approve; nor in any way interfere with any right conferred before the passing of this Act; nor in any way interfere with, abridge, or encroach upon any rights, powers, privileges, or concessions conferred upon the Broken Hill Water Supply (Limited) by the "Broken Hill Water Supply Act of 1890." And the provisions of this Act or the Principal Act shall be subject to the provisions of any Act dealing generally with water conservation throughout the Colony.

7. This Act may be cited as the "Broken Hill and District Water Supply Act Amendment Act of 1892."

SCHEDULE.

PART I.

Description of land required by the "Broken Hill and District Water Supply Company (Limited)," for conserving water near the Darling River, and for pipe-track between Lake Speculation and the Company's pumping station and works near Broken Hill, and between the Darling River and Lake Speculation.

A width of three chains for pipe-track from the River Darling to Lake Speculation, starting from a point to be approved by the Governor-in-Council, and extending to Lake Speculation.

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Deepwater and Mount Galena Tramway.

A width of three chains from Lake Speculation, commencing at the Company's proposed pumping station on that Lake, and terminating at the Company's works at Broken Hill.

Whatever land for pumping stations, reservoirs, and other works may be deemed by the Governor-in-Council to be necessary and sufficient.

PART II.

Rights Conferred.

The right to pump water from Lake Speculation and from the River Darling. The right of easement for water from the River Darling, through Lake Menindie to Lake Speculation, including the right to improve the connecting channels.
