

No. XIX.

COUNTRY TOWNS
AND HUNTER
DISTRICT WATER
SUPPLY AND
SEWERAGE ACTS
AMENDMENT.

An Act to amend such of the provisions of the Country Towns Water and Sewerage Act of 1880, the Country Towns Water and Sewerage Act Extension Act of 1887, and the Hunter District Water Supply and Sewerage Act of 1892, as deal with the repayment of the cost of works of Water Supply and Sewerage, and to extend the period of such repayment; to empower the Board established under the said Hunter District Water Supply and Sewerage Act of 1892 to connect premises with the water-mains and the sewers under their control and to recover the expenses of such connections; to provide for the carrying out of such connections by the said Board on deferred payments, and to make other provisions subsidiary to or in connection with the objects aforesaid. [8th May, 1894.]

BE it 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:—

Short title.

1. This Act may be cited as the "Country Towns and Hunter District Water Supply and Sewerage Acts Amendment Act of 1894." Its enactments are arranged under two Parts, embracing the following subjects, viz.:—

PART I.—New system of repaying cost of Country Towns Water and Sewerage Works—Amendment of subsections of section one hundred and twenty-five of Country Towns Water and Sewerage Act of 1880—ss. 2-3.

PART II.—Repeal of subsection (v) of section one hundred and twenty-nine of Hunter District Water Supply and Sewerage Act of 1892, and further enactment as to same—Power to Hunter District Water Supply and Sewerage Board to make connections to water-mains on deferred payments, and provisions for recovery of expenses thereof—ss. 4-6.

PART I.

2. Subsections (i) and (ii) of section one hundred and twenty-five of the Country Towns Water and Sewerage Act of 1880 (forty-four Victoria number fourteen) are hereby repealed, and in lieu thereof the following subsections marked respectively (i) and (ii) shall be deemed to be substituted in the place of the subsections so repealed, and the said section one hundred and twenty-five, as hereby amended, shall be applicable as well to all works already completed and taken over by the Council of any Borough or Municipal District as to any works hereafter to be completed and taken over by such Council:—

“(i) The cost of carrying out any such works shall be repaid to the Colonial Treasurer, and all repayments of such cost shall be by him carried to a Loan Trust Fund, and all payments of interest on such cost shall be by him carried to the Consolidated Revenue Fund; and the repayment of such cost with interest shall be made in manner following: The whole amount, subject to such partial remission as the Governor may think just under any special circumstances expended upon any such works, together with interest at the rate of three and a half per centum per annum on the sums making up such amount calculated from the time such sums were expended, shall be certified as soon as practicable under the hand of the Minister for Public Works, and the total amount so certified shall upon the notification of such certificate in the *Gazette* become and be a debt charged upon the revenues from whatever sources derived of such Borough or Municipal District until defrayed as hereinafter provided.

“(ii) As soon as possible after the Minister for Public Works has certified the total amount as aforesaid, the Governor shall in each case fix a period, not exceeding *one hundred* years, within which such amount shall be liquidated by the payment of such annual sums as shall after the last of such payments extinguish the whole amount of such cost with interest at the rate of three and a half per centum per annum on the balance unpaid in each year; and in fixing such period the Governor may take into consideration the nature and durability of the works; and such period when so fixed shall be forthwith notified in the *Gazette*. The said Minister shall certify the amount of the annual sums so payable by the Borough or Municipal District to be charged therewith, and shall cause notice of the same to be published in the *Gazette*, and also to be sent by post to the Council Clerk of the said Borough or Municipal District. And the said Borough or Municipal District shall pay to the Colonial Treasurer the annual sums so certified. And the first of such payments shall be made within one year from the date of the notification in the *Gazette* of such last-mentioned certificate, and each subsequent payment at or before the end of one year from the expiration of the time limited for making the last preceding payment. And at the end of the period so fixed and notified as aforesaid, and after the last payment has been made, the revenues of the said Borough or Municipal District, from whatever sources derived, shall be discharged from any further payments in respect thereof.”

3. Subsection (iv) of the said last cited section is hereby amended by inserting after the word “thereof” in the first line, the word “shall”; and subsection (vii) of the said section is hereby amended by omitting after the word “Treasurer” the words “to be by him carried to the Consolidated Revenue Fund.”

PART II.

Repeal of subsection (v) of section one hundred and twenty-nine of Hunter District Water Supply and Sewerage Act of 1892, and further enactment as to same—Power to Hunter District Water Supply and Sewerage Board to make connections to water-mains on deferred payments, and provisions for recovery of expenses thereof.

Amendment of sec. 129 of 50 Vic. No. 27, the Hunter District Water Supply and Sewerage Act of 1892 is hereby repealed, and in lieu thereof the following subsection shall be deemed to be substituted in the place of the subsection so repealed, viz. :—

“(v) As soon as possible after every such certification as last aforesaid by the Minister, the Governor, by notification to be published in the Gazette, and having regard to the nature and durability of the said works, shall fix a period not exceeding one hundred years, within which the amount so certified shall be repaid, and shall prescribe the annual sums to be repaid, so that the total amount so certified may be paid off at the end of the period so fixed, with interest during the said period on the balance unpaid in each year at the rate of three and a-half per centum per annum.”

5. (i) Where any person shall become liable, under the Hunter District Water Supply and Sewerage Act of 1892, or shall be required by the Board established under the said Act to do any work or make any repairs or alterations in connection with water supply, sewerage, or drainage, or the ventilating of or to any house, tenement, or lands, such person may make application in writing to the said Board for such works to be carried out under the direction of the said Board on a system of deferred payment, and thereupon it shall be lawful for the said Board, subject to the approval of the Minister, to enter into an agreement with the applicant for the doing of such works under the direction of the said Board at a price or sum, and upon terms to be therein named or referred to, and for the payment of such price or sum by the applicant in not more than twelve quarterly instalments from the completion of the works, and interest at the rate of five per centum per annum on the amount remaining to be paid shall be added to each instalment.

Board upon completion of work to give notice to applicant.

(ii) Upon the execution of such agreement by the applicant, the said Board shall cause the works aforesaid to be carried out, and upon completion they shall forthwith give notice in writing to the applicant of such completion, and of the quarterly days on which the instalments of payment will respectively fall due.

(iii) All moneys which may hereafter become due to the said Board for the cost or expenses of any work carried out by them under this section shall be and remain a first charge upon the property in respect of which such moneys are payable until full payment thereof.

6. After the period so fixed and when the whole debt incurred has been discharged, the whole of the works and lands transferred and acquired by the Borough, Municipal Council, or Board shall be conveyed and become the absolute property of such Borough, District, or Board in Trust for the water ratepayers of such district.

7. The provisions of sections two and three of this Act shall be read with and form part of the Country Towns Water and Sewerage Act of 1880, and the provisions of sections four and five shall be read with and form part of the Hunter District Water Supply and Sewerage Act of 1892.

Expenses of work to be a charge on the property.

Works and lands to become property of Borough, District, or Board in Trust for water ratepayers.

Sections 2 and 3 to be read with the Country Towns Water and Sewerage Act of 1880, and sections 4 and 5 to be read with the Hunter District Water Supply and Sewerage Act of 1892.