

No. XII.

An Act to make more effectual provision for the recovery of rates, charges, costs, and expenses payable under the Metropolitan Water and Sewerage Acts of 1880-1889; to provide for vesting in the Board certain storm-water drains and sewers and land and buildings used in connection therewith; to authorise the Board to impose rates and charges in respect of those drains and sewers within certain areas; and for other purposes. [30th March, 1894.]

METROPOLITAN
WATER AND
SEWERAGE ACT
EXTENSION.

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:—

1. All rates or charges hereafter imposed and payable and all expenses hereafter incurred by the Board under the Metropolitan Water and Sewerage Acts 1880-1889 or this Act shall be and remain a charge upon the lands and tenements in respect of which they are payable for a period of two years from the time such rates, charges, or expenses first become payable, provided that the Board shall have taken all legal remedies against and shall have failed to recover the said rates from the occupiers of the said lands or tenements, and may during such period be recovered from any owner of those lands or tenements with full costs of suit in the manner in which rates may be recovered under those Acts: Provided that if at any time or from time to time the owner of any such lands or tenements shall be unknown to the Board after diligent inquiry made for such owner, the Board may publish a notice in the *Gazette* and in a newspaper circulating in the district in which such lands or tenements are situated, which notice shall contain particulars of such lands or tenements, and of the amount of rates, charges, or expenses overdue thereon; and upon the publication of such notice the overdue rates, charges, or expenses upon such lands or tenements shall be and remain a charge thereon until payment thereof, and may be recovered at any future time from the owner of such property in any court of competent jurisdiction.

Amendment of
Water and Sewerage
Acts 1880-1889.
Rates, &c., to be
binding on land for
two years.

Proviso.

Storm-water Drains and Sewers.

2. (I) The Governor, with the advice of the Executive Council, may, by proclamation in the *Gazette*, declare that any storm-water drains and sewers therein mentioned, together with any lands and buildings used in connection therewith shall be, and the same shall thereupon be transferred to and vested in the Board on behalf of Her Majesty.

Proclamation as to
drains and sewers
and drainage areas.

(II) The Governor, with the advice aforesaid, may also by the same or any other proclamation in the *Gazette* declare the boundaries of a drainage area in respect of those drains and sewers: Provided that thirty days' notice of such proposed drainage area shall be given in the *Gazette* and in a local newspaper, and where such area

Proviso.

is

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is within a borough or municipality thirty days' notice in writing shall be given to the council clerk of such borough or municipality, and that an appeal against the boundaries of such area may be made by any person or body interested to the nearest Court of Petty Sessions, whose decision on such appeal shall be taken as a recommendation to the Governor, and the boundaries shall then be amended in accordance with such recommendation, and the Minister for Works may make, alter, and repeal by-laws to give better effect to this provision.

Rates and charges
and by-laws.

3. The Board may make, alter, and repeal by-laws :—

- (I) For prescribing the method of valuing the lands and tenements within a drainage area proclaimed under this Act: Provided that the valuation of any lands or tenements shall not exceed in any year the valuation (if any) of those lands or tenements during the same or the previous year by the Municipal Council of the City of Sydney, or of the Borough or Municipal District in which those lands or tenements are situated.
- (II) For prescribing the rates to be paid in respect of all or any of those lands and tenements, not exceeding the amount of three pounds per centum per annum of the assessed annual value.
- (III) For carrying this Act into effect.

All by-laws being consistent with the provisions of this Act on being approved by the Governor, with the advice aforesaid, and published in the *Gazette* shall have the force of law and shall be laid before both Houses of Parliament without delay.

Penalties in by-laws.

4. The provisions of section thirty-five of the "Metropolitan Water and Sewerage Act of 1880" relating to penalties, shall apply to any by-law made under subsections (I) or (III) of the last preceding section of this Act.

Recovery of rates
and charges.

5. (I) The Board may impose the rates authorised by this Act, and may recover them from the owner or occupier of the lands or tenements in respect of which they are payable, and shall have for that purpose the powers granted to them in respect of sewerage rates by the Metropolitan Water and Sewerage Acts 1880–1889 and this Act: Provided that the rate to be raised shall not exceed the amount of interest payable upon the capital cost of the drain or sewer, and the expense of maintenance of the same.

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(II) Provided that when sewerage rates become payable in respect of any lands or tenements, those lands and tenements shall be exempt from any rates imposed under the authority of this Act.

Ss. 5, 6, 7 of 53 Vic.
No. 16 to apply to
storm-water drains
and sewers.

6. The provisions of sections five, six, and seven of the "Metropolitan Water and Sewerage Act Amendment Act of 1889" shall, *mutatis mutandis*, apply to storm-water drains and sewers transferred to and vested in the Board under this Act.

Power to Board to
connect premises
with water-main

7. Where any prescribed notice shall have been given under section sixteen of the "Metropolitan Water and Sewerage Act Amendment Act of 1889" and the owner or occupier to whom such notice shall have been given, or of the house, tenement, or occupied lands on which such notice shall have been left, shall fail to make and attach the connections and fittings thereby required, the Board may lay, make, construct, and attach the same, and for that purpose may enter into or upon the house, tenement or lands of such owner or occupier, and excavate the ground, and lay, make, construct, and attach such connections and fittings in, along, or against, such house, tenement, or lands to communicate with the water-main, as they may deem proper for that purpose: Provided that before commencing any such works the Board shall give twenty-one days' notice to such owner or occupier, and such owner or occupier may then appeal to the nearest Court of Petty Sessions, when, if the Board shall prove to the satisfaction of such Court that such works are necessary in the interest

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interest of the public health, the Board shall be allowed to carry out the said works; but if the Board shall fail in such proof, the said work shall be disallowed with costs in either case, if the said Court shall think fit, against the losing party :

- (1) The Board may in any such case recover from any such owner and recover expenses. or occupier by the like proceedings and with the like remedies as if such expenses were a water rate, the full amount of the expenses of making, constructing, and attaching such connections and fittings, but no proceedings for recovery of such amount shall be taken until default shall have been made in payment thereof for twenty-one days after a written demand by the Board for such payment shall have been made upon such owner or occupier, or shall have been posted upon such house, tenement, or lands.

8. Where any owner, lessee, or occupier of any house, tenement, or lands shall become liable, under the Metropolitan Water and Sewerage Acts 1880-1889 or this Act, or shall be required by the Board to construct pipes, drains, connections, fittings, or sanitary arrangements in connection with water supply or sewerage, such owner, lessee, or occupier may make application in writing to the Board for such works to be carried out under the direction of the Board on a system of deferred payment, and thereupon it shall be lawful for the 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 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; and such payments shall be charged upon the land in respect of which such works have been carried out.

- (1) Upon the execution of such agreement by the applicant, the Board shall cause the works aforesaid to be carried out, and forthwith upon completion they shall 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.

9. Where any rates, charges, expenses, or costs payable under the two preceding clauses of this Act, or under any by-laws made or proceedings taken in connection therewith, shall be paid by or recovered from any lessee or occupier of any house, tenement, or lands, such lessee or occupier shall be entitled to be repaid by his lessor or landlord any amount so paid by or recovered from him, and such lessee or occupier may deduct any amount so paid by or recovered from him from the rent from time to time becoming due to such lessor or landlord in respect of such house, tenement, or lands, or may recover from such lessor or landlord the amount so paid or recovered, unless such lessee or occupier shall be liable to pay the same under or by virtue of his lease or agreement with his lessor or landlord.

10. In this Act the expression "storm-water drain and sewer" means any drain or sewer, of what kind soever, whereby any liquid-refuse or any water other than that containing fœcal matter or urine is carried off, and the expression "the Board" means the Board of Water Supply and Sewerage.

11. This Act shall be read with the Metropolitan Water and Sewerage Acts 1880-1889, and shall take effect on and after the first day of March, one thousand eight hundred and ninety-four, and may be cited as the "Metropolitan Water and Sewerage Act Extension Act of 1894."