

BROKEN HILL WATER SUPPLY ADMINISTRATION ACT.

Act No. 43, 1915.

An Act to provide for the supply of water to and the administration of certain works of water supply for the city and district of Broken Hill, and certain mining and tramway companies ; to provide for the levying of rates and charges in respect of such supply, and for contributions by such companies ; to repeal the Broken Hill and Umberumberka Water Supply Act, 1906 ; to apply and amend certain Acts ; to prohibit the use of firearms within a certain area ; and for purposes consequent thereon or incidental thereto. [Assented to, 21st December, 1915.]

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BE

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BE it enacted by the King'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 :—

PART I.

PRELIMINARY AND ADMINISTRATION.

Short title.

1. This Act may be cited as the "Broken Hill Water Supply Administration Act, 1915," and is divided into Parts, as follows :—

PART I.—PRELIMINARY AND ADMINISTRATION—
ss. 1-6.

PART II.—THE SUPPLY TO THE TOWN—ss. 7-12.

PART III.—THE SUPPLY TO THE MINES AND
TRAMWAY COMPANY—ss. 13-23.

PART IV.—GENERAL AND SUPPLEMENTAL—ss.
24-28.

Definitions.

2. In this Act,—

"The mining companies" means the companies and corporations (other than the Silverton Tramway Company, Limited) specified in Schedule One or their successors.

"Minister" means Minister for Public Works.

"Part" means Part of this Act.

"Prescribed" means prescribed by this Act or by regulations thereunder.

"The Administrator" means the Administrator of the works.

"The Tramway company" means the Silverton Tramway Company, Limited, or its successors.

"The water district" means the water district defined in accordance with this Act.

"The works" means any work of water supply for the water district or the mining companies or the tramway company which is vested in the Crown, and includes the work sanctioned by the Broken Hill (Umberumberka Creek) Water Supply Act, 1910.

Repeal.

3. The Broken Hill and Umberumberka Water Supply Act, 1906, is repealed. **4.**

4. (1) This Act shall be administered for and on George V, behalf of the Crown by an administrator, who shall be No. 43. the permanent head of the Department of Public Works, The administrator. and who shall have the powers and duties hereinafter conferred and imposed on the administrator.

For the purpose of this Act the administrator shall be a body corporate, having perpetual succession and a common seal, under the name of "The Administrator of the Broken Hill Water Works," and in that name may sue and be sued.

(2) In case of the illness, suspension, or absence Deputy administrator. of the administrator, the person for the time being acting in the office of the permanent head of the Department of Public Works shall have all the powers and duties of the administrator.

5. (1) For the purpose of the administration of this Control of Act, the control and management of the works are works. hereby vested in the administrator.

(2) There shall be a manager and other officers Manager, officers, and servants. to be appointed by the Governor, subject to the Public Service Act, 1902, and any Act amending it.

Servants and workmen shall be appointed by the administrator.

6. The administrator may, by writing under his Delegation of powers of administrator. hand, delegate to the manager any of the powers conferred upon him by any other provisions of this Act.

PART II.

THE SUPPLY TO THE TOWN.

7. The Governor, by proclamation in the Gazette, Water district. shall define the boundaries of the water district within which the administrator shall under this Part supply water from the works, and within which the powers of the administrator may be exercised. The boundaries of the water district may at any time be varied by a like proclamation.

8.

George V, No. 43. **8.** For the purposes of supplying water under this Part, and for determining, levying, and collecting rates

Incorporation of certain provisions of C. T. W. and S. Acts. Schedule Two. and charges thereunder, and making by-laws, and generally for the administration of this Part, the enactments set out in Schedule Two, except section thirty-nine of the Country Towns Water and Sewerage Act of 1880, so far as they relate to water supply, shall apply to the water district, and in so applying such enactments "the administrator" shall be read for "the council", "the council of the municipality", "the mayor", or "the mayor of the municipality".

Rates. **9.** (1) The administrator shall each year make, levy, and collect a water rate of tenpence in the pound upon the assessed annual value of all land liable to such rate in the water district. The minimum amount of such rate shall be one pound irrespective of the amount of water supplied, and irrespective as to whether any water is supplied or not :

Reduction of rate. Provided that the administrator may, at any time after the capital indebtedness, as hereinafter in this Act defined, has been discharged, reduce the amount of the water rate.

Use of water. (2) Water supplied in respect of any rate levied in pursuance of this section shall be used for domestic purposes only.

Valuations. **10.** (1) The assessed annual value of lands for the purpose of this Part shall be the assessed annual value of the lands as determined in accordance with the Local Government Act, 1906, and any Act amending the same, and the provisions of Part XIX of that Act, as so amended, in so far as the same are applicable for the purpose of levying water rates under this Part shall, mutatis mutandis, apply to such valuations.

Appeals. (2) Notice of the valuation of the assessed annual value of any land in the municipality of Broken Hill shall be given by the council to the administrator at any time when such valuation is made or altered, and the administrator shall have the same rights of appeal against such valuation as the person aggrieved under the provisions of the Local Government Act, 1906, or any Act amending it. If the council fail to give notice as aforesaid the administrator may at any time appeal against any such

such valuation, and in such case the council shall pay **George V.** the whole costs of such appeal, which may be recovered **No. 43.** by the administrator in a summary way under this Act.

(3) The administrator may require the mayor or Council to the town clerk of the municipal council of Broken Hill furnish information to furnish, from time to time, any information he required. he requires for the purposes of this Part, and to produce for his information such valuation and rate or other books and documents as he may require. If the said mayor or town clerk fail to furnish or produce the required information within seven days after having been required so to do, the administrator may apply to any justice for an order directed to the mayor or the town clerk to furnish or produce such information, and if the said mayor or town clerk fails to comply with any order issued in pursuance of this section the said council shall be liable to a penalty not exceeding fifty pounds.

11. Water shall be supplied in every case through a meter, and every ratepayer shall be entitled to receive one thousand gallons of water for each two shillings and sixpence paid as rates. Any water supplied in excess of the amount computed in accordance with this provision shall be paid for at the rate of two shillings and sixpence for each thousand gallons or part thereof. Measure of supply and charges for excess water.

12. The administrator may, subject to the provisions of any regulations made by the Governor, supply water to any person at the charge to be prescribed, not being less than two shillings and sixpence per thousand gallons. Additional supply.

Provided, that water may be supplied at less than that rate for charitable institutions, parks, street watering, or other public purposes, or for agricultural purposes, and in the case of water used by the Fire Brigade for fire extinguishing purposes or used by a public hospital it may be supplied free of charge.

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PART III.

THE SUPPLY TO THE MINES AND TRAMWAY COMPANY.

The mines.

Supply to
companies.

13. The administrator shall supply to each of the mining companies named in Schedule One the water required by it in carrying out its business so far as the capacity of the water works and the requirements of the inhabitants of Broken Hill will permit.

Such water shall be made available at places as near as possible to the mines or works of the respective companies.

Companies to
take water.

14. Each of the said companies shall, so long as the administrator is able and continues to supply, take from the administrator all the water it requires to purchase for the purpose of the conduct of its business except such water as it may draw from supplies now or hereafter conserved in its own tanks or dams, or as may be obtained as at present from sources other than Stephens Creek.

Payments
during war
period.

15. Until the expiration of a period of twelve months after the definite conclusion of peace between His Majesty the King and the enemies of the realm with whom His Majesty is at present at war, each of the companies shall pay for water supplied at the rate of five shillings for each thousand gallons.

Payments
after war
period.

16. After the expiration of such period, and during the three years next following such expiration, the following provisions shall take effect:—

(a) The companies shall become liable as hereinafter provided to pay to the administrator a yearly sum of not less than thirty-two thousand pounds.

(b) The proportions in which the companies shall be bound to contribute to the said payment shall be arrived at as follows:—The administrator shall during each period of twelve months after the date when the provisions of this section take effect strike a rate sufficient to produce the sum of thirty-two thousand pounds, and such rate shall be based upon the unimproved capital value of the properties
and

and works of each company, and shall be paid by each company accordingly within three months after date of demand.

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For the purpose of such rate the unimproved capital value of the properties and works of each company shall be a sum equal to twenty per centum of the annual average saleable value of the output of the properties and works of such company during the three years preceding that in which any valuation is made, and shall be determined as such ore mineral or other derivative, or as the product itself, leaves the boundaries of the county of Yancowinna.

- (c) Each of the companies shall within three months after the commencement of each such period of twelve months submit to the administrator a statement as to the respective values of the properties or works determined as aforesaid, and if the companies fail to do so the administrator may appoint some person to make a valuation on the aforesaid basis, and the valuation so made shall for the purpose of the levying of any rate in accordance with this section be final and conclusive.

Each company shall afford the administrator or any valuator appointed under his hand every facility, by access to books and otherwise, to make a valuation in any case in which the companies fail to agree as to the respective values of their properties and works.

- (d) If any company fails from any cause in any year to pay its ratable quota of the said annual sum of thirty-two thousand pounds, and if in the year of such failure the companies collectively shall not have paid in respect of rates and extra water a sum of thirty-two thousand pounds, the remaining companies shall at the end of such year in proportion to the ratable value of their respective properties determined as aforesaid make good any difference between the amount actually received from the companies during such year and the sum of thirty-two thousand pounds.

(e)

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- (e) The administrator shall take legal proceedings against any company failing to pay the whole or any part of the amount payable by such company, and shall make all reasonable efforts to recover such amount, and shall not call upon any non-defaulting company to make any payments in increase of the payments due by it, until after judgment has been obtained in such proceedings, and reasonable efforts made to enforce the same.
- (f) Each of the companies shall be entitled to receive without further charge a volume of water equal to the amount which its contribution would purchase at the rate of five shillings per thousand gallons, and when available water in excess of that quantity shall be supplied if required by any company, and shall be paid for at the rate of five shillings per thousand gallons.
- (g) In the event of any company paying any increased amount under paragraph (d) it shall be entitled to receive, without further charge, an increased volume of water equal in proportion to its increased payment.

Re-adjust-
ment of
contributions.

17. At the expiration of the said three years, an account shall be made up by the Minister showing what balance (if any) of capital indebtedness remains unextinguished, and thereupon a fresh adjustment shall be made of the amounts payable by the mining companies, under paragraphs (a) and (b) of the last preceding section, as may be necessary having due regard to the conditions of the said section and to such representations as the companies may then deem it necessary to make.

When capital
indebtedness
extinguished.

18. When the capital indebtedness is extinguished, the administrator shall continue to supply water to the mining companies at such rates (not being higher than those charged to other consumers) as shall, when added to the amounts received from such other consumers, be sufficient to provide revenue to cover the cost of maintenance, management, and renewals.

19.

19. In addition to water required for mining **George V,** purposes, the administrator shall supply water to the **No. 43.** mining companies for domestic and garden purposes ^{Supply to companies for domestic} through meters installed, at the expense of the com- ^{domestic} panies, for measuring such supply, and the companies ^{purposes.} shall pay for water so supplied at the rate of two shillings and sixpence per thousand gallons.

The tramway company.

20. (1) The tramway company shall, as from the ^{Supply to tramway company.} date of the commencement of this Act, be liable to pay annually to the administrator the sum of one thousand five hundred pounds by payments half-yearly in advance, and shall, so far as the capacity of the water works and the requirements of the inhabitants of Broken Hill will permit, be entitled to receive such a volume of water as would be purchased by the amount of its contribution at the rate of five shillings per thousand gallons.

(2) If water in excess of the allowance com- ^{Excess water.} puted in accordance with the next preceding subsection is required by the tramway company, it may, if available, be supplied by the administrator, and shall be paid for at the rate of five shillings per thousand gallons.

General provisions.

21. From such time as meters are installed on their ^{Meters.} premises the mining companies and the tramway company shall pay to the administrator annually, in advance, the respective sums set opposite to their names in the fifth column of Schedule One, by way of rent for the use of the meter supplied by the administrator for the purpose of measuring the water supplied to each company: Provided that any company may purchase the meter in use by it at the valuation set out in the fourth column of Schedule One.

22. The administrator may, in respect of the recovery ^{Recovery.} of any sum due by any of the mining companies or the tramway company under this Act, proceed for the recovery of the same as a Crown debt in any court having competent jurisdiction as to the amount of the debt; and

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George V. and such proceedings, if within the jurisdiction of a
No. 43. district Court, may be taken in any district court held in
Sydney.

Incorporation
of certain
provisions of
C. T. W. and
S. Acts.

23. For the purposes of this Part, the enactments
named in Schedule Two, so far as they relate to water
supply and as applicable to municipalities, except sec-
tions thirteen, fourteen, thirty-nine, sixty, sixty-one, and
sixty-two of the Country Towns Water and Sewerage Act
of 1880, and sections ten, eleven, and twenty-two, the
whole of Part III, and section sixty-five of the Country
Towns Water and Sewerage (Amendment) Act, 1905,
shall apply to the mines, lands or properties of the
mining companies, and of the tramway company, and in
so applying such enactments, "the Administrator" shall
be read for "the Council" or "the Council of the
Municipality".

PART IV.

GENERAL AND SUPPLEMENTAL.

Capital cost.

24. (1) The Governor may, by proclamation in the
Gazette, determine the amount of the cost of any works
constructed under the Broken Hill (Umberumberka
Creek) Water Supply Act, 1910. The amount so deter-
mined is (subject to any reductions made as hereinafter
provided) in this Act referred to as "the capital
indebtedness."

Annual
charges.

(2) All revenue received by the administrator
in pursuance of this Act shall be applied primarily in
meeting the following annual charges, namely:—

- (a) the expenses of administration;
- (b) the cost of the upkeep of the works, and their
supervision, maintenance, repair, and renewal,
including cost of wages, fuel, and stores in
connection with pumping;

(c)

- (c) a sum sufficient to provide for payment of George V, interest on the then amount of the capital No. 43. indebtedness at the rate of four and one-half per centum per annum;

and the balance shall be applied to the reduction of the capital indebtedness until such indebtedness is extinguished.

25. An account shall be kept of receipts and payments until the capital indebtedness is extinguished, and such account shall be subject to inspection by the council of the municipality of Broken Hill, the mining companies, and the tramway company, and a statement thereof shall be forwarded annually to the said council and to each of the said companies. Account of receipts and payments.

26. The Governor may make regulations for carrying into effect the provisions of this Act. Such regulations, when published in the Gazette, shall have the force of law, and shall be laid before both Houses of Parliament within seven days after publication if Parliament be then in session, or if not, then within seven days after the commencement of the next session. Regulations.

27. Whoever discharges any firearm within the boundaries of the land described in Schedule Three to this Act shall be liable to a penalty not exceeding five pounds. Penalty for discharging firearms in area described in Schedule Three.

28. Any penalty imposed and any sum of money recoverable summarily by or under this Act may be sued for and recovered before a stipendiary or police magistrate or any two justices in petty sessions. Recovery of penalties and moneys recoverable summarily.

SCHEDULES.

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SCHEDULES.

SCHEDULE ONE.

Name of Company.	Size of meter.	Number in use.	Value of meter.	Rent per annum.
	Inches.		£ s. d.	£ s. d.
Amalgamated Zinc (De Bavays), Limited	8	1	147 13 11	18 0 0
North Broken Hill, Limited	3	1	43 0 6	5 5 0
Junction, North Broken Hill Mine (No- Liability).	4	1	61 18 9	7 10 0
British Broken Hill Proprietary Com- pany, Limited.	8	1	147 13 11	18 0 0
Broken Hill Proprietary Block 14 Com- pany, Limited.	4	1	61 18 9	7 10 0
Broken Hill Proprietary Block 10 Com- pany, Limited.	3	1	43 0 6	5 5 0
Broken Hill Proprietary Company, Limited.	8	1	147 13 11	18 0 0
Sulphide Corporation, Limited (Mill) ...	3	1	43 0 6	5 5 0
Do (Slimes)	6	1	118 15 3	14 10 0
Do (Power)	8	1	147 13 11	18 0 0
Broken Hill South Silver Mining Com- pany (No-Liability).	6	1	118 15 3	14 10 0
Broken Hill Junction Lead Mining Com- pany (No-Liability).	3	1	43 0 6	5 5 0
Zinc Corporation, Limited	6	1	118 15 3	14 10 0
Silverton Tramway Company, Limited	4	1	61 18 9	7 10 0

SCHEDULE TWO.

Country Towns Water and Sewerage Act of 1880.

Part I, section 1.—Definitions of catchment area, conduit, justice, owner, and street, respectively. Sections 13 and 14, as amended by the Country Towns Water and Sewerage (Amendment) Act, 1905.

Part II.—The whole, subject to amendments and repeals made therein by the Country Towns Water and Sewerage (Amendment) Act, 1905.

Part V.—Sections 137, 138, and 139.

Country Towns Water and Sewerage (Amendment) Act, 1905.

Part I.—Sections 3 and 4.

Part II.—Sections 5, 6, 7, 8, 9, 10, 11, and sections 13 to 22 inclusive.

Part III.—Sections 30, 31, 32, 33, 34, 35, 36, 37, and sections 39 to 49 inclusive.

Part V.—Sections 62, 64, 65, 66, 68, 69, 70.

SCHEDULE

SCHEDULE THREE.

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Umberumberka storage and catchment.

All that area or tract of country embraced within a line having a radius of 5 miles from the centre of the storage dam at Umberumberka Creek, and lying partly within the parishes of Umberumberka, Bray, Bowangaldry, Jamieson, Carrington, Elti, and Mundi Mundi—all in the county of Yancowinna and State of New South Wales.

And also all that other area or tract of country lying partly within the said parishes of Carrington and Elti, including the said Umberumberka Creek, and a strip of land 5 chains wide at right angles from each bank and parallel to that creek, from the above described line of 5 miles radius, downward to the polygonum swamp, at a post marked 21 fixed by the Department of Lands.