

METROPOLITAN WATER AND SEWERAGE AMENDMENT ACT.

Act No. 13, 1916.

George V. An Act to amend the Metropolitan Water and Sewerage Acts, 1880-1889, the Metropolitan Water and Sewerage Act Extension Act of 1894, the Local Government Act, 1906, the Wollongong Water Supply Works Act, 1900 ; to repeal the Parramatta Sewerage and Drainage Act, 1905 ; to amend the law relating to water supply, sewerage and drainage ; and for purposes consequent thereon or incidental thereto. [Assented to, 17th April, 1916.]

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 :—

Preliminary.

Short title.

1. This Act may be cited as the "Metropolitan Water and Sewerage Amendment Act, 1916," and shall be construed with the Metropolitan Water and Sewerage Acts, 1880-1894.

Definitions.

2. In this Act, except where the subject matter or context or other provisions thereof require a different construction, and in any by-laws or regulations made under the Metropolitan Water and Sewerage Acts, 1880-1916 :—

"Metropolitan Water and Sewerage Acts, 1880-1916" means the Metropolitan Water and Sewerage Acts, 1880-1889, the Metropolitan Water and Sewerage Act Extension Act of 1894, and this Act.

All

All other expressions used in this Act shall have the George V, No. 13.
respective meanings which they have in the Metro-
politan Water and Sewerage Acts, 1880-1894.

3. (1) The Parramatta Sewerage and Drainage Act, Repeal
1905, and so much of the provisions of the Local
Government Act, 1906, and any Act amending the same, as enable the council of the municipality of Parramatta
to establish, maintain, or manage, or to acquire the right
to establish, maintain, or manage works of water supply
or of sewerage or drainage, are hereby repealed :
Parramatta
Sewerage and
Drainage Act,
1905.

Provided that all rates, charges, and sums of money which under the Acts hereby repealed are at the commencement of this Act due and payable to or leviable by the council of the municipality of Parramatta, shall be paid to and may be received, levied, and recovered by the board, and shall remain a charge on the property in respect of which the same are payable until such rates, charges, and sums of money have been paid to the board ; and all rights and liabilities acquired and incurred, except as hereinafter provided, and all contracts and undertakings entered into, all securities lawfully given, and all actions, suits, and proceedings pending at the commencement of this Act, by or against the said council, shall respectively be vested and attach, and may be enforced, realised, carried on, and prosecuted by or against the board, and no such action, suit, or proceeding shall abate or be discontinued, or be prejudicially affected by the operation of this Act :

Provided also that the rights, powers, and liabilities of the council of the municipality of Parramatta, under the enactments hereby repealed, shall from the commencement of this Act be deemed to be vested in and to attach to the board.

(2) Section five of the Wollongong Water Supply Works Act, 1900, is hereby repealed.
Repeal s. 5
Wollongong
Water Supply
Works Act, 1900.

(3) Subsection two of section five of the Metropolitan Water and Sewerage Act Extension Act of 1894 is hereby repealed.
Repeal s. 5(2)
Metropolitan
Water and
Sewerage Act
Extension Act,
1894.

Extensions to works outside of county of Cumberland.

4. Notwithstanding anything to the contrary contained in any Act, the powers and authorities granted to, and the duties and liabilities imposed on, the board by
powers and
liabilities of
board may be
proclamation
be extended
to any place.

George V, the Metropolitan Water and Sewerage Acts, 1880-1916,
No. 13. may be exercised in, and shall be applicable to, and the said Acts shall apply to any place or district outside the county of Cumberland to which the Governor may, by proclamation in the Gazette, declare that the said Acts are extended.

The mayors and aldermen of all municipalities, and the presidents and councillors of all shires, the areas of which are situated, wholly or in part, within any place or district to which the said Acts apply, or to which such Acts have been applied under this section, shall be qualified as electors of suburban members of the board.

Extracts as to valuations and rates to be entered in special book.
(Hunter District Amending Act, 1897). **5.** A copy of or extracts from the assessment book as to the amount of any valuation or rate may be entered in a special book to be kept for the purpose, and such entries shall, when completed, be signed by the president or vice-president; and such entries purporting to be signed as aforesaid shall, upon production thereof by any officer of the board authorised in that behalf, without any other evidence that the requirements of the Metropolitan Water and Sewerage Acts, 1880-1916, have been complied with, be received as *prima facie* evidence in all courts of the facts therein contained.

Exemption from rates.

Supply of water free of charge to hospital and charitable institutions. **6.** The board may exempt from the payment of water rates any public hospital or any building or premises used exclusively for any public charitable purpose, and may supply water free of charge to any such hospital, building, or premises, subject to the following conditions:—

- (a) The quantity to be supplied free of charge shall be fifty gallons per day for every person resident in a public hospital, and thirty gallons per day for every person resident in such building or premises as aforesaid.
- (b) The number of persons resident as aforesaid shall be the average number of persons resident during the year immediately preceding the year in respect of which charges would be payable.

(c)

(c) The board may require that the supply of water ^{George V,} to any hospital, building, or premises as ^{No. 13.} aforesaid shall be through a meter, and any quantity of water used in excess of that which may be supplied free of charge shall be paid for according to the scale of charges prescribed for the supply of water by measure.

7. (1) The board may exempt from the payment ^{Water supply and sewerage in the case of} of water rates and sewerage rates (including water rates and sewerage rates due and unpaid on the commencement of this Act) any cathedral, church, chapel, or other building used exclusively for public worship, and any building used exclusively as a Sunday school or for religious teaching only.

(2) Where any such premises are actually supplied with the water of the board, such supply shall be by meter, and the quantity consumed shall be paid for according to the scale of charges prescribed for the supply of water by measure :

Provided that where the meter so used is hired from the board, water shall be supplied free of charge to a value equal to the amount paid as hire of the meter.

8. The board may exempt from the payment of ^{Parks, &c.} water rates any public parks or gardens or land vested in trustees for public recreation, health, or enjoyment, and may supply water or any prescribed quantity of water to any such park, garden, or land, or for the practice of any fire brigade free of charge, but subject to such conditions as may be prescribed.

Domestic supply.

9. A supply of water for domestic purposes shall ^{Domestic} not include a supply of water for cattle or for horses, ^{supply.} or for watering gardens.

Power of entry.

10. The board may by its officers and servants at ^{Power to} all reasonable times in the daytime enter any private ^{enter land} lands and premises for the purpose of making any inspection in connection with water supply, sewerage, or drainage. ^{Licenses}

George V,
No. 13.

Board may
issue licenses.

License may
be cancelled.

Unlicensed
persons not
to do work
except under
supervision.

Penalty for
doing work
without
license.

Board may
remove work
done by
unlicensed
person.

License of
board alone
to have
validity.

Licenses.

11. (1) The board may, on such terms as to the passing of examinations and the payment of fees as may be prescribed, issue licenses to persons authorising them to supervise and perform works in connection with water supply, sewerage, and drainage.

(2) The board may suspend or cancel any license issued as aforesaid.

(3) No person shall commence or perform any work, in connection with water supply, sewerage, or drainage which communicates or is intended to communicate directly or indirectly with the pipes, sewers, or drains of the board, unless he is the holder of a license issued as aforesaid or is under the immediate supervision of a holder of such license in charge of the work.

(4) Any person not being the holder of such license, and not being under the immediate supervision of a holder of such license in charge of the work, who commences or performs any such work, shall be liable to a penalty of not less than twenty shillings nor more than ten pounds. Any person who knowingly employs any person to commence or perform any such work in contravention of the above provision shall be liable to a penalty of not less than twenty shillings nor more than ten pounds.

(5) The board may direct and compel all defective and improper work done without the required supervision by a person who is not the holder of such a license to be removed or altered to its satisfaction. Unless such removal or alteration be effected within twenty-four hours after notice given to the owner or occupier of the premises, the board may by its officers, servants, and workmen, enter any land or premises and remove such work or effect the necessary alterations thereto. The expense of removal or alteration may be recovered by the board from the person performing the work or from any person who has employed any person who is not the holder of such license to perform the work, knowing him to be not the holder of such license.

(6) No license issued by any authority other than the board shall entitle the holder thereof to commence or perform any work in connection with water supply, sewerage, or drainage, which communicates with the pipes, sewers, or drains of the board.

By-laws.

*By-laws.*George V,
No. 13.

12. The board may, under and subject to the provisions of the Metropolitan Water and Sewerage Acts, 1880-1916, make by-laws—

- (a) for preventing the fouling or contamination of water within the metropolitan catchment area and for the preservation of the purity of such water;
- (b) for regulating the use of water supplied by the board for domestic or other purposes, and the consumption and method of consumption of such water, whether the supply be through meter or otherwise;
- (c) for prohibiting the use or consumption of water supplied by the board otherwise than in accordance with the by-laws of the board;
- (d) for compelling persons to provide storage tanks for storing the water of the board, and regulating the construction and maintenance of such tanks;
- (e) generally for exercising the powers and carrying out and giving effect to the provisions contained in the Metropolitan Water and Sewerage Acts 1880-1916.

Power to
make
additional
by-laws.

Parramatta water supply, sewerage, and drainage.

13. All the lands, works, or property of any kind appropriated, resumed, acquired, constructed, or provided under or in accordance with the Parramatta Sewerage and Drainage Act, 1905, and transferred to the council of the municipality of Parramatta (hereinafter in this and the succeeding sections referred to as the council) by proclamation in the Gazette, No. 54, of the twentieth day of April, one thousand nine hundred and ten, and all easements, rights of way, or property of any description acquired in connection with any of the works therein described, and all the works described in the Second Schedule to the said Act, shall, from the commencement of this Act, be removed from the administration and management of the council, and shall be vested in the board as if such land, works, or property had been acquired,

Vesting of
Parramatta
sewerage and
drainage
works in the
Board.

George V, acquired, constructed, or provided by the Minister, and
No. 13. transferred to the board in accordance with the provisions
 of the Metropolitan Water and Sewerage Act of 1880, or
 any Act amending the same.

Payments
 due by
 council in
 respect of the
 said works.

14. Any sums of money due and owing by the council
 under the Parramatta Sewerage and Drainage Act, 1905,
 to the Consolidated Revenue Fund at the commencement
 of this Act shall be paid by the council, and may be
 recovered by the Colonial Treasurer as if this Act had
 not been passed.

Any liability of the council under the Parramatta
 Sewerage and Drainage Act, 1905, to pay moneys
 accruing due to the Consolidated Revenue Fund after
 the commencement of this Act is extinguished.

Board to
 assume
 control of
 Parramatta
 water supply.

15. (1) The board shall, subject as hereinafter pro-
 vided, take over and assume control of all works of water
 supply required for the future maintenance or extension
 of the water supply service at present vested in the
 council.

Arbitration.

(2) A valuation shall be made of such works,
 and if the council and the board fail to agree as to the
 valuation and extent of the works to be taken over, the
 matter shall be submitted to two arbitrators appointed
 respectively by the council and the board, and the pro-
 visions of the Arbitration Act, 1902, shall apply thereto.

Vesting.

(3) The board shall, immediately after the
 valuation and extent of the works to be taken over
 shall have been determined, transmit a statement thereof
 to the Minister, who shall publish a list of the works to
 be taken over, which shall thereupon be vested in the
 board, and all powers and authorities whatsoever then
 by law vested in and exercisable by the council shall
 absolutely cease and determine, and all the lands, works
 and property of whatever kind specified in such notice
 shall be transferred from the council, and all the estate
 and interest of the council shall be absolutely vested in
 the board.

Colonial
 Treasurer to
 pay value of
 water works
 to council.

16. The Minister shall report the amount of the
 valuation determined upon in the next preceding section,
 to the Colonial Treasurer, and the Colonial Treasurer
 shall pay the amount to the council, for which purpose
 the Consolidated Revenue Fund is hereby appropriated
 accordingly. Any amount so paid shall be applied by
 the

the council primarily in discharging any loan indebtedness incurred in respect of the construction of works of water supply.

17. The amount so paid by the Colonial Treasurer Board to be charged with cost of works, in accordance with the next preceding section, and the balance of the whole amount payable by the council in accordance with the provisions of the Parramatta Sewerage and Drainage Act, 1905, after deducting the sum of any payments made by the council under the said Act before or after the commencement of this Act, shall be charged against the board, and the board shall, with respect to such amount, assume all the liabilities and obligations which attach or are imposed with respect to any amounts expended on any works constructed by the Minister, and transferred to the board in accordance with the Metropolitan Water and Sewerage Acts of 1880-1894.

18. All water supply, sewerage, or drainage valuation or rate books, or any books, vouchers, documents, or records of any kind whatsoever relating to or which might have relation to the recovery of money or other property by this Act transferred to the board, shall, except in so far as such are necessary for the conduct of the business of the council, be and become the property of the board, which may require the council, within one month of demand, to hand over such books, vouchers, documents, or records; and the council, if default be committed in complying with the provisions of this section, shall be liable to a penalty of ten pounds for every day, or part of a day, during which such default continues, and such penalty may be recovered by the board in any court of competent jurisdiction as a debt due to the board.