

## METROPOLITAN WATER AND SEWERAGE AMENDMENT ACT.

Act No. 13, 1916.

George V. An Act to amend the Metropolitan Water and  
No. 13. 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 Drain-  
age 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.]

**B**E it enacted by the King's Most Excellent Majesty,  
by and with the advice and consent of the Legis-  
lative 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 respective meanings which they have in the Metropolitan Water and Sewerage Acts, 1880-1894. George V.  
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**3.** (1) The Parramatta Sewerage and Drainage Act, 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or to acquire the right to establish, maintain, or manage works of water supply or of sewerage or drainage, are hereby repealed: Repeal  
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Provided that all rates, charges, and sums of money which under the Acts hereby repealed are at the commencement of this Act due and payable to or leviable by the council of the municipality of Parramatta, shall be paid to and may be received,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. Repeals 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. Repeals 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 by  
proclamation  
be extended  
to any place.  
and

**George V, No. 13.** the Metropolitan Water and Sewerage Acts, 1880–1916, 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 public 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 to any hospital, building, or premises as 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.

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**7.** (1) The board may exempt from the payment 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.

Water supply  
and sewerage  
in the case of  
churches and  
Sunday  
schools.

(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 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.

Parks, &c.

*Domestic supply.*

**9.** A supply of water for domestic purposes shall not include a supply of water for cattle or for horses, or for watering gardens.

Domestic  
supply.

*Power of entry.*

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

Power to  
enter land

*Licenses*

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*Licenses.*

Board may  
issue 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.

License may  
be cancelled.

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

Unlicensed  
persons not  
to do work  
except under  
supervision.

(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.

Penalty for  
doing work  
without  
license.

(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.

Board may  
remove work  
done by  
unlicensed  
person.

(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.

License of  
board alone  
to have  
validity.

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

Power to  
make  
additional  
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.

*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, No. 13.** acquired, constructed, or provided by the Minister, and 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 provided, 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 provisions 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. George V,  
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**17.** The amount so paid by the Colonial Treasurer 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. Board to be  
charged with  
cost of works.

**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. Certain  
books, docu-  
ments, &c.,  
to be the  
property of  
board.