

METROPOLITAN WATER,
SEWERAGE, AND DRAINAGE
(AMENDMENT) ACT.

Act No. 4, 1935.

An Act to provide for the reconstitution of the
Metropolitan Water, Sewerage and Drainage Board; to amend the Metropolitan Water, Sewerage, and Drainage Act, 1924-1930, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 20th February, 1935.]

George V.
No. 4, 1935.
—

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:—

1. (1) This Act may be cited as the "Metropolitan Water, Sewerage, and Drainage (Amendment) Act, 1935." Short title.

(2) This Act shall be read with the Metropolitan Water, Sewerage, and Drainage Act, 1924-1930, as amended by subsequent Acts, which Act as so amended is in this Act referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the Metropolitan Water, Sewerage, and Drainage Act, 1924-1935.

2. The Principal Act is amended—

(a) by inserting after subsection one of section seven the following new subsection:—

(1A) On and after the thirty-first day of March, one thousand nine hundred and thirty-five, the Metropolitan Water, Sewerage, and Drainage

Amendment of
Act No. 50,
1924.

See 7.

(Reconstitu-
tion of
Board.)

Drainage

**Metropolitan Water, Sewerage, and Drainage
(Amendment) Act.**

Sec. 11.
(Elections.)

Further
amendment
of Act No.
50, 1924.

Drainage Board shall be reconstituted and shall consist of seven members, who shall be appointed and elected as in this Act provided.

(b) by omitting section eleven.

3. (1) For the purposes only of the reconstitution of the Metropolitan Water, Sewerage, and Drainage Board, pursuant to subsection (1A) of section seven of the Principal Act, as inserted by section two of this Act, and of any matters necessary for or incidental to such reconstitution, the provisions of this section shall commence upon the date upon which His Majesty's Assent to this Act is signified.

(2) Upon the thirty-first day of March, one thousand nine hundred and thirty-five, this section shall have full force and effect for all purposes.

(3) The Principal Act is amended—

Sec. 7 (2)
(3) (4).

(a) by omitting subsections two, three and four of section seven and by inserting in lieu thereof the following subsections:—

(2) (a) Two members of the board shall be appointed by the Governor.

(b) They shall, subject to this Act—

(i) hold office for five years; and
(ii) be eligible for reappointment on the expiration of their term of service.

(c) The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to the appointment of such members; and such members shall not be subject to the provisions of the said Act during their tenure of office.

(d) One of the appointed members shall in and by his appointment be the president of the board; the other appointed member shall in and by his appointment be the vice-president of the board.

(e) The two members appointed under this subsection shall assume office on the thirty-first day of March, one thousand nine hundred and thirty-five.

(3)

(3) (a) Five members of the board shall be elected in accordance with this Act.

(b) Elected members of the board shall, subject to this Act—

- (i) hold office for four years; and
- (ii) be eligible for re-election if otherwise qualified.

(b) by omitting subsections one and two of section eight and by inserting in lieu thereof the following subsections:—

(1) One member shall be elected for each of the five constituencies indicated in the Second Schedule to this Act.

(2) Each constituency shall comprise the areas grouped therein respectively as set out in the Second Schedule to this Act;

(c) by inserting after section ten the following new section, which shall be read as section eleven of the Principal Act:—

11. (1) An election of members of the board shall be held in the month of March in the year one thousand nine hundred and thirty-five, and an ordinary election to fill the vacancies caused by the expiration of the term of office of elected members shall be held in the month of March in every fourth year thereafter.

(2) Members elected at the election to be held during the month of March in the year one thousand nine hundred and thirty-five shall assume office on the thirty-first day of that month; and members elected at ordinary elections held in every fourth year thereafter shall assume office on the thirty-first day of March in that year.

(d) (i) by omitting from subsection one of section nineteen the words “of two thousand pounds” and by inserting in lieu thereof the words “to be determined by the Governor”;

(ii)

**Metropolitan Water, Sewerage, and Drainage
(Amendment) Act.**

No. 4, 1935.

(ii) by omitting from subsection three of the same section the words "Each of the members of the board other than the president shall be entitled to receive as remuneration for his services a sum not exceeding two hundred pounds per annum" and by inserting in lieu thereof the words "The vice-president and each of the elected members of the board shall respectively be entitled to receive as remuneration for his services a sum not exceeding two hundred and sixty pounds per annum";

Sec. 20.

(e) (i) by omitting subsection one of section twenty;

(Vice-president.)

(ii) by inserting at the end of subsection two of the same section the words "The vice-president whilst so acting may be paid such remuneration in addition to the remuneration referred to in subsection three of section nineteen of this Act as the Governor may determine.

Sec. 21.

(Quorum.)

(f) by omitting from subsection two of section twenty-one the words "ten members" and by inserting in lieu thereof the words "four members";

(Second Schedule.)

(g) by omitting the Second Schedule and by inserting in lieu thereof the following Schedule:—

Sec. 8.

SECOND SCHEDULE.

Constituencies. **Areas.** **1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20**

First

Sydney
Paddington
Redfern
Alexandria
Waterloo
Darlington
Erskineville
Glebe
Annandale
Balmain
Newtown
St. Peters
Marrickville

SECOND

SECOND SCHEDULE—*continued.*

	Constituencies.		Areas.
	Second	Vaucluse Woollahra Waverley Randwick Botany Mascot Rockdale Bexley Kogarah Hurstville Canterbury
	Third	Petersham Ashfield Leichhardt Enfield Burwood Strathfield Homebush Concord Drummoyne Lidcombe Auburn Granville Bankstown
	Fourth	Warringah Manly Mosman North Sydney Willoughby Kuring-gai Lane Cove Hunter's Hill Hornsby Dundas Eastwood Ryde

**Metropolitan Water, Sewerage, and Drainage
(Amendment) Act.**

SECOND SCHEDULE—*continued.*

Constituencies. Areas.

Fifth	Baulkham Hills Blacktown Cabramatta and Canley Vale Castlereagh Colo Fairfield Nepean Richmond St. Mary's Bulli Camden Campbelltown Central Illawarra North Illawarra Ingleburn Liverpool Sutherland Wollondilly Wollongong Holroyd Ermington and Rydalmer Parramatta
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Members
ceasing to
hold office.

4. Any person who immediately before the thirty-first day of March, one thousand nine hundred and thirty-five, is a member of the Metropolitan Water, Sewerage, and Drainage Board and who on the said day ceases to hold office as such member shall not be entitled to receive any further remuneration in respect of such office.

Continuity
of body
corporate.

5. Nothing contained in this Act shall prejudice or affect in any way the continuity of the body corporate established under the Principal Act in the name of the Metropolitan Water, Sewerage, and Drainage Board, but such body corporate shall continue notwithstanding the provisions of this Act.

Further
amendment of
Act No. 50,
1924.

See. 42 (5).
(Bursting
of mains.)

6. The Principal Act is further amended—

(a) by inserting in subsection five of section forty-two after the words “leakages from the mains of the board” the words “or the bursting of any main of the board, whether or not such leakage or bursting is attributable to the negligence of the board or an officer or servant

(b)

(b) by inserting next after section ninety-one the New s. 91A. following new section:—

91A. (1) The board may from time to time enter into an arrangement with the council of any municipality or shire within the boundaries of which is situated any land in respect of which a stormwater drainage rate may be levied under this Act, for the payment to the board, by the council out of its General Fund, of a sum equivalent to the total amount which the board would be entitled to receive as the proceeds of such stormwater drainage rate if levied on such land.

Arrange-
ments with
councils.

(2) During the period in which any such arrangement remains in force the board shall not levy a stormwater drainage rate on any such land.

(3) It shall be lawful for the council to enter into any such arrangement as is referred to in subsection one of this section and to make payments to the board out of its General Fund in accordance with the terms of the arrangement.

(4) The power to make regulations conferred on the Governor by this Act shall include a power to make regulations in relation to any matter or thing necessary or convenient for carrying this section into effect.