

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

Act No. 10, 1949.

George VI.
No. 10, 1949. An Act to amend the Metropolitan Water, Sewerage, and Drainage Act, 1924-1948, in certain respects; and for purposes connected therewith. [Assented to, 12th May, 1949.]

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:—

Short title, citation and commencement. 1. (1) This Act may be cited as the "Metropolitan Water, Sewerage, and Drainage (Amendment) Act, 1949."

(2) The Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts and by this Act, may be cited as the Metropolitan Water, Sewerage, and Drainage Act, 1924-1949.

(3)

(3) This Act shall commence upon a day to be No. 10, 1949. appointed by the Governor and notified by proclamation published in the Gazette.

2. (1) The Metropolitan Water, Sewerage, and Drainage Act, 1924-1948, is amended— Amendment of Act No. 50, 1924.

(a) (i) by omitting from paragraph (a) of section sixty-five the words “and if it thinks fit” and by inserting in lieu thereof the words “or to exclude therefrom any land, and may from time to time if it thinks fit”;
(ii) by omitting from paragraph (c) of the same section the words “or police”;
(iii) by omitting paragraph (e) of the same section and by inserting in lieu thereof the following paragraph:—
(e) the board shall serve a notice in the form and containing the particulars prescribed by regulations upon all persons appearing by the rate books of the board, or in cases of deficiency therein then by the rate books of the municipality or shire, to be the owners of land within the drainage area;
(iv) by omitting from paragraph (j) of the same section the word “thereafter”;
(v) by inserting at the end of the same section the following new subsections:—

(2) Where the boundaries of a drainage area have been defined under this Act, or under any Act repealed by this Act, and the board in pursuance of paragraph (a) of subsection one of this section subsequently defines the boundaries of the area so as to include therein additional land (in this subsection referred to as “the additional area”) the provisions of subsection one of this section shall, in their application to

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to any such case, be deemed to be modified as follows:—

- (a) the map or plan referred to in paragraph (b) of that subsection showing the boundaries of the drainage area as defined by the board shall also show the boundaries of the additional area; and the reference in that paragraph to "the drainage area" shall be construed as a reference to the additional area;
- (b) the reference in paragraph (c) of that subsection to "the drainage area, as defined by the board" shall be construed as a reference to the additional area;
- (c) the reference in paragraph (e) of that subsection to "the drainage area" shall be construed as a reference to the additional area.

(3) Where the boundaries of a drainage area have been defined under this Act, or under any Act repealed by this Act, and the board in pursuance of paragraph (a) of subsection one of this section subsequently defines the boundaries of the area so as to exclude therefrom any land, the provisions of subsection one of this section shall, in their application to any such case, be deemed to be modified as follows:—

- (a) by omitting paragraphs (b), (c), (d), (e), (f), (g) and (h) and by inserting in lieu thereof the following paragraph:—
 - (b) a map or plan showing the boundaries of the drainage area so defined shall be kept at the head office in Sydney of the board; and the board shall

shall cause a description of No. 10, 1949.
the boundaries in accordance
with that map or plan to be
published in the Gazette in
the form prescribed by
regulations;

(b) by inserting at the end of para-
graph (j) the following proviso:—

Provided that in respect of the
remainder of the financial year
current at the date of such notifi-
cation, the rate applicable to lands
within the drainage area shall be
the drainage rate applicable to
those lands immediately before the
date of such notification.

(4) Where the boundaries of zones of a
drainage area have been notified in the
Gazette under subsection one of this section,
and the board in pursuance of paragraph
(a) of that subsection subsequently delimits
the boundaries of the zones so as to include
in any one or more of them additional land
(in this subsection referred to as "the
additional area") which was not previously
included in the drainage area, the provisions
of subsection one of this section shall, in
their application to any such case, be deemed
to be modified as follows:—

(a) the map or plan referred to in
paragraph (b) of that subsection
showing the delimitation of the
proposed zones shall also show the
boundaries of the additional area;
and a reference in that paragraph
to "the drainage area" shall be
construed as a reference to the
additional area;

(b) the reference in paragraph (c) of
that subsection to "the drainage
area

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area, as defined by the board" shall be construed as a reference to the additional area;

(c) the reference in paragraph (e) of that subsection to "the drainage area" shall be construed as a reference to the additional area.

(5) Where the boundaries of zones of a drainage area have been notified in the Gazette under subsection one of this section, and the board in pursuance of paragraph (a) of that subsection subsequently delimits the boundaries of the zones so as to exclude from any one or more of them land which is excluded from the drainage area the provisions of subsection one of this section shall, in their application to any such case, be deemed to be modified by omitting paragraphs (b), (c), (d), (e), (f), (g) and (h) and by inserting in lieu thereof the following paragraph:—

(b) a map or plan showing the delimitation of the proposed zones shall be kept at the head office in Sydney of the board; and the board shall cause a description of the boundaries of the zones in accordance with that map or plan to be published in the Gazette in the form prescribed by regulations.

**New secs.
65A, 65B.**

(b) by inserting next after section sixty-five the following new sections:—

**Groups of
channels.**

65A. (1) Without prejudice to the generality of subsection one of section sixty-five of this Act, the power conferred on the board by paragraph (a) of that subsection shall include the power to define the boundaries of a drainage area in respect of a number of stormwater channels grouped together, in any case where, in the opinion of the board if separate drainage areas were

were defined in respect of such stormwater channels severally, each of such separate drainage areas would substantially adjoin one or more of the others. No. 10, 1949

(2) Where a drainage area in respect of a number of stormwater channels grouped together is so defined, and that area includes a drainage area which was previously defined, it shall not be necessary for the board to serve any notice referred to in paragraph (e) of subsection one of section sixty-five of this Act upon any owner of land situated wholly within the boundaries of the last-mentioned drainage area, unless the board proposes to include that land in a zone.

(3) Paragraph (c) of subsection one of section sixty-five of this Act shall not apply to or in respect of an owner of land upon whom, by reason of this section, it is not necessary to serve such notice, and such owner shall not be entitled to an appeal under that paragraph.

65B. Where the board defines the boundaries of a drainage area and that area includes a drainage area which was previously defined, then upon the notification of such boundaries in the Gazette pursuant to paragraph (h) of subsection one of section sixty-five of this Act the notification, proclamation or other instrument whereby the last-mentioned drainage area was previously defined shall be rescinded; but such rescission shall not prejudice any rights or remedies of the board in relation to any stormwater drainage rates levied before such rescission upon any land situated within the last-mentioned drainage area.

Rescission
of super-
seded drain-
age area.

(c) by omitting section seventy-three.

Sec. 73.
(Limit of
borrowing.)

(d)

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Sec. 75 (4).
**(Investment
of reserve
for loan
repayment.)**

(d) by omitting subsection four of section seventy-five and by inserting in lieu thereof the following subsections:—

(4) Moneys held as a reserve for loan repayment may be invested in Government Securities of the Commonwealth of Australia or of the State of New South Wales or in debentures or inscribed stock in any loan of the board (above at or below the face value and whether such debentures or inscribed stock were issued before or after the commencement of the Metropolitan Water, Sewerage, and Drainage (Amendment) Act, 1949) or in any securities guaranteed by the Government of the said State or in debentures or securities issued by the Sydney County Council or the Sydney City Council or in such other securities as the Governor may approve or as may be prescribed by the regulations. Any interests or profits realised on such investments shall be added to and form part of the reserve for loan repayment. All moneys paid into the reserve for loan repayment in any fund may be applied in or towards repayment of any renewal or other loan raised in respect of the same fund but except where otherwise provided may not be applied for any other purpose.

(4A) Debentures and inscribed stock of the board purchased from the reserve for repayment of the loan for which they were issued shall be cancelled—

(a) where the purchase is made on a date for payment of interest on the loan—as at the date of purchase; and

(b) in any other case—as at the next succeeding date of payment of interest on the loan.

In addition to the sums otherwise payable to the reserve for loan repayment in respect of that loan the board shall, subject to any agreement to which it is a party whereby it undertakes to pay interest at a higher rate to such reserve, pay

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pay to such reserve interest at the rate of four and one-half per centum per annum on the face value of the cancelled securities from the date of their cancellation until the maturity of the loan.

(e) by omitting section seventy-seven. Sec. 77.
(Exchange
debentures,
etc.)

(f) by inserting next after paragraph (d) of subsection one of section eighty-eight the following new paragraph:— See. 88.
(Lands ex-
empted
from rates.)

(d1) land which is used or occupied solely for purposes of or connected with a baby health centre, day nursery or kindergarten not conducted for private gain;

(g) by inserting in section ninety-one after the words “Part IV of this Act” the words “or uniform drainage rates may be levied in respect of all drainage areas or in respect of any two or more of them”; Sec. 91.
(Stormwater
drainage
rates.)

(h) by inserting next after subsection (1a) of section ninety-three the following new subsection:— Sec. 93.
(Supply of
water to
exempted
lands.)

(1b) (a) The board may also supply free of charge any quantity of water specified by the board by resolution, but subject to such conditions as may be set out in the resolution, to any land referred to in paragraph (d1) of subsection one of section eighty-eight of this Act.

A resolution of the board under this subsection may be expressed to apply generally to all such lands, or to any particular class of such lands or to any particular area or portion of land specified in the resolution.

(b) The power conferred on the board by paragraph (a) of this subsection shall also be exercisable in respect of any public hospital or public benevolent or charitable institution in which there are no persons resident.

(i)

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**Sec. 97.
(Valua-
tions.)**

(i) by omitting subsection four of section ninety-seven and by inserting in lieu thereof the following subsection:—

(4) Where any land has not been valued or separately valued pursuant to the Valuation of Land Act, 1916, or the Local Government Act, 1919, or the board considers that by reason of the erection alteration or demolition of or damage by fire to buildings or of the subdivision of land the valuation made pursuant to any such Act and for the time being used by the board for the purposes of this Act is not the true valuation or is not in sufficient detail, or should be apportioned for the purposes of this Act, the board may cause a valuation to be made or may adopt any valuation pursuant to any such Act which the board considers has taken into account the erection alteration or demolition of or the damage by fire to the buildings or the subdivision of the land or which has been made in sufficient detail, or the board may apportion any valuation pursuant to any such Act as the case may require.

The board shall give notice of any valuation or apportionment so made by it and objection against such valuation or apportionment shall lie in the manner provided in the case of objections against valuations under the Valuation of Land Act, 1916, and for that purpose a reference to the Valuer-General in the said Act or in any rules or regulations thereunder shall be deemed to be a reference to the board.

**Sec. 144.
(Interfer-
ence with
meters, etc.)**

(j) (i) by inserting in subsection one of section one hundred and forty-four after the word "wrongfully" the words "alters the index of any meter or prevents any meter from duly registering the quantity of water supplied, or";

(ii) by omitting from the same subsection the words "five pounds" and by inserting in lieu thereof the words "fifty pounds";

(iii)

(iii) by inserting next after the same subsection No. 10, 1949. the following new subsection:—

(1A) The existence of artificial means for causing such alteration or prevention or for taking or using water as aforesaid shall when such means exist upon or in connection with the pipes or other apparatus for supplying water of the board to any land be *prima facie* evidence that such alteration prevention taking or use was wrongfully caused or effected by the occupier of such land.

(k) by omitting clause eleven of the Fourth Schedule ^{Fourth Sch.,} ~~clause 11.~~ and by inserting in lieu thereof the following clause:—

11. Where land which was ratable has not been valued because of omission from any valuation book or valuation list the valuation thereof made by the board after discovery of the omission shall come into force and rates may be assessed and charged thereon as from the first day of July of the then current financial year of the board. Where in any other case mentioned in subsection four of section ninety-seven a valuation is made or adopted or an apportionment of valuation is made by the board the valuation or apportionment shall be deemed to have come into force for the purposes and subject to the provisions of this Act upon the date when the erection alteration or demolition of or damage by fire to buildings took place or the insufficiency in detail in the valuation pursuant to the Valuation of Land Act, 1916, or the Local Government Act, 1919, first existed, and rates may be assessed and charged by the board as from that date upon the valuation or apportionment so made or adopted by the board as the case may be.

(2) The Water Supply to Hospitals Act, 1941, is ^{Consequential repeal of Act No. 18, 1941,} ~~amended by omitting subsection one of section three.~~ ^{s. 3 (1).}