

**BROKEN HILL WATER AND SEWERAGE
(AMENDMENT) ACT.**

Act No. 55, 1951.

George VI. An Act to amend the Broken Hill Water and
No. 55, 1951. Sewerage Act, 1938-1945, in certain respects;
to repeal the Broken Hill Water and
Sewerage (Amendment) Act, 1946; and for
purposes connected therewith. [Assented
to, 28th December, 1951.]

BE

BE it enacted by the King's Most Excellent Majesty, **No. 55, 1951.** 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 "Broken Hill Water and Sewerage (Amendment) Act, 1951." short title and citation.

(2) The Broken Hill Water and Sewerage Act, 1938, as amended by subsequent Acts and by this Act, may be cited as the Broken Hill Water and Sewerage Act, 1938-1951.

2. (1) The Broken Hill Water and Sewerage Act, Amendment of Act No. 20, 1938. 1938-1945, is amended—

(a) (i) by omitting from subsection three of section four the word "five" and by inserting in lieu thereof the word "six"; Sec. 4. (Constitution of board.)

(ii) by omitting from paragraph (b) of subsection four of the same section the words "one other" and by inserting in lieu thereof the words "the other two members";

(iii) by omitting from the same paragraph the words "two persons" and by inserting in lieu thereof the words "four persons";

(iv) by inserting at the end of the same paragraph the following proviso:—

Provided that for the purpose of appointing the first additional member to the board consequent on the amendment of subsection three of this section made by the Broken Hill Water and Sewerage (Amendment) Act, 1951, such member shall be selected from a panel of two persons nominated by such companies.

(v) by omitting subsection seven of the same section;

(b) by omitting from subsection two of section eight the words "a sum not exceeding one hundred pounds" Sec. 8. (Remuneration of members.)

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pounds per annum" and by inserting in lieu thereof the words "such annual sum as may be determined by the Governor."

(2) The amendments made by subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Further
amendment
of Act No.
20, 1938.

New sec.
24A.

Residences
for
servants.

3. The Broken Hill Water and Sewerage Act, 1938-1945, is further amended by inserting next after section twenty-four the following new section:—

24A. The board shall have power and shall be deemed always to have had power to construct or provide residences for the accommodation of its servants, and to acquire land, under the provisions of this Act, for that purpose.

Further
amendment
of Act No.
20, 1938.

Sec. 96.
(Payments
by the
Treasurer
to the
board.)

4. (1) The Broken Hill Water and Sewerage Act, 1938-1945, is further amended—

(a) by omitting subsections one and two of section ninety-six and by inserting in lieu thereof the following subsection:—

(1) Where in any financial year the income and revenues of the board in respect of the sewerage fund are insufficient to meet the costs properly chargeable to that fund for that year, the Treasurer shall, out of moneys provided by Parliament, pay to the board the amount by which such fund is deficient in respect of that year or the sum of three thousand pounds, whichever is the less; and the board shall apply the moneys so paid in satisfaction in whole or in part of such deficiency.

Heading
to sec. 97.

(b) by inserting in the subheading to section ninety-seven after the word "to" the words "the Treasurer and";

(c)

(c) (i) by omitting from subsection two of section **No. 59, 1951.**
one hundred the words "two shillings and ^{See. 100.} sixpence per thousand gallons" and by inserting in lieu thereof the words "five shillings per thousand gallons: Provided that the charge for water, supplied to any mining company, and used solely for any dwelling or plantation or any other purpose which the board determines to be a social service, shall be two shillings and sixpence.

For the purpose of this subsection the board shall determine what proportion of the water supplied to a mining company shall be regarded as used for a dwelling, plantation or social service and its decision shall be final and binding on such mining company."

(ii) by omitting from the same subsection the words "Such charge" and by inserting in lieu thereof the words "Any charge under this subsection";

(iii) by omitting subsections three and four of the same section;

(d) by omitting section one hundred and one and ^{Subst. sec.} by inserting in lieu thereof the following <sup>101 and new
sec. 101A.</sup> sections:—

101. (1) Where in any financial year the income and revenues of the board in respect of the water fund are insufficient to meet the costs properly chargeable to that fund, the Treasurer and the mining companies shall respectively pay to the board sums calculated in the manner hereinafter prescribed, to liquidate the deficit in that fund for that year.

(2) For the purpose of calculating the respective sums to be paid to the board by the Treasurer and the mining companies to liquidate any such deficit the income and revenues of the board

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board in respect of the water fund in any financial year shall be deemed to be the total sum received by the board in that year in respect of that fund from all sources other than from the mining companies for the supply of water to them, and in this section the difference between such sum and the total of all costs properly chargeable to that fund in that year is herein-after referred to as the "deficiency."

(3) The Treasurer shall, in the circumstances referred to in subsection one of this section, pay out of moneys provided by Parliament a sum representing thirteen fifty-ninths of the deficiency in the relevant year.

(4) Each mining company shall in the circumstances referred to in subsection one of this section pay to the board a sum which bears the same proportion to forty-six fifty-ninths of the deficiency in the relevant year as the amount, payable by that company for water supplied in that year calculated as provided in section one hundred of this Act, bears to the total amount payable for that year by all the mining companies under that section:

Provided that all amounts actually paid by a mining company under section one hundred of this Act in respect of water supplied to it in the relevant year shall be deducted from the portion of the deficiency which it is required to pay under this section.

(5) The sum payable by a mining company pursuant to this section shall, for the purposes of this Act, be deemed to be a charge imposed by the board for water supplied to the land of such mining company and shall be payable on demand by the board.

**Estimates
of board
and advance
payments.**

101A. (1) Where the estimates of receipts and expenditure prepared by the board prior to the commencement of each financial year, in respect

respect of the water fund, disclose that the **No. 55, 1951.** income and revenues of that fund will not be sufficient to pay all the costs which will be properly chargeable to such fund in that year the board shall furnish particulars of the estimates and the anticipated deficit in the fund to the Treasurer and each mining company respectively.

(2) In the circumstances referred to in subsection one of this section—

- (a) the Treasurer shall pay to the board, by equal quarterly instalments on the first day of January, April, July and October in each such year out of moneys provided by Parliament, a sum, calculated on the basis of such estimates, which the Treasurer considers will be sufficient to defray the sum which he will be liable to pay under subsection three of section one hundred and one of this Act, in respect of that year;
- (b) each mining company shall pay to the board on demand by equal quarterly instalments on the first day of January, April, July and October in each such year a sum, calculated on the basis of such estimates, which the board considers will be sufficient to defray the sum which such mining company will be liable to pay under subsection four of section one hundred and one of this Act, in respect of that year;
- (c) any amount paid to the board pursuant to this subsection by the Treasurer or a mining company shall be applied in or towards satisfaction of the Treasurer's or the mining company's liability, as the case may be, under section one hundred and one of this Act.

(3)

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(3) On the auditing of the board's accounts after the completion of each financial year, the Treasurer and each mining company shall pay to or receive from the board the difference (if any) between the total of the amounts paid by them respectively pursuant to this section and the amount of their respective liabilities for such financial year calculated in accordance with the provisions of section one hundred and one of this Act.

Repeal of
Act No. 52,
1946.

(2) The Broken Hill Water and Sewerage (Amendment) Act, 1946, is hereby repealed.

(3) This section shall be deemed to have commenced upon the first day of January, one thousand nine hundred and fifty-one.
