

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

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**Act No. 43, 1954.**

An Act to amend the Metropolitan Water, Elizabeth, II, Sewerage, and Drainage Act, 1924–1949, in No. 43, 1954. certain respects; to validate certain matters; and for purposes connected therewith.

[Assented to, 14th December, 1954.]

No. 43, 1954.

Be it enacted by the Queen'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 and citation.

**1.** (1) This Act may be cited as the "Metropolitan Water, Sewerage, and Drainage (Amendment) Act, 1954."

(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, 1924-1954.

Amendment of Act No. 50, 1924.

**2.** (1) The Metropolitan Water, Sewerage, and Drainage Act, 1924-1949, is amended—

Sec. 19. (Remuneration of members.)

(a) by omitting from subsection three of section nineteen the words "two hundred and sixty" and by inserting in lieu thereof the words "four hundred and twenty";

New sec. 25A.

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

Insurance of members and certain officers.

**25A.** (1) The board in such manner as it deems expedient may insure or may itself provide for the insurance of members of the board against personal injury, whether fatal or not, arising out of or in the course of their attendance at any meeting of the board or any committee thereof, or making inspections on behalf of the board, or fulfilling the duties of their offices.

(2) The board may insure or may itself provide for the insurance of officers and workmen of the board who are not workers within the meaning of the Workers' Compensation Act, 1926-1954, for the like benefits, in the like circumstances and in all other respects as though they were workers within the meaning of the said Act.

(3)

(3) In respect of any such contract of **No. 43, 1954.** insurance the board shall be deemed to have an insurable interest.

(4) Any sum appropriated by the board for the insurance of its members, officers and workmen or any sum received by the board under any such contract, after deducting therefrom any expenses incurred in the recovery thereof, shall be paid by it to or to the personal representatives of the member, officer or workman in respect of whom the sum was appropriated or received.

(c) by inserting next after section thirty-one the **New sec. 31A.** following new section:—

31A. (1) The board shall have power and **Agreements by board for construction etc., of hydro-electric works.** shall be deemed always to have had power to enter into any agreement with the Electricity Commission of New South Wales, or any other authority constituted by or under any Act of the Parliament of the Commonwealth or of the State and having power in that behalf, for the construction, maintenance and operation of any hydro-electric works for the generation of electricity either in conjunction with the construction, maintenance and operation of any storage dam or otherwise.

(2) Such construction, maintenance and operation shall be at the expense of the Electricity Commission of New South Wales or other authority entering into any such agreement.

(3) Such agreement shall contain such terms and conditions (not inconsistent with any of the provisions of this Act) as the board may think fit.

(4) Notwithstanding any other provision in this Act or the by-laws a charge may be imposed for any water made available to such

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such hydro-electric works and such charge may be in such amount as, from time to time, the board and the Electricity Commission of New South Wales or such other authority may agree upon.

Any failure to agree upon such charge shall be a dispute within section one hundred and forty-six of this Act and the provisions of the said section shall apply, mutatis mutandis, thereto.

**Sec. 55.  
(Catchment  
areas.)**

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

(4) It shall not be lawful—

(a) (i) to make any conditional or other sales under the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, of any Crown lands within any catchment area other than Crown lands within a city, town or village;

(ii) to make any conditional or other sales under the said Act, as so amended, of any Crown lands within a city, town or village within any catchment area unless the board has approved thereof:

(b) except with the concurrence of the board and subject to such conditions as the board may determine—

(i) to grant any lease, license or permit under the said Act, as so amended, of any Crown lands within any catchment area;

(ii) to convert any lease within any catchment area into any other tenure under the said Act,

Act, as so amended, or to No. 43, 1954.  
exchange any such lease in  
any manner;

(iii) to extend the term of any lease under the said Act, as so amended, within any catchment area otherwise than for such period as the holder of such lease has an absolute right under the said Act, as so amended, to have its term extended.

Subparagraph (i) of paragraph (b) of this subsection shall not apply to the granting of any lease which upon the surrender of an earlier lease consequent upon the subdivision of the land is granted or issued for a term not extending beyond the term of the earlier lease and any further period for which the holder thereof had an absolute right to have its term extended.

The concurrence of the board shall not be given under paragraph (b) of this subsection unless the board considers that such concurrence may be given without any danger of pollution of the catchment area or the water supply.

(e) by inserting next after section fifty-six the <sup>New sec.</sup>  
<sup>56A.</sup> following new section:—

56A. (1) The Governor may by proclamation published in the Gazette declare that, for the purposes of the provisions of section fifty-six, subsection one of section one hundred and twenty-five (paragraphs (j) to (ac) inclusive excepted) and any by-laws thereunder, subsection two of section one hundred and twenty-five and sections one hundred and thirty-eight and one hundred and thirty-nine of this Act, or such of those provisions as

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as may be specified in such proclamation, the catchment area specified in such proclamation shall include lands, not being lands within a catchment district for the time being proclaimed as such under section four hundred and one of the Local Government Act, 1919, as amended by subsequent Acts, situated within the boundaries defined in such proclamation in lieu of the boundaries proclaimed under section fifty-five of this Act in respect of such catchment area.

(2) The Governor may, by like proclamation, at any time amend, vary or revoke any proclamation under this section.

(3) A reference in any of the provisions referred to in subsection one of this section and to which any such proclamation relates to a catchment area shall in its application to a particular catchment area be deemed to refer to the lands declared by such proclamation to be included in such catchment area.

**Sec. 70.**  
(Board  
to pay  
interest.)

(f) by omitting from subsection one of section seventy the words "at the time prescribed by the regulations, to the Treasurer" and by inserting in lieu thereof the words "to the Treasurer when so required by him";

**Sec. 76.**  
(Debentures,  
&c.)

(g) by inserting in subsection six of section seventy-six after the word "shall" the words "both as regards the issue and any transfer thereof for full consideration in money or money's worth";

**Sec. 79.**  
(Lost  
debentures.)

(h) by omitting subsection five of section seventy-nine and by inserting in lieu thereof the following subsection:—

(5) In case of the loss, theft, destruction, mutilation or defacement of any interest coupon originally annexed to a debenture and whether separated therefrom or not, payment by the board may be made of the interest payable in respect

respect of the coupon without presentation of **No. 43, 1954.** the same upon proof to the satisfaction of the board of such loss, theft, or destruction, or upon surrender of the mutilated or defaced interest coupon and upon the board receiving security or indemnity satisfactory to it against any double payment if the missing interest coupon be at any time thereafter presented for payment.

(i) (i) by inserting after paragraph (i) of sub- **Sec. 88.** section one of section eighty-eight the **(Lands exempted from rates.)** following new paragraph:—

(ia) land which is a drainage reserve vested in the council of any municipality or shire and which has been acquired or is held by it specifically for drainage purposes;

(ii) by inserting next after the same subsection the following new subsection:—

(1A) Paragraph (c) of subsection one of this section shall not operate to exempt from rating by the board any land which is within a public reserve or park and upon which any person by virtue of a lease license or other authority from the Crown or the public body or the trustees in whom the public reserve or park is vested carries on any trade or business.

(j) by inserting in paragraph (b) of section eighty- **Sec. 89.** nine after the word “any” the words “canal, **(Lands subject to water rates.)** conduit or”;

(k) by omitting subsection seven of section ninety- **Sec. 96.** six and by inserting in lieu thereof the following **(Basis of rating.)** subsection:—

(7) In levying any rate it shall be lawful for the board to levy—

(a) in respect of any ratable land minimum amounts for water rates, sewerage rates and stormwater drainage rates; and

(b)

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(b) if it thinks fit in respect of occupied lands and unoccupied lands or of any different classes whatever of ratable lands, different minimum amounts of any such rates.

Sec. 112.  
(Audit.)

(d) by omitting subsection three of section one hundred and twelve and by inserting in lieu thereof the following subsection:—

(3) (a) Towards defraying the cost and expenses of the audit, the board shall pay to the Treasurer by four even quarterly payments an amount of one thousand pounds annually or such other annual sum as may from time to time be determined by the Treasurer.

(b) This subsection shall be deemed to have commenced upon the first day of July, one thousand nine hundred and forty-eight.

Sec. 123.  
(Insurance.)

(m) by omitting from section one hundred and twenty-three the words "Treasury Insurance Board" and by inserting in lieu thereof the words "Government Insurance Office of New South Wales";

(n) by inserting next after clause eleven of the Fourth Schedule the following new clause:—

Fourth  
Schedule.  
New clause  
11A.

11A. Where land which was ratable has become non-ratable the rate payable thereon shall be proportionate to the portion of the twelve months during which the land was ratable and any amount paid in excess of such rate shall be refunded by the board.

(2) The amendment made by paragraph (a) of subsection one of this section shall be deemed to have commenced upon the first day of April, one thousand nine hundred and fifty-three.