

HUNTER DISTRICT WATER, SEWERAGE AND DRAINAGE (AMENDMENT) ACT.

Act No. 23, 1956.

Elizabeth II,
No. 23, 1956.

An Act to make provision with respect to the investment by the Hunter District Water Board of moneys in reserves for loan repayment; to increase the remuneration payable to certain members of the Board; for these and other purposes to amend the Hunter District Water, Sewerage and Drainage Act, 1938, as amended by subsequent Acts; to validate certain matters; and for purposes connected therewith. [Assented to, 16th October, 1956.]

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 "Hunter District Water, Sewerage and Drainage (Amendment) Act, 1956."

(2) The Hunter District Water, Sewerage and Drainage Act, 1938, as amended by subsequent Acts and by this Act, may be cited as the Hunter District Water, Sewerage and Drainage Act, 1938-1956.

Amendment
of Act No.
11, 1938.

2. (1) The Hunter District Water, Sewerage and Drainage Act, 1938, as amended by subsequent Acts, is amended—

Sec. 19.
(Remunera-
tion of
members.)

(a) (i) by omitting from paragraph (a) of subsection three of section nineteen the words "one hundred and fifty pounds" and by inserting in lieu thereof the words "two hundred and forty pounds";

(ii)

- (ii) by omitting from the same paragraph the words "of such amount" and by inserting in lieu thereof the words "of four pounds or of such greater amount"; No. 23, 1956.
- (iii) by inserting at the end of the same paragraph the following new subparagraph:—
- (ii) The vice-president and each of the elected members of the board shall in addition to the amount he receives by virtue of subparagraph (i) of this paragraph respectively be entitled to receive further remuneration for his services at the rate of one hundred pounds per annum.
- (b) by inserting in paragraph (f) of section fifty-three after the word "water" where firstly occurring the words "commits or"; Sec. 53.
(Cutting off supply.)
- (c) (i) by omitting from paragraph (a) of section sixty-six the words ", and if it thinks fit" and by inserting in lieu thereof the words "or, with the approval of the Minister, to exclude therefrom any land, and may from time to time if it thinks fit"; Sec. 66.
(Drainage areas.)
- (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 or to the effect of the form and containing the particulars prescribed by the 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)

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(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 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
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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 Newcastle of the board; and the board shall cause a description of the boundaries in accordance with that map or plan to be published in the Gazette in the form prescribed by the regulations;

(b) by inserting at the end of paragraph (j) the following proviso:—

Provided that in respect of the remainder of the financial year current at the date of such notification, 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

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, 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 Newcastle of
the

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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 the regulations;

- (d) by inserting next after section sixty-six the following new sections:—

New secs.
66A, 66B.

66A. (1) Without prejudice to the generality of subsection one of section sixty-six 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 defined in respect of such stormwater channels severally, each of such separate drainage areas would substantially adjoin one or more of the others.

Groups of
channels.

(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 (c) of subsection one of section sixty-six 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-six 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.

66B.

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Rescission
of
superseded
drainage
area.

66B. 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-six 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.

Sec. 76.
(Reserve for
loan repay-
ments.)

- (e) by omitting subsection four of section seventy-six and by inserting in lieu thereof the following subsection:—

(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 Hunter District Water, Sewerage and Drainage (Amendment) Act, 1956) or in any securities guaranteed by the Government of the said State 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.

Sec. 79.
(Exchange
debentures,
&c.)

- (f) by omitting section seventy-nine;

(g)

(g) by inserting next after paragraph (d) of sub-
section one of section ninety-one the following
new paragraph:—

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Sec. 91.

(Lands
exempted
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;

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

(b) The amendment made by subparagraph
(iii) of paragraph (a) of subsection one of this section
shall be deemed to have commenced on the first day of
July, one thousand nine hundred and fifty-five.

(c) The amendment made by subparagraph
(iii) of paragraph (c) of subsection one of this section
shall commence upon a day to be appointed by the
Governor and notified by proclamation published in the
Gazette.

(d) The amendment made by paragraph (g)
of subsection one of this section shall be deemed to have
commenced on the first day of July, one thousand nine
hundred and fifty-three.
