

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

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**Act No. 28, 1965.**

An Act relating to the office of President and Vice- Elizabeth II,  
President of the Metropolitan Water Sewerage  
and Drainage Board, the imposition of restrictions  
on the use of water and limitation of actions  
against the said Board; for these and other  
purposes to amend the Metropolitan Water,  
Sewerage, and Drainage Act, 1924-1964; to  
validate certain matters; and for purposes  
connected therewith. [Assented to, 17th  
December, 1965.]

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

No. 28, 1965

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, 1965".

(2) The Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts and by proclamations pursuant to section 36A of the said Act and by this Act, may be cited as the Metropolitan Water, Sewerage, and Drainage Act, 1924-1965.

Amendment of Act No. 50, 1924.

2. (1) The Metropolitan Water, Sewerage, and Drainage Act, 1924-1964, is amended—

Sec. 4. (Definitions.)

(a) by inserting in section four next after the definition of "Ratable land" the following new definition:—

"Rate book" includes the property cards, punched cards, magnetic devices, any decoding of such cards or devices, tabulations and other records forming part of an automatic data processing system where such system is in force in connection with ratable land.

Sec. 7. (Composition of board.)

(b) (i) by omitting from subparagraph (i) of paragraph (b) of subsection two of section seven the words "five years" and by inserting in lieu thereof the words "seven years";

(ii) by omitting paragraph (e) of the same subsection;

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

(2A) Any person holding office as president of the board or vice-president of the board shall be deemed to have vacated his office as such on the day upon which he attains the age of sixty-five years, and no person who is of

of or above the age of sixty-five years shall be No. 28, 1965 appointed as president of the board or vice-president of the board.

(c) (i) by omitting from subsection one of section Sec. 19. nineteen the words "of the board shall be paid" (Remuneration and by inserting in lieu thereof the words members.) "and vice-president of the board shall respectively be paid";

(ii) by omitting from subsection two of the same section the words "The president shall not" and by inserting in lieu thereof the words "Neither the president nor the vice-president shall";

(iii) by omitting from subsection three of the same section the words "The vice-president and each" and by inserting in lieu thereof the word "Each";

(iv) by omitting from the same subsection the word "respectively";

(v) by omitting from the same subsection the words "not exceeding four hundred and twenty pounds per annum, to be paid in the form of a fee of such amount as may be prescribed by the regulations for each meeting of the board attended" and by inserting in lieu thereof the words "of four hundred pounds per annum together with a fee of seven pounds for each meeting of the board attended with a maximum amount for such fees of three hundred and fifty pounds per annum";

(vi) by omitting subsection five of the same section;

(d) by omitting from subsection two of section twenty Sec. 20. the words "The vice-president whilst so acting may (When vice-president be paid such remuneration in addition to the may act as remuneration referred to in subsection three of president.) section nineteen of this Act as the Governor may determine."; (e)

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Sec. 51.

(Board's  
duty to  
protect  
supply.)

(e) by inserting at the end of section fifty-one the following new subsection :—

(3) (a) Where the Minister is of opinion that it is necessary in the public interest and for the purpose of maintaining the distribution of the water supply throughout the board's area of operations or in any part or parts thereof to the greatest general advantage, he may, by notification published in the Gazette or in a newspaper circulating in the area or areas to which the notification relates, declare and prescribe from time to time that—

(i) the use for any purpose or by any means or on any days or at any times specified in such notification of water supplied by the board in the area or areas therein described is prohibited, and

(ii) such special conditions as may be set out in such notification shall be observed by all persons using for any purpose or by any means or on any days or at any times specified in such notification water supplied by the board in the area or areas therein described.

(b) The Minister may by like notification at any time amend, alter, vary or revoke any such notification previously published as aforesaid.

(c) Where the Minister considers that it is for any reason impracticable or inexpedient to make any notification in the manner abovementioned a like notification may be made by or on behalf of the Minister verbally or in such other manner including aerial or televised broadcast as the Minister deems expedient in the circumstances of the case.

(d) Any person who uses any water supplied by the board in contravention of any notification published under or pursuant to the provisions of this subsection or who fails to comply with the

terms

terms and conditions of any such notification in No. 28, 1965 any respect shall be liable to a penalty not exceeding fifty pounds. —

(e) The powers conferred by this subsection are in addition to and not in derogation of any other powers conferred by or under this Act in respect of the regulation or prohibition of the use of water.

(f) by omitting paragraph (f) of section fifty-three and Sec. 53. by inserting in lieu thereof the following (Cutting off supply.) paragraph :—

(f) if the owner or occupier or any person supplied with water by the board does or causes or permits to be done or by any act or omission is directly or indirectly concerned in anything in contravention of any of the provisions of this Act or of the by-laws or of any notification referred to in subsection three of section fifty-one of this Act relating to water supply or fails to do anything which under any of those provisions ought to be done for prevention of the waste misuse undue consumption or contamination of the water of the board or water supplied by it; or

(g) by inserting at the end of paragraph (f) of subsection five of section fifty-five the following word and (Catchment areas.) new paragraph :—  
; or

(g) to grant a license or lease under the Petroleum Act, 1955, as amended by subsequent Acts.

(h) by omitting from subsection six of section seventy-six the words “for full consideration in money or (Debentures, etc.) money’s worth”;

(i) by inserting in paragraph (d1) of subsection one Sec. 88. of section eighty-eight after the word “kinder- (Lands garten” the words “or amenities for the aged”; (Lands exempted from rates.)

(j)

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**Sec. 98.**  
(Inspection.)

(j) (i) by omitting from subsection two of section ninety-eight the words “, and such entry shall be signed by the president, vice-president, or secretary of the board”;

(ii) by inserting at the end of the same section the following new subsection :—

(3) Where an automatic data processing system is in force in connection with ratable land a property card, punched card, magnetic device, any decoding of such cards or devices, tabulations and other records forming part of such system upon production thereof by any officer authorised in that behalf by the board, shall, without any other evidence that the requirements of this Act have been complied with, be received in all courts as *prima facie* evidence of the facts therein contained.

**Sec. 101.**  
(Certificate  
as to  
amount  
due.)

(k) by omitting from subsection three of section one hundred and one the words “of two shillings and sixpence” and by inserting in lieu thereof the words “prescribed by by-law”;

**Sec. 132.**  
(Legal pro-  
ceedings.)

(l) by inserting at the end of subsection three of section one hundred and thirty-two the following new paragraph :—

(b) Every such action shall be commenced within the period (in this subsection referred to as “prescribed period”) of twelve months next after the occurring of the cause of action: Provided that where an application is made to a judge of the Supreme Court in accordance with rules of court for an extension of the prescribed period the judge may, if he is satisfied that sufficient cause has been shown, or that having regard to all the circumstances of the case, it would be reasonable so to do, make an order for extension of the prescribed period for such further period and subject to such terms and conditions, if any, as may be set out in the order.

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Such application for extension may be made No. 28, 1965 either within the prescribed period or at any time within twelve months thereafter.

Any person who is dissatisfied with the decision of the judge on any such application may appeal to the Supreme Court and that court may on the appeal make any order which ought to have been made in the first instance.

Every such appeal shall be made in accordance with rules of court.

(m) by omitting from clause 16 of the Fourth Schedule Fourth Schedule. the words "may be authenticated in the manner Clause 16. prescribed by the regulations, and".

(2) The amendments made by paragraph (b) and subparagraphs (i) and (ii) of paragraph (c) of subsection one of this section shall extend to and in respect of the persons who at the commencement of this Act held the office respectively of president and vice-president.

(3) The amendment made by subparagraph (v) of paragraph (c) of subsection one of this section shall be deemed to have commenced on the first day of May, one thousand nine hundred and sixty-three.

(4) Subsection three of section nineteen shall be deemed to have been amended as from the first day of July, one thousand nine hundred and fifty-five, to the first day of May, one thousand nine hundred and sixty-three, as if the words "not exceeding four hundred and twenty pounds per annum, to be paid in the form of a fee of such amount as may be prescribed by the regulations for each meeting of the board attended" were omitted therefrom and the words "of two hundred and fifty pounds per annum together with a fee of five pounds for each meeting of the board attended with a maximum amount for such fees of three hundred pounds per annum" were substituted therefor.

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