

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

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. 9, 1970.

An Act to make further provision with respect to the imposition of restrictions on the use of water supplied by The Hunter District Water Board and the limitation of actions against that board; for these and other purposes to amend the Hunter District Water, Sewerage and Drainage Act, 1938; to validate certain matters; and for purposes connected therewith. [Assented to, 23rd March, 1970.]

BE

No. 9, 1970

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 com-
mencement.

1. (1) This Act may be cited as the "Hunter District Water, Sewerage and Drainage (Amendment) Act, 1970".

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment
of Act No.
11, 1938.

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

Sec. 3.
(Definitions.)

(a) by inserting next after the definition of "Ratable land" in section three 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. 19.
(Remunera-
tion of
members.)

(b) by omitting subsection three of section nineteen and by inserting in lieu thereof the following subsection :—

(3) The vice-president and each of the elected members of the board shall be entitled to receive such remuneration for his services as may be fixed by the Governor.

(c)

Hunter District Water, Sewerage and Drainage (Amendment).

- (c) by inserting at the end of section fifty-one the No. 9, 1970 following new subsection :—

Sec. 51.
(Board's
duty to pro-
tect supply.)

(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)

No. 9, 1970
—

(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 and conditions of any such notification in any respect shall be liable to a penalty not exceeding one hundred dollars.

(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.

Sec. 53.
(Cutting off
supply.)

(d) by omitting paragraph (f) of section fifty-three and by inserting in lieu thereof the following 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;

Sec. 55.
(Catchment
areas.)

(e) (i) by omitting from subsection two of section fifty-five the words “like proclamation,” and by inserting in lieu thereof the word “proclamation”;

(ii)

- (ii) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection :— No. 9, 1970

(4) It shall not be lawful to make any conditional or other sales, or to grant any lease, license or permit, or to convert any lease into any other tenure, or to exchange any lease in any manner, or to extend the term of any lease, under the Crown Lands Consolidation Act, 1913, of any Crown lands within any catchment area except with the approval of the board and subject to such terms, restrictions or conditions as the board may determine.

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

- (iii) by inserting at the end of paragraph (f) of subsection five of the same section the following word and new paragraph :—

; or

- (g) to grant a license or lease under the Petroleum Act, 1955;

- (f) by omitting from paragraph (d1) of subsection one of section ninety-one the words “or kindergarten” and by inserting in lieu thereof the words “, kindergarten or amenities for the aged”; Sec. 91.
(Lands exempted from rates.)

- (g) (i) by omitting from subsection two of section one hundred and two the words “, and such entry shall be signed by the president, vice-president, or secretary of the board”; Sec. 102.
(Inspection of rate and valuation books.)

(ii)

No. 9, 1970

(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. 105.
(Certificate
as to amount
due.)

(h) by omitting from subsection three of section one hundred and five the words “of twenty-five cents” and by inserting in lieu thereof the words “prescribed by by-law”;

Sec. 135.
(Legal pro-
ceedings.)

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

(b) Every such action shall be commenced within the period (in this subsection referred to as “the 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.

Such application for extension may be made either within the prescribed period or at any time within twelve months thereafter.

Any

Any person who is dissatisfied with the decision of the judge on any such application may appeal to the Court of Appeal and that court may on the appeal make any order which ought to have been made in the first instance. No. 9, 1970

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

- (j) (i) by omitting clause 11 of the Third Schedule and by inserting in lieu thereof the following clause :— Third
Schedule.
Clause 11.

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 one hundred and one of this Act a valuation or apportionment of valuation is made by the board, the valuation or apportionment shall be deemed to have come into force for the purposes of 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 subdivision took place, or the other reason referred to in that subsection first existed, or the insufficiency in detail in the valuation first existed, and rates may be assessed and charged by the board as from that date having regard to the valuation or apportionment so made by the board.

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

No. 9, 1970
—

(2) The provisions of paragraph (a) of subsection three of section nineteen of the Hunter District Water, Sewerage and Drainage Act, 1938, insofar as they apply to and in respect of each of the elected members of the board, shall be deemed to have been amended as from the first day of August, one thousand nine hundred and sixty-eight, to the day on which this Act commences as if—

- (a) the words “not exceeding six hundred dollars per annum, to be paid in the form of a fee of ten dollars” were omitted therefrom and the words “not exceeding nine hundred dollars per annum, to be paid in the form of a fee of fifteen dollars” were inserted in lieu thereof;
 - (b) the words “four hundred dollars per annum” were omitted therefrom and the words “four hundred and eighty dollars” were inserted in lieu thereof.
-