

WATER BOARD (AMENDMENT) ACT 1991 No. 98

NEW SOUTH WALES



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WATER BOARD (AMENDMENT) ACT 1991 No. 98

NEW SOUTH WALES



Act No. 98, 1991

An Act to amend the Water Board Act 1987 in relation to the exercise of the Water Board's water, sewerage and drainage functions by private contractors. [Assented to 17 December 1991]

The Legislature of New South Wales enacts:**Short title**

1. This Act may be cited as the Water Board (Amendment) Act 1991.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Water Board Act 1987 No. 141

3. The Water Board Act 1987 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) **Section 12 (General functions of the Board):**

- (a) From section 12 (1), omit “, for the purposes for which it is constituted”.
- (b) Omit section 12 (1) (b), insert instead:
 - (b) provide, construct, operate, manage and maintain buildings, works, systems and services for impounding, conserving and supplying water, for sewerage and drainage and for the disposal of trade waste and waste water,
- (c) in section 12 (1) (d), after "contracts", insert "and other arrangements”.
- (d) After section 12 (1) (d), insert:
 - (d1) without limiting the generality of paragraph (d), enter into contracts and other arrangements for the exercise by other persons and bodies of any of the Board’s functions or for the securing (by guarantee, indemnity or undertaking or otherwise) of the performance by the Board, or by any other such person or body, of the obligations imposed by any such contract or arrangement;
- (e) From section 12 (1) (i), omit "its objects”, insert instead “the objects of this Act”.

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SCHEDULE 1—AMENDMENT—*continued*

(f) After section 12 (3), insert:

(4) The Board may not enter into a contract or other arrangement under which some other person or body undertakes to construct, maintain and operate water, sewerage or drainage works within the Board's area of operations, except with the approval of the Minister, whether given generally or in the particular case.

(2) Section 13 (**Area of operations**):

After section 13 (4) (a1), insert:

(a2) the function is exercised by a person or body in the performance of a contract or other arrangement between the person or body and the Board;

(3) Section 15 (**Entry on land to read meters or carry out works**):

After section 15 (7), insert:

(8) In this section:

(a) a reference to the Board includes a reference to any person or body acting in the performance of a contract or other management between the person or body and the Board under which the person or body exercises a function referred to in section 12 (1) (b); and

(b) a reference to an authorised person includes a reference to any employee or other person acting on behalf of a person or body referred to in paragraph (a),

but the powers conferred by this section may not be exercised by any such person or body, or by any employee or other person acting on behalf of any such person or body, except in accordance with an authority granted by the Board.

(9) For the purposes only of the payment of compensation under this section, a person or body acting in the performance of a contract or arrangement referred to in subsection (8) is taken to be doing so as an agent of the Board.

(4) Section 17 (**Power to break up roads etc.**):

After section 17 (4), insert:

(5) In this section, a reference to the Board includes a reference to any person or body acting in the performance of a contract or other arrangement between the person or body

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SCHEDULE 1—AMENDMENTS—*continued*

and the Board under which the person or body exercises a function referred to in section 12 (1) (b), but the powers conferred by this section may not be exercised by any such person or body except in accordance with an authority granted by the Board.

(6) For the purposes only of the recovery of costs under this section, a person or body acting in the performance of a contract or arrangement referred to in subsection (5) is taken to be doing so as an agent of the Board.

(5) **Section 55 (Appropriation or resumption, or divesting, of land):**

After section 55 (4), insert:

(5) Land may be acquired under this section for the purpose of the land, or any interest in the land, being disposed of to a person or body so as to enable the person or body to do either or both of the following:

(a) to construct, maintain or operate water, sewerage or drainage works pursuant to a contract or other arrangement between the person or body and the Board;

(b) to make financial arrangements in connection with the exercise of a function referred to in paragraph (a),

and, if so acquired, is taken to be acquired for the purposes of this Act.

*[Minister's second reading speech made in—
Legislative Assembly on 14 November 1991
Legislative Council on 10 December 1991]*