

**GRAFTON AND SOUTH GRAFTON  
WATER SUPPLY  
ADMINISTRATION ACT.**

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**Act No. 33, 1915.**

**George V, No. 38.** An Act to provide for the maintenance, control, and administration of works of water supply for the towns of Grafton and South Grafton, and for the repayment of the cost of such works; to amend the Country Towns Water and Sewerage Acts, 1880–1905, and the Local Government Act, 1906; and for purposes consequent thereon or incidental thereto. [Assented to, 30th November, 1915.]

Preamble.

**W**HIEREAS certain works of water supply have been constructed by the Government for the benefit of the towns of Grafton and South Grafton: And whereas it is expedient to provide for the administration and management thereof, and for the repayment of the cost of such works: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice

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advice and consent of the Legislative Council and **George V,**  
Legislative Assembly of New South Wales in Parlia- **No. 38.**  
ment assembled, and by the authority of the same, as  
follows :—

*Preliminary.*

**1.** This Act may be cited as the “Grafton and South Short title  
Grafton Water Supply Administration Act, 1915,” and and com-  
shall commence and come into force on the first day of mencement.  
January, one thousand nine hundred and sixteen.

**2.** In this Act, unless the context otherwise re- Definitions,  
quires,—

“Prescribed” means prescribed by this Act or by  
regulations or by-laws made thereunder or  
under the Country Towns Water and Sewerage  
Acts, 1880–1905.

“The Board” means the Grafton and South Grafton  
Water Board as constituted by this Act.

“The municipalities” means the municipalities of  
Grafton and South Grafton.

“The Works” means the works of water supply  
carried out under the Grafton and South  
Grafton Water Supply Act, 1910, and includes  
any extension of such works or any additional  
works which may hereafter be constructed for  
the purpose of the supply of water to the towns  
of Grafton and South Grafton, or either of  
them.

*Constitution of board, elections, &c.*

**3.** There shall be a board to be known as the Constitution  
“Grafton and South Grafton Water Board,” which of board.  
shall be a body corporate having under that name  
perpetual succession and a common seal. Such board  
shall consist of six persons elected under this Act.

**4.** Three members of the board shall be aldermen of Election by  
the municipality of Grafton, elected by the council of councils.  
that municipality.

Three members of the board shall be aldermen of the  
municipality of South Grafton, elected by the council  
of that municipality.

**5.**

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| <p><b>George V,<br/>No. 38.</b></p> <p>Time and<br/>mode of<br/>election.</p> | <p><b>5.</b> (1) Each such council shall each year, commencing with one thousand nine hundred and sixteen, meet on a day to be fixed by the Minister, and shall at such meeting, or at any adjournment thereof, elect three of its aldermen to be members of the board.</p> <p>At any such election the clerk of the council shall act as returning officer.</p> <p>The mode of nomination and election of members of the board shall be as prescribed.</p> <p>(2) No such election shall be invalid by reason of any formal defect or error in the election, or any disqualification of the electing or elected aldermen, or the fact that the election was held at a time other than that above prescribed, if the Governor proclaims that such defect does not invalidate such election.</p> |
| <p>Term of office<br/>of members.</p>   | <p><b>6.</b> A member of the board shall, subject to this Act, hold office until the next annual election by his council under this Act, unless he dies or resigns his office, or unless he ceases, before the next election of his council under the Acts dealing with local government to be an alderman of that council, in any which case his office shall be vacant.</p>   |
| <p>Vacancies<br/>how filled.</p>  | <p><b>7.</b> Where an office on the board becomes vacant by reason of death, resignation, or disqualification of a member, the council which elected to the office shall, within fourteen days after the vacancy, hold a meeting, and at such meeting or any adjournment thereof shall elect a member to fill such vacancy.</p> <p>If for any reason any election of members of the board is invalid, the Governor may appoint to the board so many qualified persons as are required.</p>  |
| <p>Chairman<br/>and vice-<br/>chairman.</p>                                   | <p><b>8.</b> A chairman to preside at meetings of the board, and a vice-chairman to preside in the absence of the chairman, may be elected by the board from its members: Provided, when the voting at any such election is equal the Minister shall decide.</p>  |
| <p>Quorum and<br/>times of<br/>meeting.</p>                                   | <p><b>9.</b> (1) At any meeting of the board four members shall form a quorum.</p> <p>(2) The board shall meet at such times as may be decided by the board, but not less than once every month.</p>  |
| <p>Voting at<br/>meetings.</p>  | <p><b>10.</b> At any meeting of the board each member shall have one vote, but if the voting on any question is equal, the chairman or vice-chairman presiding shall in addition to his ordinary vote have a casting vote.</p> <p style="text-align: right;"><b>11.</b></p>   |

**11.** (1) Should the board make default in payment of any sum of money payable by it under the provisions of this Act, the Governor may by proclamation in the Gazette dismiss the members of the board and may either direct fresh elections of members to be held on such day or within such period as he thinks fit or appoint a manager of the affairs of the board, who shall have and be subject to all the powers, duties, and obligations of the board. Such manager shall act in the name of the board, and may use its common seal.

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No. 38.

Where board  
makes  
default in  
payments.

(2) Should the board fail to impose a water rate for any year, the manager appointed by the Governor as hereinbefore provided may recover for such year from the persons who would have been liable to be rated for such year rates equal to those last imposed on such persons by the board.

Where board  
fails to  
impose water  
rate.

*Officers and servants.*

**12.** The board may appoint such officers and servants as may be required for carrying out the provisions of this Act, but shall, so far as is practicable, use the services of the officers of the councils of the municipalities on such terms as may be agreed upon.

Appointment  
of officers and  
servants.

*Control of works.*

**13.** (1) The administration, control, and management of the works and the imposition and collection of rates and charges in respect of water shall be vested in the board.

Control of  
works.

(2) No discrimination shall be made between the municipalities in regard to the water rates or charges to be levied or imposed by the board.

(3) In levying water rates the board shall adopt the valuations of the councils of the said municipalities for the time being in force within their respective areas, and for that purpose may inspect and take copies of the books of the said councils: Provided that the board may with the approval of the Minister cause valuations to be made of all the ratable land in either or both of the municipalities, and for that purpose shall have with respect to either or both the municipalities the powers  
of

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**George V,  
No. 38.** of a council with respect to its area under the Country Towns Water and Sewerage Acts, 1880-1905, or any Acts amending the same.

Application  
of Country  
Towns Water  
and Sewerage  
Acts.

**14.** The provisions of the Country Towns Water and Sewerage Acts, 1880-1905, and so much of the Local Government Act, 1903, as amends the said Acts, shall apply to the works and to the board, and for that purpose "the board" shall be read instead of "the council" in the said Acts.

The amount expended on the works shall be repaid by the board, as provided in Part I of the Act 57 Vic. No. 19, and shall until repaid be a charge on its revenues :

Provided that the amount expended on such of the works as were constructed before the commencement of this Act, with interest thereon, shall be repaid within fifty years after such commencement.

Supply of  
water outside  
municipalities.

**15.** The board may, with the consent of the Minister and on such terms as he may approve, supply water to any person outside the municipalities.

*Supplemental.*

Agreements  
with the  
Minister.

**16.** On the commencement of this Act every agreement then in force between any person and the Minister for Public Works in respect of the supply of water within the municipalities shall cease to have effect, but without prejudice to the right of the said Minister to recover any money then due in respect of any such agreement :

Provided that where any moneys have before the commencement of this Act been paid to the said Minister under any such agreement in respect of the supply of water extending to a period after such commencement, the person who paid such moneys or the person owning the premises in respect of which such payment was made may set off a part of such moneys proportionate to such period against any rates or charges payable to the board.

Council may  
lend money  
to board.

**17.** The councils of the municipalities may, from any of their funds, lend to the board for any period not extending beyond twelve months from the commencement of this Act such sums as may be necessary to meet the expenses of the board until its revenues from rates and charges under this Act are received. **18.**

**18.** (1) The Governor may make regulations for **George V,**  
carrying out the purposes of this Act, and in particular **No. 38.**  
for—  
Regulations.

- (a) regulating the method of electing members of the board ;
- (b) regulating the proceedings at meetings of the board ;
- (c) prescribing the accounts to be kept by the board and providing for the inspection and audit of such accounts ;
- (d) imposing penalties not exceeding fifty pounds for any contravention of such regulations.

(2) Such regulations shall be published in the Gazette, and shall take effect from the date of such publication. Such regulations shall be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and if not, then within fourteen days after the commencement of the next session.