

JUNEE WATER SUPPLY ADMINISTRATION (AMENDMENT) ACT.

Act No. 37, 1927.

George V, An Act to make provision for the future administration of the water supply at Junee; to authorise the construction of certain additional works; to amend the Junee Water Supply Administration Act, 1915, and certain other Acts; and for purposes connected therewith. [Assented to, 6th April, 1927.]
No. 37.

BE it enacted by the King'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.

1. This Act may be cited as the "Junee Water Supply Administration (Amendment) Act, 1927," and shall be read and construed with the Junee Water Supply Administration Act, 1915, which in this Act is referred to as the Principal Act.

The Principal Act as amended by this Act may be cited as the "Junee Water Supply Administration Acts, 1915-1927."

**Commence-
ment.**

2. This Act shall commence and come into operation on a date to be proclaimed.

**Amendment
of Act No. 59,
1915.
Sec. 2.**

3. (1) Section two of the Principal Act is amended by omitting the definition of "The Commissioner" and inserting in place thereof—

"Commissioners" means the Railway Commissioners for New South Wales.

(2)

- (2) The Principal Act is further amended— George V,
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- (a) by omitting from sections five, six, nine, ten, and thirteen the word "Commissioner" wherever therein occurring and by inserting in lieu thereof the word "Commissioners"; Conse-
quential
amendments,
ss. 5, 6, 9, 10,
13.
- (b) by omitting from section nine the words "he" and "his" and by inserting the words "they" and "their" in lieu thereof respectively; Sec. 9.
- (c) by omitting the short headings to sections seven and nine. Secs. 7, 9.

4. Section three of the Principal Act is amended by inserting new subsections as follow :— Further
amendment of
Act No. 59, 1915.
Sec. 3.

(3) The Administrator may with the consent of the Minister by writing under his hand delegate to any officer in the Public Service any of the powers, authorities, duties, or functions conferred or imposed upon him by this Act other than the power of delegation. Delegation.

(4) The Administrator shall for the purposes of this Act be a corporation sole with perpetual succession and a seal of office, under the name of "the Administrator of the June Water Supply," and in that name may sue and be sued. Incorpora-
tion.

(5) Where any property real or personal or interest therein or charge thereon is vested in or is acquired by the corporation sole the same shall, unless otherwise disposed of by the corporation sole, pass and devolve to and vest in its successors. Devolution of
property.

5. Section five of the Principal Act is amended by omitting paragraph (j) and inserting the following new paragraphs :— Further
amendment
of Act No. 59,
1915.
Sec. 5.

- (j) the boosting plant on the gravitation main ;
- (k) the additional service reservoir ;
- (l) any additions, amplifications, improvements, or extensions of works (other than those vested or which may hereafter be vested in the council) for supplying the council or the Commissioners with water.

6. Section six of the Principal Act is amended by omitting the words and figures "Country Towns Water and Sewerage Acts, 1880-1905, and any Acts amending them," Ibid.
Sec. 6.

George V, them," and inserting in place thereof the words and
 No. 37. figures "Local Government Act, 1919, and any Acts
 amending that Act."

Further
 amendment of
 Act No. 59, 1915.
 New secs. 6A,
 6B, 6C.

Extension of
 works for
 council.

7. The following sections are inserted next after
 section six of the Principal Act:—

6A. The Administrator may at the request of the
 council construct any extensions of the works
 named in section six, and in respect of such
 extensions the provisions of Part XIV of the Local
 Government Act, 1919, shall apply.

Renewals.

6B. In respect of any works referred to in sections
 six and 6A, the Administrator may direct what
 annual sum shall be set aside by the council out
 of the revenue derived from such works as a reserve
 for the purpose of effecting renewals thereof.

Such sum shall be paid into a separate banking
 account of the council, and as soon as may be after
 such payment, the amount thereof shall be invested
 in Commonwealth or State Government loans or
 securities, or placed on fixed deposit with the
 council's bank.

Interest accruing from such investments shall be
 regularly added to the account and invested in like
 manner.

The reserve so created shall not be drawn upon
 except with the approval of the Administrator, and
 for the purpose of effecting renewals of the said works.

Any doubt arising as to the necessity for renewals
 shall be decided by the Administrator, whose
 decision shall be final.

Certain
 railway lands
 exempt from
 rates.

6C. Notwithstanding the provisions of the Local
 Government Act, 1919, lands the property of the
 Commissioners which are supplied with water by
 the Administrator through the Commissioners'
 metered supply, shall not be ratable to a water
 supply local rate levied by the council.

Further
 amendment of
 Act No. 59, 1915.
 New secs. 7
 and 8.

Supply to
 council.

8. Sections seven and eight of the Principal Act
 are repealed, and the following are inserted in place
 thereof:—

7. The Administrator shall supply to the
 council every calendar year water required by the
 council at the rate per thousand gallons fixed by
 regulations as hereinafter mentioned:

Provided

Provided that a minimum payment of Two thousand five hundred pounds per annum shall be paid by the council in every year irrespective of the quantity of water supplied. **George V, No. 37.**

8. (1) The Governor shall from time to time by regulation fix the price per thousand gallons to be paid by the council and the Commissioners, having regard to the amount necessary to provide— **Fixing price of water.**

- (a) the cost of operating the works for the time being under the administration of the Administrator ;
- (b) the cost of maintenance, repair, and renewal of the works ;
- (c) instalments in repayment of the capital cost of the works together with interest on the said capital cost.

(2) The Administrator shall as soon as may be after the first day of each month render to the council and the Commissioners an account of the quantity of water supplied during the next preceding month and the council and the Commissioners shall pay half yearly to the Administrator the sum which the quantity so supplied would equal at the price per thousand gallons fixed by regulation. **Payments by council and Commissioners.**

9. Section nine of the Principal Act is amended by omitting the words “over and above the quantity to be supplied to the council under section seven.” **Sec. 9.**

10. Section ten of the Principal Act is amended by adding the words “the council may supply water to any person outside the municipality of June.” **Sec. 10.**

11. Section twelve of the Principal Act is amended— **Further amendment of Act No. 59, 1915.**

(a) in subsection one—

- (i) by omitting the words “and by the council” ; **Sec. 12.**
- (ii) by omitting the words “eighty-four thousand eight hundred and seventy-four pounds three shillings and ninepence” and by inserting in lieu thereof the words “one hundred and four thousand six hundred and thirty-three pounds and eightpence” ;

(iii)

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Inclusion of
outstanding
accounts.

- (iii) by omitting the word "subsection" and by inserting in lieu thereof the words "following subsections";
- (b) by inserting a new subsection as follows :—
 - (1A) Upon ascertainment of the amount of liabilities incurred in providing any works referred to in subsection one of this section, the cost of which has not been included in the declared capital cost, such amount shall be certified by the Minister, and the total amount, together with interest at the rate determined in accordance with subsection two of this section, shall be added to and become part of the capital cost, and shall be repayable over such period or periods as the Minister shall fix, having due regard to the nature and durability of such works;
- (c) in subsection two by omitting the words "and whether" and by inserting in lieu thereof the word "unless"; and by omitting the words "or of the Commissioner, or for the benefit of both," and adding the words "and shall be repayable over such period or periods as the Minister shall fix, having due regard to the nature and durability of such works."

Further
amendment
of Act No. 59,
1915.
Sec. 13.

12. Section thirteen of the Principal Act is amended—

- (a) by repealing subsection one and substituting the following new subsection :—

(1) A special account shall be kept in the Special Deposits Account in the Treasury, to be called the "June Water Supply Administration Account," and there shall be credited to such account any payments made to the Administrator in pursuance of this Act and there shall be annually debited to that account the charges following :—

- (a) The cost of the administration, operation, maintenance, repair, and renewal of the works the control of which is by the Principal Act or this Act vested in the Administrator, exclusive of the Bethungra Dam and Gravitation Main.

(b)

- (b) A sum sufficient to discharge to the Treasury the capital cost of the works referred to in subsection one of section twelve of the Principal Act, exclusive of the Bethungra Dam and Gravitation Main, within a period to be fixed by the Governor, not being more than fifty years from the commencement of this Act, by equal half-yearly instalments of principal and interest combined, interest being at the rate of three and one-half per centum per annum; and such further sums as may be necessary to discharge to the Treasury the capital cost of any additional works, referred to in subsections 1A and two of section twelve of the Act, by equal half-yearly instalments of principal and interest combined, interest being at the average rate payable by the Governor for loan moneys. All payments of principal made under this section shall be paid to the General Sinking Fund constituted under the State Debt and Sinking Fund Act, 1901, and all payments of interest on such principal shall be carried to the Consolidated Revenue Fund.
- (c) A sum to provide for the renewal of any part of the works which in the opinion of the Administrator will require replacement during the period in which the capital cost of the said part of the works is being repaid. The amount so debited shall be paid into an account in the Special Deposits Account in the Treasury, to be called the "Junee Water Supply Renewal Account." Interest may be paid from the Consolidated Revenue Fund to such Renewal Account on the amount to the credit of that account at such rate or rates and subject to such conditions as the Colonial Treasurer may from time to time direct.

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(b)

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Surplus and
deficiency.

(b) by inserting a new subsection as follows:—

(1A) Where in any year as a result of the price per thousand gallons having been fixed too high or too low there is a surplus or a deficiency of revenue, such surplus or deficiency shall be credited or debited as the case may be to the council and the Commissioners in proportion to the payments made by each respectively in such year, and the Administrator may, where in his opinion the circumstances so warrant, make such adjustments as he may deem necessary and proper;

(c) in subsection three by deleting the words “Colonial Treasurer” and substituting therefor the word “Administrator.”

Sec. 14.

13. Section fourteen is amended by omitting subsections one and two and substituting the following:—
“Neither the council nor the Commissioners shall be entitled to any deduction or credit in respect of any failure of the Administrator from whatever cause arising to supply water, nor shall they have any claim for compensation or damages for any loss arising from any such failure.”

Further
amendment of
Act No. 59, 1915.
New s. 17.

14. The Principal Act is further amended—

(a) by repealing section seventeen and inserting new section seventeen as follows:—

Charges.

17. The Administrator may make such charges for water supplied under the last preceding section as he may think proper, and may enter into contracts and agreements for that purpose and for securing the payment of such charges.

All receipts from such charges shall be carried into a special account to be kept in the Special Deposits Account in the Treasury to be called the “Bethungra Water Supply Account.”

Any expense incurred in the administration, operation, maintenance, and repair of the service shall be debited to the account and the nett proceeds shall be carried to the Consolidated Revenue Fund.

(b)

- (b) by omitting section nineteen and by inserting the following section in lieu thereof:— George V,
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19. For the purpose of the construction or maintenance of any works referred to in sections five or 6A of this Act, the Administrator shall have all the powers of a Constructing Authority under the Public Works Act, 1912, and of a council under the Local Government Act, 1919. New s. 19.
Powers of
Adminis-
trator.

The council shall not in respect of such works exercise any of the powers or functions which are by this Act conferred or imposed on the Administrator.

- (c) by omitting section twenty ; Sec. 20.
(d) by omitting from section twenty-two the words and figures "Country Towns Water and Sewerage Acts, 1880-1905," and by inserting in lieu thereof the words and figures "Local Government Act, 1919, or any Acts amending that Act"; Sec. 22.
(e) by inserting the following section next after section twenty-two of the Principal Act :— New s. 23.

23. (1) Notwithstanding the terms of any agreement heretofore made, the provisions of Part XIV of the Local Government Act, 1919, shall be deemed to apply and to have applied to any works or services relating to water supply carried out by the Minister or the Administrator prior to the passing of this Act at the request of or for and on behalf of the council. Application
of Local
Government
Act to certain
works.

(2) For the purpose of giving effect to the last preceding subsection all necessary steps may be taken after the passing of this Act in relation to any such work or service including certifying the cost, and notifying the capital debt, the period for repayment, and the instalments and rate of interest payable by the council.

- (f) by omitting the words "into the Treasury" in section twenty-two and inserting the words "to the Administrator" in lieu thereof.

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**Additional
works
sanctioned.**

15. (1) The carrying out of the works described in the Schedule of this Act is hereby sanctioned, and the Secretary for Public Works is empowered to carry out the said works under the provisions of the Public Works Act, 1912.

(2) The said works shall be deemed to be authorised works within the meaning of the Public Works Act, 1912.

**Estimated
cost.**

16. The carrying out of the said works described in the Schedule, exclusive of land resumptions, is estimated at one hundred and eighty-seven thousand pounds (£187,000), and such estimated cost shall not, under any circumstances, be exceeded by more than ten per centum.

Plan.

17. The plan of the works set out in the Schedule is the plan marked "Junee Water Supply" signed by the Secretary for Public Works and countersigned by the Chief Engineer for Water Supply and Sewerage and deposited in the office of the said Secretary.

SCHEDULE.

1. New pumping station with electrically-driven pumps ;
 2. New rising main ;
 3. Additional gravitation main ;
 4. Additional service reservoir ;
 5. Alumino-ferric treatment plant,
- and all works incidental thereto.

INDUSTRIAL