

## TAREE-WINGHAM WATER SUPPLY ADMINISTRATION ACT.

Act No. 44, 1929.

An Act to ratify a certain Agreement made between the Minister for Public Works and the Councils of the Municipalities of Taree and of Wingham relating to the administration of certain works of water supply; to enable the Governor to make regulations to carry such Agreement into effect; and for purposes connected therewith. [Assented to, 23rd December, 1929.]

George V,  
No. 44, 1929.

**B**E 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:—

**1.** (1) This Act may be cited as the "Taree-Wingham Water Supply Administration Act, 1929."

(2)

No. 44, 1929.

Act to bind  
the Crown.Ratification  
of agreement.

Regulations.

(2) This Act shall bind the Crown and the Councils of the Municipalities of Taree and of Wingham.

**2.** The agreement, a copy of which is contained in the Schedule to this Act, is hereby ratified and confirmed.

**3.** The Governor may make regulations prescribing any matter which is necessary or convenient to be prescribed to carry this Act or the agreement ratified and confirmed thereby into effect, and without limiting the generality of the foregoing power may prescribe the method of nomination of members and deputy members of the Board of Management; the procedure at meetings of such Board, and the execution of contracts entered into by such Board; the officer in whose name actions may be taken against or on behalf of such Board; the method of keeping accounts and records of the Board.

The regulations shall —

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from some later date specified in the regulations;
- (c) be laid before both Houses of Parliament within fourteen sitting days after such publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House passes a resolution of which notice has been given at any time within fifteen sitting days disallowing any regulation or part, such regulation or part shall thereupon cease to have effect.

## SCHEDULE.

MEMORANDUM OF AGREEMENT made this tenth day of October, one thousand nine hundred and twenty-eight, between the Honorable Ernest Albert Buttenshaw, the Minister for Public Works in and for the State of New South Wales (hereinafter referred to as "the Minister"), of the first part, the Council of the Municipality of Taree of the second part, and the Council of the Municipality of Wingham of the third part.

WHEREAS in the year one thousand nine hundred and twenty-five the then Minister for Public Works caused to be commenced the construction of works of water supply for the town of Taree, pursuant to the provisions of the Taree Water Supply Act, 1924, and the Public Works Act, 1912: And whereas after the commencement of the first mentioned works it was agreed between the Council of the Municipality of Wingham, the Council of the Municipality of Taree, and the then Minister for Public Works that additional works of water supply (not authorised by the Taree Water Supply Act, 1924) should be constructed in order that the town of Wingham might be supplied with water from the said works, and that the said Councils should be liable respectively for the cost of the said works and additional works when completed, and the operation, maintenance, repair, and renewal thereof, in manner hereinafter mentioned, and that this agreement should be entered into: And whereas the said works and additional works (hereinafter referred to as "the works") are now nearly completed: Now it is hereby agreed between the parties hereto as follows:—

1. The Council of the Municipality of Taree shall pay to the Colonial Treasurer the capital cost of such part of the works as is situate between the northern boundary of the Municipality of Wingham and the Municipality of Taree including the gravitation main and service reservoir also reticulation for the town of Taree together with interest thereon.
2. The Council of the Municipality of Wingham shall pay to the Colonial Treasurer the capital cost of such part of the works as consists of the reticulation for the town of Wingham exclusive of that part of the gravitation main within the municipal boundaries together with interest thereon.
3. The Council of the Municipality of Taree and the Council of the Municipality of Wingham shall pay to the Colonial Treasurer in the proportion of two-thirds and one-third respectively the capital cost of such part of the works as consists of the pumping station at Dingo Creek the mains the balance tank and the works (other than reticulation for the town of Wingham) between Dingo Creek and the northern boundary of the Municipality of Wingham and two meters, one situate at the balance tank and the other at the northern boundary of the Municipality of Wingham on the right bank of Pahpoo Creek.
4. In the event of the population of Taree as disclosed by the Commonwealth Census to be taken in the year 1931 being greater or less than

No. 44, 1929.

than twice that of Wingham by more than five per centum either Council may request the Minister to review the proportion in which the capital cost referred to in the next preceding clause is to be paid and the Minister shall alter the said proportion as from the 1st January, 1932, and the amended proportion shall until any further amendment be paid by the respective Councils.

Thereafter at the termination of each succeeding period of ten years either Council may within four months after publication of the census figures request the Minister to further review the proportion and the Minister shall alter the same accordingly. Any such alteration shall date from the first day of January next following the date of application for review in virtue of which it shall be made and shall be on the basis of population as near as conveniently may be as disclosed by the last census. No such alteration shall be retrospective.

5. The said Councils shall pay annually to the Board of Management referred to in clause 6 hereof out of the revenues derived by them respectively from the said works in the same proportion of two-thirds and one-third such sum as the Governor by notification in the Government Gazette shall direct for the purposes of a fund for renewals of the works mentioned in clause 3.

6. There shall be a Board of Management of the part of the works referred to in clause 3 hereof consisting of one member nominated by the Minister removable at his pleasure one member nominated by the Council of the Municipality of Taree removable at its pleasure and one member nominated by the Council of the Municipality of Wingham removable at its pleasure.

Provided that in the event of notice being given by or on behalf of any member that he will be unable to be present at meetings of the Board of Management for a period to be stated in such notice a deputy may be nominated in his place for such period.

The nominee of the Minister shall in every case be the Chairman and convene the meetings and such Chairman and one other member shall form a quorum. Such meetings shall be held at such times and such places as the Chairman may direct.

7. The duties of the said Board shall include the supervision of the management renewal repair maintenance and general operation of the part of the works referred to in clause 3 hereof and the expenditure and general administration of the fund referred to in clause 5 and the determination of the sum necessary each year to defray the costs of managing and generally operating such works. Such sum shall be apportioned by the Board in proportion to the quantity of water consumed by each Council and such apportionment shall be final and conclusive.

8. The Councils shall each month pay out of the revenues derived by them respectively from the said works to the Board on demand at its office for the time being their respective proportions of the costs referred to in clause 7.

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**Taree-Wingham Water Supply Administration Act.**

261

No. 44, 1929.

If either Council shall refuse or omit to pay its share of such costs to the Board within a period of one calendar month from the date such payment should be made the Board shall take proceedings to enforce such payment in a court of competent jurisdiction.

9. The Board may enter into such contracts and may appoint such officers and servants as may be required for carrying out the provisions of this agreement but shall so far as is practicable use the services of the officers and servants of the Councils on such terms as may be agreed upon.

10. The readings of the meters shall be the basis for calculations of the costs referred to in clause 7.

If the accuracy of a meter shall be questioned by either Council it shall be tested by the Board's officer and an officer of the Council shall be entitled to be present at the test but the Board's account for the current month shall be paid in full by the Council questioning such accuracy before such test is made.

If the test shows that the meter registers inaccurately the Board shall bear the expense of such test and shall have the meter adjusted so as to record correctly. If the meter register within five per centum of the correct quantity above or below it shall be deemed to be correct and the Council questioning the accuracy of such meter shall pay to the Board for the test such sum as the Board shall consider reasonable.

Any inaccuracy shall be charged or allowed for on the current month only.

11. The Councils may from their respective general funds lend to the Board without security therefor and without charging interest thereon for any period not exceeding six months from the commencement of the Board's operations such sums as may be necessary to meet the costs to the Board of the operation and maintenance of the works referred to in clause 3 and their administration until the Board's revenues are received.

12. The Minister, the Councils and their respective representatives shall at all reasonable times have full and free access to the works referred to in this agreement and to the Board's books of account papers and records for the purpose of inspection and taking copies thereof or extracts therefrom.

13. If any question dispute or difference whatsoever shall arise between the parties to this agreement or any two of them concerning the meaning or construction of this agreement or any clause matter or thing herein contained or incident thereto the same shall be referred to the Minister whose determination shall be final and binding on the parties.

14. The provisions of the Local Government Act as amended in force at the date of this agreement shall apply to the works and to the Councils to the Board of Management and each of them except where other provision has been made herein or the same would be repugnant to the context.

15.

**Taree-Wingham Water Supply Administration Act.**

No. 44, 1929.

15. This agreement shall be subject to ratification by Parliament and upon such ratification shall operate as from the sixteenth day of November, 1928.

Signed, sealed, and delivered by the  
Honorable ERNEST ALBERT  
BUTTENSHAW, Minister for Public  
Works, but not so as to  
incur any personal liability, in  
the presence of—  
E. H. SWIFT.

(L.S.)  
E. A. BUTTENSHAW.

The Common Seal of the TAREE  
MUNICIPAL COUNCIL was here-  
unto affixed in pursuance of a  
resolution of the Council, in the  
presence of—  
S. WHITBREAD,  
Town Clerk.

(L.S.)  
W. WRIGLEY, Mayor.

The Common Seal of the WINGHAM  
MUNICIPAL COUNCIL was here-  
unto affixed in pursuance of a  
resolution of the Council, in the  
presence of—  
J. HANN,  
Town Clerk.

(L.S.)  
T. W. GOLLAN, Mayor.

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