

**BROKEN HILL WATER AND  
SEWERAGE ACT.**

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**Act No. 20, 1938.**

**George VI.** An Act to make provision for and in relation to  
**No. 20, 1938.** the water supply and sewerage of the City  
of Broken Hill and the adjacent districts; to  
make provision for certain contributions by  
certain companies; to repeal the Broken Hill  
Water Supply Administration Act, 1915,  
and certain other Acts; to amend the Local  
Government Act, 1919, and certain other  
Acts; and for purposes connected therewith.  
[Assented to, 3rd November, 1938.]

**BE**

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:—

No. 20, 1938.

## PART I.

### PRELIMINARY AND INTERPRETATION.

1. (1) This Act may be cited as the "Broken Hill Water and Sewerage Act, 1938."

Short title  
and com-  
mencement  
of Act.

(2) (a) Parts I, II, III and VIII of this Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(b) The remainder of this Act shall commence upon the appointed day as defined in section sixteen of this Act.

2. This Act is divided into Parts, as follows:—

Division  
into Parts.

PART I.—PRELIMINARY AND INTERPRETATION—ss. 1-3.

PART II.—CONSTITUTION OF BOARD—ss. 4-14.

PART III.—PRELIMINARY POWERS AND FUNCTIONS OF BOARD—s. 15.

PART IV.—REPEALS, SAVINGS AND TRANSFERS—ss. 16-19.

DIVISION 1.—*The appointed day*—s. 16.

DIVISION 2.—*Repeals and savings*—ss. 17, 18.

DIVISION 3.—*Transfer of officers*—s. 19.

PART V.—POWERS AND FUNCTIONS OF BOARD—ss. 20-58.

DIVISION 1.—*Administration*—ss. 20-24.

DIVISION 2.—*Construction*—ss. 25-29.

DIVISION 3.—*General*—ss. 30-38.

DIVISION 4.—*Special provisions as to water supply*—ss. 39-48.

DIVISION

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DIVISION 5.—*Special provisions as to sewerage—*  
ss. 49–55.

DIVISION 6.—*Special powers of Minister for Public*  
*Works—ss. 56–58.*

PART VI.—FINANCE—ss. 59–109.

DIVISION 1.—*Loans—ss. 59–74.*

DIVISION 2.—*Revenue—ss. 75–88.*

DIVISION 3.—*Funds—ss. 89–95.*

DIVISION 4.—*Special provisions relating to the*  
*Treasurer—s. 96.*

DIVISION 5.—*Special provisions relating to certain*  
*companies—ss. 97–104.*

DIVISION 6.—*Accounts and audit—ss. 105–108.*

DIVISION 7.—*General—s. 109.*

PART VII.—PROPERTY—ss. 110–117.

DIVISION 1.—*Acquisition—ss. 110, 111.*

DIVISION 2.—*Transfer—ss. 112–114.*

DIVISION 3.—*General—ss. 115–117.*

PART VIII.—REGULATIONS AND BY-LAWS—ss. 118–  
124.

PART IX.—SUPPLEMENTAL—ss. 125–140.

FIRST SCHEDULE—Rates, charges, and fees.

SECOND SCHEDULE.—Water and Sewerage  
Works.

THIRD SCHEDULE—Mining Companies.

Definitions.  
cf. Act No.  
50, 1924,  
s. 4.

**3.** In this Act, unless inconsistent with the context or subject matter—

“Area of operations” means the City of Broken Hill, any catchment area, and such other areas as are proclaimed from time to time as areas within which the board is authorised to exercise its powers or perform its functions.

“Board” means the Broken Hill Water Board constituted under this Act.

“By-laws”

“By-laws” means by-laws made under this Act and includes by-laws continued in force under this Act. No. 20, 1938.

“Catchment area” means any area defined as such by proclamation from time to time.

“Council” means the Council of the City of Broken Hill.

“Crown” includes any statutory body representing the Crown.

“Crown lands” means Crown lands within the meaning of the Crown Lands Consolidation Act, 1913.

“Domestic purposes” shall not include a supply of water for stables, for manufacturing, trade, or business purposes, for irrigation, for water power, for fountains, for watering cattle, sheep, or horses, for watering gardens or for washing motor or other vehicles.

“Joint” and “jointly” in relation to owning, holding, or occupying land includes owning, holding, or occupying in common.

“Land” includes any easement or right over, through, or above any land.

“Lease” in relation to Crown lands includes a license or permit, and in relation to a tenement as defined in the Mining Act, 1906-1935, includes the occupancy thereof.

“Member” means member of the board.

“Owner” in relation to land includes every person who jointly or severally whether at law or in equity—

(a) is entitled to the land for any estate of freehold in possession; or

(b) is a person to whom the Crown has lawfully contracted to grant the fee simple under the Crown Lands Consolidation Act, 1913, or any other Act relating to the alienation of lands of the Crown; or

(c)

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(c) is entitled to receive, or is in receipt of, or if the land were let to a tenant would be entitled to receive, the rents and profits thereof whether as beneficial owner, trustee, mortgagee in possession, or otherwise;

and includes every person who by virtue of this Act is deemed to be the owner.

The Crown shall be deemed to be the owner of—

(a) all lands of the Crown; and

(b) any land vested in a statutory body representing the Crown.

“Owned” and similar expressions have a meaning corresponding with that of “owner.”

“Part” means Part of this Act.

“Prescribed” means prescribed by this Act or by regulations or by-laws.

“Proclamation,” “proclaimed” and similar expressions mean and refer to a proclamation of the Governor published in the Gazette.

“Public Authority” includes the Governor, any Minister of the Crown, any statutory body representing the Crown, and the council.

“Public road” means road which the public are entitled to use and includes any road dedicated as a highway by the Crown or by any person, or a road notified, proclaimed, or dedicated as a public road or highway under the provisions of any Act.

“Ratable land” includes all land upon which any rate is leviable or levied under this Act.

“Regulations” means regulations made under this Act.

“Statutory body representing the Crown” means any body defined by or proclaimed under the Local Government Act, 1919, as amended by subsequent Acts, as a statutory body representing the Crown.

“Treasurer” means Colonial Treasurer.

PART II.

CONSTITUTION OF BOARD.

4. (1) Upon a day to be appointed by the Governor and notified by proclamation the Broken Hill Water Board shall be constituted. Constitution of the board.

(2) The day so appointed is in this Act referred to as "the date of the constitution of the Board."

(3) The board shall be composed of five members, appointed by the Governor.

(4) (a) One of the members shall in and by his appointment be the president of the board and another shall in and by his appointment be the vice-president of the board.

A person shall not be eligible for appointment as president or vice-president of the board unless he is either a member of the Public Service Board or an officer of the public service.

(b) Two of the members shall be nominated by the council within the time and in the manner prescribed by the regulations and one other shall be selected from a panel of two persons nominated by the companies whose names are for the time being contained in the Third Schedule to this Act within the time and in the manner prescribed by the regulations.

(5) A member shall, subject to this Act—

(a) hold office for five years or for such shorter period as may be specified by the Governor in the instrument of appointment; and

(b) be eligible for re-appointment on the expiration of his term of office.

(6) The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to the appointment of members and members shall not in their capacity as members be subject to the provisions of any of the said Acts during their term of office.

(7) The five members firstly appointed under this Act shall assume office upon the date of the constitution of the board.

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(8)

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(8) If within the time prescribed two persons have not been validly nominated by the council for appointment as members, the Governor may appoint two persons to be representatives of the council on the board.

Declaration  
and oath.  
cf. Act No.  
50, 1924,  
s. 15.

**5.** (1) Each member, before entering upon the duties of his office, shall make and subscribe an oath of allegiance to His Majesty, and shall make and subscribe the following declaration of office:—

I, \_\_\_\_\_, having been appointed a member of the Broken Hill Water Board, do hereby declare that I will truly and faithfully fulfil the duties of that office according to the best of my judgment and ability.

(2) If a person neglects to make and subscribe such oath and declaration for a period of one month after the date of his appointment, he shall be deemed to have declined to accept office.

(3) Where the Governor is satisfied that the delay in making and subscribing the oath and declaration is unavoidable he may extend the time for making and subscribing the oath and declaration for any period not exceeding six months.

Vacancies.

**6.** The office of any member shall become vacant if he—

- (a) dies;
- (b) resigns his office by writing under his hand addressed to the Governor;
- (c) is removed from office by the Governor;
- (d) becomes bankrupt, compounds with his creditors or makes an assignment of his estate for their benefit;
- (e) is convicted of a felony or indictable misdemeanour;
- (f) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act of 1898;
- (g) declines office or is deemed to decline office;
- (h) without permission of the board fails to give his attendance at four consecutive meetings of the board; or

(i)

(i) being the president or the vice-president attains the age of sixty-five years. No. 20, 1938.

7. A person appointed to fill an extraordinary vacancy shall hold office until the time when his predecessor's term of office would have expired and no longer, but shall be eligible for re-appointment. Extra-ordinary vacancy.

8. (1) The president of the board shall be entitled to receive as remuneration for his services such annual sum as may be determined by the Governor. Remuneration of members. cf. Act No. 50, 1924, s. 19.

(2) A vice-president who is not a member of the Public Service Board and each of the members other than the president shall respectively be entitled to receive as remuneration for his services a sum not exceeding one hundred pounds per annum, to be paid in the form of a fee of such amount as may be prescribed by the regulations for each meeting of the board attended.

(3) The president and a vice-president who is not a member of the Public Service Board shall, notwithstanding the provisions of any Act or of any rule or regulation made under any Act, each be entitled to receive remuneration under this section in addition to any remuneration to which he is entitled as an officer of the public service.

(4) The office of a member shall not, for the purposes of the Constitution Act, 1902, be deemed to be an office of profit under the Crown.

9. In the absence of the president the vice-president may act in his stead, and whilst so acting shall have the same powers and duties as the president, if present, would have. Powers etc., of vice-president. cf. *Ibid.* s. 20.

A vice-president who is not a member of the Public Service Board, whilst so acting, shall be paid such remuneration in addition to the remuneration referred to in subsection two of section eight of this Act as the Governor may determine.

10. (1) In the absence of the president and vice-president from any meeting of the board the members then present shall elect from among themselves a temporary chairman who shall preside at the meeting, and during any continued absence of the president and vice-president, and shall whilst so acting have the same powers and duties as the president, if present, would have. Temporary chairman. cf. *Ibid.* s. 20A.



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**No. 20, 1938.** have and shall be paid such remuneration in addition to the remuneration referred to in subsection two of section eight of this Act as the Governor may determine.

(2) If there be an equality of votes in the election of a temporary chairman it shall be decided by lot which of the members having an equal number of votes shall be temporary chairman.

**Meetings.**  
**cf. Act No.**  
**50, 1924,**  
**s. 21.**

**11.** (1) Subject to the provisions of section ten of this Act the president, or in his absence the vice-president, shall preside at all meetings of the board, and shall have a casting vote in addition to a deliberative vote.

(2) Any three members shall be a quorum thereof, and shall have and may exercise and discharge all the powers, authorities, duties and functions of the board.

(3) All questions arising at any meeting of the board shall be decided by a majority of the votes of the members present.

(4) The board shall keep full and accurate minutes of all its proceedings in such manner and form as may be prescribed by the regulations.

**Incorporation and style of board.**  
**cf. Ibid.**  
**ss. 22, 23.**

**12.** (1) The board shall be a body corporate, with perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall for the purposes and subject to the provisions of this Act, be capable of purchasing, holding, granting, demising, disposing of or otherwise dealing with real and personal property, and of doing and suffering all such acts and things as bodies corporate may by law do and suffer.

(2) The corporate name of the board shall be "The Broken Hill Water Board."

(3) The common seal shall be kept in the custody of the president or of such member as the board may determine and shall not be affixed to any instrument or writing except in the presence of a quorum of the board and two of the members in whose presence the seal is affixed shall attest by their signatures the fact and the date of the seal being so affixed.

(4) All courts and persons having by law or consent of parties authority to hear, receive, and examine evidence—

(a) shall take judicial notice of the seal of the board affixed to any document; and (b)

(b) shall, until the contrary be proved, presume that such seal was properly affixed thereto.

(5) No act or proceeding of the board shall be invalidated or prejudiced by reason of any defect or irregularity in the constitution of the board or in the appointment of any member or by reason of there being any vacancy in the number of members at the time of such act or proceeding.

**13.** Any moneys due to the board, whether for rates or otherwise, shall, for the purposes of the recovery thereof, be deemed to be moneys due to His Majesty, and may be sued for and recovered by the board.

Crown debts.  
cf. Act No. 50, 1924, s. 24.

**14.** (1) No matter or thing done and no contract entered into by the board, and no matter or thing done by any member or officer of the board or by any other person whomsoever acting under the direction of the board shall if the matter or thing was done or the contract was entered into bona fide for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim or demand whatsoever.

Members acting bona fide not personally liable.  
cf. *Ibid.* s. 25.

(2) Nothing in this section shall exempt any member from liability to be surcharged with the amount of any payment which is disallowed by the auditor or auditors in the accounts of the board, and which such member authorised or joined in authorising.

### PART III.

#### PRELIMINARY POWERS AND FUNCTIONS OF BOARD.

**15.** (1) During the period commencing on the date of the constitution of the board and ending on the appointed day as defined in section sixteen of this Act the powers, authorities, duties and functions of the board shall be limited to the matters and things following, that is to say—

Preliminary powers and functions.

- (a) the provision of an office for the board;
  - (b) the appointment of officers and workmen of the board and the organisation of the staff of officers
- and**

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and workmen, but only as far as such appointment and organisation are necessary before the said appointed day; and

- (c) the preparation, performance and carrying into effect of all such acts, matters and things as in the opinion of the board are necessary or expedient in order to enable the board to exercise and discharge on and after the said appointed day all or any of the powers, authorities, duties or functions conferred and imposed on the board by or under this Act.

Nothing in this subsection shall be construed so as to limit the exercise by the board of its powers, authorities, duties and functions in respect of any of the aforesaid matters and things after the said appointed day.

(2) For the purpose of carrying out the powers, authorities, duties and functions referred to in paragraphs (a), (b) and (c) of subsection one of this section the board may with the approval of the Minister make use of the services of any officer of the Department of Works and Local Government.

#### PART IV.

##### REPEALS, SAVINGS AND TRANSFERS.

###### DIVISION 1.—*The appointed day.*

The  
appointed  
day.

**16.** (1) Upon a day to be appointed by the Governor and notified by proclamation (in this Act referred to as "the appointed day"), the board shall (save where otherwise expressly provided in this Act) be the authority to carry out the provisions of this Act.

(2) The appointed day shall not be later than six months after the date of the constitution of the board.

###### DIVISION 2.—*Repeals and savings.*

Repeals.  
Act No. 43,  
1915.

Act No. 27,  
1932, s. 3  
(3) and  
Act No. 58,  
1934, s. 6  
(3).

**17.** (1) The Broken Hill Water Supply Administration Act, 1915, is hereby repealed.

(2) Subsection three of section three of the Finances Adjustment Act, 1932, and subsection three of section six of the Country Towns Water Supply, Sewerage and Drainage (Reduction of Debts) Act, 1934, are hereby repealed. (3)

(3) All by-laws made under the Broken Hill Water Supply Administration Act, 1915, and in force immediately before the appointed day shall to the extent to which they are not inconsistent with this Act or with any by-laws or regulations made thereunder continue to be in force, but may be amended or repealed by by-laws or regulations made under this Act.

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**18.** (1) The body corporate constituted by subsection one of section four of the Broken Hill Water Supply Administration Act, 1915, under the name of "The Administrator of the Broken Hill Water Works" is hereby dissolved.

Dissolution  
of body  
corporate.

(2) All rates, charges, moneys, liquidated and unliquidated claims which immediately before the appointed day were payable to or recoverable by the Administrator of the Broken Hill Water Works constituted under the Broken Hill Water Supply Administration Act, 1915 (in this section referred to as "the Administrator") shall respectively be rates, charges, moneys, liquidated and unliquidated claims payable to or recoverable by the board.

(3) All suits, actions and proceedings pending immediately before the appointed day at the suit of the Administrator shall respectively be suits, actions and proceedings pending at the suit of the board.

(4) All contracts, agreements and undertakings entered into with and all securities lawfully given to or by the Administrator and in force immediately before the appointed day shall respectively be deemed to be contracts, agreements and undertakings entered into with and securities given to or by the board.

(5) The board may pursue the same remedies for the recovery of any such rates, charges, moneys and claims and for the prosecution of such suits, actions and proceedings as if the same had originally been payable to and recoverable by or instituted at the suit of the board.

(6) The board may enforce and realise any security or charge existing immediately before the appointed day in favour of the Administrator in respect of any such rates, moneys and claims as if such security or charge were existing in favour of the board.

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(7) All debts due and moneys payable by the Administrator and all claims liquidated or unliquidated recoverable against him shall be debts due and moneys payable by and claims recoverable against the board.

(8) This section shall not limit any saving in this Act or in the Interpretation Act of 1897.

*DIVISION 3.—Transfer of officers.*

Transfer of officers.

**19.** (1) Upon the appointed day there shall be transferred to the service of the board such of the officers and employees of the public service appointed pursuant to section five of the Broken Hill Water Supply Administration Act, 1915, or engaged in connection with the administration of that Act as the Governor may direct. A person who is transferred to the service of the board under this subsection shall be deemed to have been appointed by the board and shall continue in the employ of the board at the will of the board only.

(2) If the employment of a person who is transferred to the service of the board under this section is terminated by the board otherwise than for misconduct within a period of two years from the date of his transfer, the board shall grant to him a gratuity equivalent to the amount of three weeks' salary for each year of service, such salary being reckoned on the average of the salary paid to him during the fifty-two weeks immediately preceding the termination of his employment.

This subsection shall apply only to a person who has been employed continuously in the public service for a period of not less than three years immediately preceding his transfer.

In this subsection "service" in the expression "year of service" includes service of the person concerned in the public service as well as service with the board.

Any person who is transferred to the service of the board under this section shall not be subject to the provisions of the Public Service Act, 1902, nor under the control of the Public Service Board, but he shall retain or have any rights to leave which he would have had if he had continued as an officer or employee, as the case may be, of the public service; he shall have the same right to consideration

consideration for any appointment to the public service as if he had remained an officer or employee as the case may be of the public service; he shall, subject to this Act, be entitled to a salary unless and until his salary is fixed by an industrial award such as would be payable to him if he were in the public service, and he shall be entitled to contribute or to continue to contribute to any superannuation fund or account to which prior to his transfer he contributed, and to retain or have his rights to any pension, gratuity, allowance, or other benefit which he would have received from such superannuation fund or account if he had continued in the public service.

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PART V.

POWERS AND FUNCTIONS OF BOARD.

DIVISION 1.—*Administration.*

**20.** (1) The board shall appoint and employ a Secretary-manager and such other officers and workmen to assist in the execution of this Act as it may think necessary. The officers and workmen so appointed shall continue in the employ of the board at the will of the board only.

Officers and  
workmen.  
cf. Act No.  
50, 1924,  
s. 26.

(2) A member shall not, except with the approval of the Governor, be appointed to any position in the pay of the board until six months have elapsed from his ceasing to be a member.

(3) No officer or workman appointed under this section shall, without the permission of the board, engage in any other employment.

(4) All officers and workmen shall be subject to the control and governance of the board, shall be subject to the provisions of any by-laws made by the board in that behalf, and (where required by the board) shall give such security for the performance of their several duties as the board shall require.

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Corruption.  
cf. Act No.  
50, 1924,  
s. 27.

**21.** (1) Any person in any office or employment under this Act who, without lawful authority, demands or receives from any person any payment, gratuity, or present in consideration of doing or of omitting to do any act or thing pertaining to his office or employment shall be liable to imprisonment with or without hard labour for a term not exceeding two years.

(2) Any person who, without lawful authority, offers, makes, or gives to any person in any office or employment under this Act any payment, gratuity, or present in consideration that the latter will do or omit to do some act or thing pertaining to his office or employment shall be liable to imprisonment with or without hard labour for a term not exceeding two years.

Failure to  
account or  
deliver up.  
cf. *Ibid.*  
s. 23.

**22.** (1) If any officer or workman, when required by the president, fails—

- (a) to render account of moneys which shall have come into his hands or under his control and of his dealings therewith or to pay to the president the balance of any such moneys; or
- (b) to deliver up within two days to the president all papers, property, and things in his possession or power relating to the execution of this Act or belonging to the board,

any stipendiary or police magistrate or any two justices may, on the complaint of the president, order such officer or workman to render the accounts, pay the balance, or deliver up the papers, property, and things, as the case may be, and that on non-compliance with the order the officer or workman be imprisoned for a period not exceeding six months.

(2) Proceedings under this section shall not affect the liability of any surety of any officer, or relieve any officer or workman from being held to answer any criminal information, charge, or proceeding.

(3) For the purposes of this section "officer or workman" shall include a person who has, within twelve months prior to any requirement aforesaid, been an officer or workman.

**23.** Any officer, workman, or other person who wilfully destroys any document of or belonging to the board shall be deemed guilty of a misdemeanour.

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Wilful destruction of documents.  
cf. Act No. 50, 1924, s. 29.

**24.** (1) Subject to the provisions of this Act the board is charged with—

Functions generally.  
cf. *Ibid.* s. 30.

- (a) the conservation, preservation, and distribution of water for domestic and other uses;
- (b) the provision of reticulation and other means for the discharge of sewage and its treatment and disposal;
- (c) the administration and management of all properties from time to time vested in it;
- (d) the operation and maintenance, and where necessary the improvement and extension of all works from time to time vested in it;
- (e) the construction of any new, additional, or supplementary works of water supply or sewerage;
- (f) the extension of its services to districts not served with its mains or sewers;
- (g) the provision of such offices, stores, warehouses, depots, and other accommodation as may be requisite;
- (h) the exercise of the duties conferred and imposed upon it by this Act.

(2) The board shall exercise the functions set out in subsection one of this section within its area of operations.

(3) The provisions of Part III of the Public Works Act, 1912, shall not extend to works constructed or proposed to be constructed by the board.

DIVISION 2.—*Construction.*

**25.** Subject to the provisions of this Act the board may construct—

Construction.  
cf. *Ibid.* s. 31.

- (a) such storage dams, weirs, tunnels, aqueducts, pipe lines, canals, reservoirs, filters, water treatment works, pumping stations, gravitation, rising



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rising and reticulation mains, and distributory works, and other works as in its opinion may be required for water supply purposes;

- (b) such main and reticulating sewers, pumping stations, mains, works for treatment and purification of sewage, outfall works, ventilating shafts, and other works as in its opinion may be required for sewerage purposes.

Powers in  
relation to  
works, &c.

cf. Act No.  
50, 1924,  
s. 32.

**26.** (1) For the purposes and subject to the provisions of this Act the board may—

- (a) enter upon any lands and take levels of the same and set out such parts thereof as it shall think necessary, and dig, break, and trench the soil of such lands and remove or use all earth, stone, mines, minerals, trees, or other things dug or obtained out of or from the same;
- (b) enter upon, take and hold such lands as it may from time to time deem necessary for the construction, maintenance, repair, or improvement of any works;
- (c) from time to time sink such wells or shafts and make, maintain, alter, or discontinue such reservoirs, waterworks, cisterns, tanks, aqueducts, drains, cuts, sluices, pipes, culverts, engines and other works and erect such buildings upon the lands, streams, and watercourses authorised to be taken as it shall think proper;
- (d) from time to time divert and impound the water from any streams as it may think fit and alter the courses of the same, and also take such waters as may be found in, under, or on any lands for the purposes of this Act;
- (e) enter upon any Crown or private lands, public road, or street, and may erect any ventilating shaft or lay or place therein any water or sewerage main, pipe, or drain, or repair, alter, cut off or remove the same;
- (f) erect, construct, or carry out any works necessary or convenient in connection with any works or undertakings authorised by or under this Act or any other Act;

(g)

- (g) alter, repair, or renew, pull down or re-erect any works authorised by or under this Act or any other Act;
- (h) do any act not otherwise unlawful which may be necessary to the proper exercise and performance of its duties.

(2) The board may cause any ventilating shaft, pipe, or tube for any sewer to be attached to the wall of any building, but the mouth of any such shaft, pipe, or tube shall be at least six feet higher than the highest point of the roof of the building, and be distant in a horizontal direction not less than thirty feet from a door or window of any building.

(3) Where any land is subdivided into holdings or allotments the board may make and provide any sewer which it deems necessary for the proper drainage of such holdings or allotments without making any compensation therefor to parties interested except in reference to any building or other improvement that may be injured or interfered with by the sewer or the making thereof and which the board has not reinstated or repaired, or in respect of any manhole constructed or main ventilator erected on the land.

(4) In the exercise of any of the powers hereby conferred the board shall inflict as little damage as may be, and in all cases where it can be done shall provide other watering-places, drains, and channels for the use of adjoining lands in place of any taken away or interrupted by it, and shall make full compensation to all parties interested for all damage sustained by them through the exercise of such powers.

(5) The board shall not be liable to make compensation in respect of any damage sustained by reason of the exercise of any of its powers unless a claim in writing shall be made for the compensation within six months after the damage is sustained; and in every case where the board cannot agree with the owner or claimant the amount of compensation shall be ascertained and the case in other respects shall be dealt with under the provisions of the Land and Valuation Court Act, 1921, as if it were a case in which a claim for compensation by reason of the acquisition of land for public purposes under the Public Works Act, 1912, had been made.

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Maps.  
cf. Act No.  
50, 1924,  
s. 33.

**27.** (1) The board shall cause maps to be prepared showing the areas served by its water mains and reticulation and its sewer mains and reticulation.

(2) The maps shall indicate the land liable to payment of rates, the levels of the works of the board at the road frontages of all such lands, and where practicable the distance of the works from the nearest boundaries of the lands, and the situation of the buildings on the lands.

(3) The maps shall be kept revised from time to time and shall, within the office hours of the board, be open to the inspection of the owners of the lands and of licensed plumbers and drainers.

Contracts.  
cf. *Ibid.*  
s. 34

**28.** (1) The board may make and enter into contracts or agreements with any person for the performance of services, or for the supply of goods, machinery, or material, in connection with the discharge or exercise by the board of its functions and powers.

(2) All persons contracting with the board shall be deemed for the purposes of the Constitution Act, 1902, to be public contractors.

(3) Any contract or agreement authorised by this or any other section of this Act shall be in the name of the board and may be made as follows, that is to say—

with respect to any contract which if made between private persons would be by law required to be in writing and signed by the parties to be charged therewith or in writing and under seal the board may make such contract in writing and under their common seal and in the same manner may vary or discharge the same;

with respect to any contract which if made between private persons would by law be valid although made by parol only and not reduced into writing the president of the board may make such contract by parol only without writing and in the same manner may vary or discharge the same.

Exclusive  
powers of  
the board.  
cf. *Ibid.*  
s. 37.

**29.** Subject to the provisions of this Act the board shall be the sole authority for the conduct of water supply and sewerage services within its area of operations.

DIVISION

DIVISION 3.—*General.*

**30.** (1) For the purposes and subject to the provisions of this Act and the by-laws the board and any person authorised by it may enter upon any land or building at any reasonable hour and at any hour during which business is in progress or is usually carried on in the premises for the purpose of making inspections authorised or required to be made, and for that purpose may open any ground and remove any flooring and take such measures as may be necessary to ascertain the character and condition of the land or building and of any pipe, sewer, drain, or fitting in connection therewith.

Inspection.  
cf. Act No.  
50, 1924,  
s. 38.

(2) If such pipe, sewer, drain, or fitting or other works are found on inspection to be made to the satisfaction of the board and in proper order and condition, it shall cause the same to be reinstated and made good as soon as may be, and except in a case where a breach of this Act or the by-laws with respect to the pipe, sewer, drain, or fitting has been committed, the costs and expenses of examination, reinstating, and making good thereof shall be defrayed by the board.

(3) In the exercise of the power conferred by this section the board shall do as little damage as possible.

(4) The board may direct and compel all defective and improper work to be altered or repaired to its satisfaction or to be removed. Unless the alteration, repair, or removal be effected within twenty-four hours after notice given to the owner or occupier of the premises, the board may by its officers and workmen, enter any land or premises and remove the work or effect the necessary alterations or repairs thereto. The costs and expenses of removal, alteration, or repair may be recovered by the board from the owner or occupier as a rate.

**31.** Any person who wilfully or maliciously hinders or interrupts or causes or procures to be hindered or interrupted the board or any officer or person acting under the authority of the board in doing any work or in the exercise of any power, shall be liable, on summary conviction, to a penalty not exceeding ten pounds.

Obstruction.  
cf. *Ibid.*  
s. 39.

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Power to  
break up  
streets and  
to open  
drains.

cf. Act No.  
50, 1924,  
s. 40.

**32.** Subject to the provisions of this Act, the board may open and break up the soil and pavement of the paths, roads, streets, and bridges within any part of its area of operations, and may open and break up any sewers, drains, or tunnels within or under such paths, roads, streets, and bridges, and lay down and place pipes, ventilating shafts, and other works and fittings, and from time to time repair, alter, or remove the same; and for the purposes aforesaid may remove and use all earth and materials in and under such paths, roads, streets, and bridges, and do all other acts which the board from time to time deems necessary.

Notice to be  
served  
before  
breaking up  
streets or  
opening  
drains.

cf. *Ibid.*  
s. 41.

**33.** (1) Before the board opens or breaks up the soil or pavement of any path, road, street, or bridge or any sewer, drain, or tunnel, it shall give to the Public Authority under whose control or management the same may be, or to their clerk, engineer or other proper officer, notice in writing of its intention to open and break up the same.

(2) Such notice shall be given not less than seven clear days before beginning the work, except in cases of emergency arising from defects in any pipes or other works or fittings, and then so soon as possible after the beginning of the work or after the necessity for the same has arisen.

(3) Where the board proposes to lay a new line of pipes across a bridge it shall give to the Public Authority having control of the bridge twenty-one days' notice of its intention so to do, and shall conform to the requirements (if any) of the Public Authority in relation to the laying of the pipe line, communicated to the board within twenty-one days of the notice. Should the board deem the requirements of the Public Authority unreasonable it may refer the dispute to the Minister for settlement in accordance with Part IX of this Act.

Streets  
broken up to  
be reinstated  
without  
delay.

cf. *Ibid.*  
s. 42.

**34.** (1) When the board opens or breaks up the soil or pavement of any path, road, street, or bridge, or any sewer, drain, or tunnel, it shall with all convenient speed complete the work for which the same is broken up and fill in the ground and reinstate and make good the path, road, street, or bridge, or the sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby.

(2)

(2) The board shall at all times whilst any such path, road, street, or bridge is so open or broken up cause the same to be fenced and guarded, and shall cause a light sufficient for the warning of passengers to be set up and kept there throughout every night during which such path, road, street, or bridge continues open or broken up.

(3) It shall make such temporary and other works for the convenience of passengers and traffic as the circumstances may require.

(4) It shall, after replacing and making good the path, road, street, or bridge so broken up, keep the same in good repair for six months thereafter.

(5) The council, if a public road becomes damaged by reason of leakages from the mains of the board, or the bursting of any main of the board, whether or not such leakage or bursting is attributable to the negligence of the board or an officer or servant thereof, may require the board to make good the damage.

(6) If the board omits to give notice as required or fails to perform or makes any unnecessary delay in performing any of the said duties required to be performed by it, it shall for every such offence forfeit to the Public Authority having the control or management of the path, road, street, or bridge, sewer, drain, or tunnel in respect of which the default is made a sum of not more than five pounds and an additional sum of five pounds for each day during which any delay as aforesaid continues after it has received notice thereof; and the Public Authority may after notice in writing to the board cause to be executed any work so delayed or not performed; and the expense thereof shall be repaid to it by the board, and may be recovered with full costs in any court of competent jurisdiction.

**35.** If the board at any time deems it necessary for the purposes of this Part to raise, sink, or otherwise alter the position of any gaspipes or gasworks, water, hydraulic, or steam pipes, electric wires, pneumatic pipes or tubes, or tramways laid in or under any street the board may, by notice in writing, require the person to whom the said pipes or works or wires or tubes or tramways belong to raise, sink, or otherwise alter the situation of the same in such manner and within such reasonable time as is specified in such notice.

Alteration  
of gaspipes  
and tram-  
ways.  
cf. Act No.  
50, 1924,  
s. 45.

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The expenses attendant upon or connected with such alterations shall be paid by the board.

If such notice is not complied with the board may subject to the provisions of this Act make the alterations required.

No such alteration shall be required or made which will permanently injure any such pipes or works or tramways, or prevent the gas from flowing or vehicles from passing as freely and conveniently as usual.

Connections.  
cf. Act No.  
50, 1924,  
s. 44.

**36.** (1) Where a water or sewer main has been laid and is available to be connected to, public notice thereof by advertisement in the Gazette shall be given.

(2) Subject to the provisions of this Act, the owners of all lands within the prescribed distance shall, in the case of a water main, as from the expiration of three weeks, and in the case of a sewer main, as from the expiration of sixty days after the publication of the said notice, be liable for payment of water or sewerage rates, as the case may be.

(3) The board shall, so far as practicable, forthwith give notice in the prescribed form to the persons who appear by the rate-books of the council or otherwise to be the owners of the lands who will be liable to be rated under this Act in respect of water rates or sewerage rates, as the case may be.

(4) Any person desiring to connect his premises with a main may, subject to such conditions as may be imposed by law, open up any street or footpath to the extent required to make the connection.

(5) All connections shall be made to the satisfaction of the board and in the manner prescribed by the by-laws.

(6) If any person fails to connect his premises to a main before he becomes ratable under this section, the board may of its own motion or at the request of the council, itself make such connection and do all things necessary in that regard.

(7) Any person desiring to connect his premises to a main may apply to the board to make the connection on a system of deferred payment, and it shall be lawful

for

for the board to enter into an agreement to carry out the work on such terms and conditions as it may deem proper.

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(8) Any moneys due to the board under any such agreement to make a connection, or for making a connection under the power conferred in subsection six of this section, shall become charged upon the premises and may be recovered as a rate.

**37.** Whenever default is made by the owner of any land or premises in the execution of any work by this Act or by any regulation or by-law required to be executed by him, the occupier of such building or land may, with the approval of the board, cause such work to be executed, and such occupier may deduct the amount of the expense thereof, with interest thereon at the rate of seven pounds per centum per annum out of any rent from time to time due or becoming due from him to such owner, or he may recover the same in a court of petty sessions as a civil debt recoverable summarily, or in any court of competent jurisdiction.

Power of occupier to do work if owner fails.

cf. Act No. 50, 1924, s. 45.

**38.** (1) The board may, on such terms as to the passing of examinations and the payment of fees as may be prescribed by the by-laws, issue licenses to persons authorising them to supervise and perform works in connection with water supply and sewerage.

Licenses.

cf. *Ibid.* s. 46.

(2) The board may in the manner and subject to the conditions prescribed by the by-laws, suspend or cancel any license issued as aforesaid or any license issued under the provisions of any Act repealed by this Act.

(3) No person shall commence or perform any work in connection with water supply, sewerage, or drainage which communicates or is intended to communicate directly or indirectly with the pipes or sewers of the board unless he is, or is under the immediate supervision of, the holder of a license.

(4) Any person acting in contravention of the provisions of this section or any person who knowingly employs another to commence or perform any such work in contravention of this section shall be liable on summary conviction to a penalty not exceeding ten pounds.

(5)



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(5) No license issued by any authority other than the board or the Administrator of the Broken Hill Water Works constituted under the Broken Hill Water Supply Administration Act, 1915, shall entitle the holder thereof to commence or perform work in connection with water supply or sewerage, which communicates with the pipes or sewers of the board.

DIVISION 4.—*Special provisions as to water supply.*

Purposes for which water may be supplied.  
cf. Act No. 50, 1924, s. 47.

**39.** (1) Water available from works provided by or vested in the board shall be primarily used and equitably distributed for domestic purposes, sewerage flushing, and the maintenance of a suitable pressure for fire extinguishing.

(2) Subject to this Act the board may distribute the balance available in accordance with the importance, in the opinion of the board, of the purposes for which the water is to be applied.

(3) In cases where works are specially constructed to supply water for purposes other than for human consumption, and where water available is unfit for human consumption there shall be no such restriction.

Supply by measure, &c.  
cf. *Ibid.* s. 48.

**40.** (1) The board may supply any person with water for domestic or other purposes by measure or otherwise at such rates upon such terms and subject to such conditions as may be prescribed by the by-laws.

(2) The board shall fix rates of charge at which water may be purchased from the board if in the opinion of the board it is available.

(3) The rates of charge may vary according to the purpose for which the water is purchased or the point at or district in which the water is delivered.

Failure of supply.  
cf. *Ibid.* s. 49.

**41.** The board shall not be liable to any penalty or damages for not supplying water if want of such supply arises from unusual drought or other unavoidable cause or accident, nor shall the board be compellable to supply water to any person whomsoever.

Extinguishing fires.  
cf. *Ibid.* s. 50.

**42.** (1) The board shall fix proper hydrants in its mains and other pipes at such convenient distances and at such places as the board considers proper and convenient for the ready supply of water for extinguishing any fire. It shall renew and keep in effective order every such

such hydrant, and shall exhibit a conspicuous sign directing notice to the situation of the hydrant. The sign may be painted on or attached to any building, fence, or other structure, and the board shall not be required to obtain any permission to paint or attach any such sign nor to pay for doing so.

(2) The board may at the request and expense of the owner or occupier of any building, manufactory, or works place and maintain in effective order a hydrant (to be used only for extinguishing fires) in or as near as conveniently may be to such building, manufactory, or works.

(3) The board shall at all times keep charged with water all its pipes to which hydrants are fixed unless prevented by drought or other unavoidable cause or accident or during necessary repairs. Water may be taken without charge by authorised persons for the purpose of extinguishing fires.

**43.** (1) The board shall take effective measures to protect the supply of water from being illegally diverted, polluted, misused, or wasted, and to maintain an adequate and pure supply.

Board's duty to protect supply.  
cf. Act No. 50, 1924, s. 51.

(2) In the case of drought or of any accident or unavoidable cause the board may regulate the use of water supplied by the board for any purpose, and the consumption and method of consumption of water whether the supply is by measure or otherwise.

**44.** Any person who unlawfully and maliciously destroys or damages, or attempts to destroy or damage, any storage reservoir, main, pipe, hydrant, plant, or other work or structure, used for or incidental to the supply of water by the board shall be liable on conviction to penal servitude for a term not exceeding ten years.

Damage to waterworks.  
cf. *Ibid.* s. 52.

**45.** The board may cut off the supply of water to any land—

Cutting off supply.

(a) if any meter used to measure the supply is out of repair, or in the opinion of the board incorrectly registers the supply; or

cf. *Ibid.* s. 53.

(b) if any rates or charges in respect either of water or sewerage on the land are unpaid; or

(c) . . .

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- (c) if in the opinion of the board such course is necessary owing to any unavoidable cause, or to any accident, or to effect repairs, or to cleanse a main; or
- (d) if the owner or occupier or person requiring a supply of water neglects to comply with the lawful requirements of the board as to the installing of meters; or
- (e) if the owner or occupier or person requiring a supply of water neglects to comply with any lawful requirements of the board to repair or alter water connections, pipes, fittings, or appliances connected to the board's water mains; or
- (f) if the owner or occupier or person requiring a supply of water permits any offence in respect of the waste, misuse, and undue consumption or contamination of water; or
- (g) if the owner or occupier or person requiring a supply of water obstructs any officer of the board in the exercise of any powers under this Act or the by-laws.

Meters.

cf. Act No.  
50, 1924,  
s. 54.

**46.** (1) The board may instal and charge hire for—

- (a) meters or instruments for measuring the quantity of water supplied; and
- (b) pipes and apparatus for the conveyance, reception, and storage of water.

(2) The hire may be recovered as rates.

(3) The meters, instruments, pipes, and apparatus shall not be attached or taken in execution under any process of any court of law or equity or under or in pursuance of any sequestration or other legal proceedings against or affecting the consumer of the water or owner or occupier of the premises or other persons in whose possession or care the meters, instruments, pipes, or apparatus may be.

(4) In lieu of installing meters, instruments, pipes, and apparatus the board may require the owner or occupier or person requiring a supply of water to instal the same. All meters, instruments, pipes, and apparatus so installed shall be in accordance with the requirements of the board, and shall be maintained in good working condition by the person installing the same.

**47.**

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**47.** (1) The Governor may, by proclamation, proclaim any lands to be a catchment area in connection with the supply of water by the board.

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Catchment  
areas.  
cf. Act No.  
50, 1924,  
s. 55.

(2) The Governor may, by like proclamation, at any time revoke and cancel the proclamation of any catchment area and reproclaim the boundaries thereof, and may by like proclamation amend the boundaries of any catchment area previously thereto proclaimed under this Act.

(3) After the commencement of this Part of this Act it shall not be lawful to make any conditional or other sales or to grant any lease or license under the Crown Lands Consolidation Act, 1913, of any Crown lands within any catchment area.

(4) If a Public Authority proposes—

- (a) to grant any license under the provisions of the Forestry Act, 1916-1935; or
- (b) to grant any lease or license under the Mining Act, 1906-1935; or
- (c) to construct any railway under the provisions of the Government Railways Act, 1912-1934; or
- (d) to grant any permission or franchise under Division 3 of Part XVII of the Local Government Act, 1919; or
- (e) to grant any license under the Public Health Act, 1902, the Dairy Supervision Act, 1901, the Cattle Slaughtering and Diseased Animals and Meat Act, 1902, or the Noxious Trades Act, 1902; or
- (f) to grant a license under Division 3 of Part II of the Water Act, 1912-1936,

affecting any land within a catchment area, notice of such intention shall be given to the board in the manner and of the duration prescribed by the regulations. If notwithstanding the representations of the board to the contrary, it be decided by the Public Authority to grant the right, license, lease, permission, or franchise, or to construct the works as the case may be, the board shall be so notified

and

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and it may, within fourteen days of the date of such notification, refer the dispute to the Minister for settlement in accordance with Part IX of this Act.

(5) The Public Authority shall not proceed to grant any right, license, lease, permission, or franchise or to construct works except in accordance with the order of the Governor made for the settlement of the dispute.

(6) The board may undertake or arrange for the plantation of and the provision of arboreal cover for any catchment area, and may undertake or arrange for the cutting and marketing of timber of commercial value cut upon any catchment area.

Prevention  
of pollution  
of water  
supply.  
cf. Act No.  
50, 1924,  
s. 56.

**48.** (1) The board may in the manner prescribed by the by-laws control and regulate the sanitation of any catchment area and the sanitation, use, and occupation of premises therein so as to avoid any insanitary condition thereon or any interference therefrom with the purity of the water supply.

(2) In particular and without limiting the foregoing power the board may with respect to any catchment area and for the purposes of the preservation of the purity of the water supply and the prevention of the pollution of the catchment area—

- (a) control, regulate, and require privy accommodation in premises, and require special treatment or disposal of any faecal or excrementitious matter;
- (b) require premises to be kept free from rubbish or offensive or unwholesome matter;
- (c) require premises to be cleansed, disinfected, and limewashed;
- (d) control and regulate the drains of premises, including the alteration of any drain;
- (e) control and regulate the erection of pigsties, cow-yards, poultry houses or yards, stockyards, or stables, and prescribe the distance from any watercourse or reservoir within which no such structure shall be erected or continued, and require

require methods to be adopted, by the cultivation of land or otherwise, whereby the drainage or stormwater from the land occupied by such structures shall be prevented from polluting the water supply;

- (f) control and regulate the disposal of trade refuse from tanneries, breweries, chemical works, butter, cheese, or bacon factories, creameries, wool scours, or other industrial operations so that any pollution of the water supply may be avoided;
- (g) control and regulate and, within limits defined in the by-laws, prevent picnicking, camping, shooting, fishing, flower gathering, or the parking of motor or other vehicles;
- (h) control and regulate the methods to be adopted for the destruction of rabbits or other vermin and the disposal of their bodies;
- (i) control and regulate the slaughtering of beasts and the disposal of offal;
- (j) control and regulate the sanitation of camps of workmen engaged in construction of public or other works;
- (k) control and regulate the sanitation of areas specially set apart for picnicking, camping, or the parking of motor or other vehicles;
- (l) require the notification to the board by the householder or occupier of any premises within a catchment area of the occurrence of any case of typhoid, paratyphoid, dysentery, cholera, or epidemic diarrhoea on his premises, and the notification to the board by any medical practitioner in attendance of any such case;
- (m) provide for the disposal, whether by removal, sale, destruction or otherwise, of any stock found straying on lands of the board or on enclosed Crown lands within a catchment area;
- (n) and generally to control and regulate or prohibit the doing or continuance of anything likely to cause the pollution of a catchment area or the water supply.

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(3) The board may control and regulate the access of stock to such portions of any catchment area as are not in possession of private owners, and upon such lands may grant rights of agistment and by impounding or prosecution prevent the trespass of stock on such lands.

(4) The board may, upon Crown lands, dedicated lands, or resumed lands upon any catchment area, assume all the rights, powers, obligations, privileges, and immunities as are conferred or imposed upon trustees by the Public Trusts Act, 1897, the Public Parks Act, 1912, or the Crown Lands Consolidation Act, 1913, and shall require no further warrant than this Act so to do. For the purpose of the impounding of animals the board shall be deemed to have all the rights as are by law conferred upon occupiers.

DIVISION 5.—*Special provisions as to sewerage.*

Sewerage not to be a nuisance.  
cf. Act No. 50, 1924, s. 57.

**49.** The board shall cause all sewerage works to be constructed, maintained, kept, and cleansed, with due regard to the health and convenience of the public.

Discharge of sewage.  
cf. *Ibid.* s. 58.

**50.** The board may cause sewage to be discharged at such places and to be treated in such works, or so disposed of as it may decide.

Connections.  
cf. *Ibid.* s. 59.

**51.** Where in the opinion of the board greater expense would be incurred in causing the sewage from two or more separate portions of land to flow into an existing sewer of the board than in constructing a new sewer and causing such sewage to flow thereto, it may construct such new sewer, and by notice order the owners of such separate portions of land to connect their premises with the new sewer. The board shall apportion as it deems just the expenses of the construction of the new sewer among the owners of the several portions of land and may recover the sums so apportioned from such owners as debts.

Contract to sewer lands not subject to sewerage rate.  
cf. *Ibid.* s. 66.

**52.** The board may, upon such terms and conditions as may be agreed upon, enter into a contract with any person, who is not liable for payment of sewerage rates upon any lands, for the discharge of sewage from such lands into the sewers of the board.

**53.** (1) Before—

- (a) the construction of the foundations of any new tenement; or
- (b) the rebuilding of any existing tenement; or
- (c) the construction of the foundations of any addition to an existing tenement

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Notice of  
building or  
rebuilding.  
cf. Act No.  
50, 1924,  
s. 61.

is commenced, the person intending to build or rebuild shall give to the board written notice thereof, indicating the levels or intended levels of the cellar or lowest floor, and the situation and construction of all latrines, lavatories, and other such offices proposed to be built, constructed, or used in connection with such tenement.

The board shall within the space of fourteen days of receiving such notice, approve or disapprove the proposed levels and the other arrangements for the construction of offices.

(2) If any person commences to build or rebuild before the board has approved the proposed levels and other arrangements for the construction of offices he shall be liable on summary conviction to a penalty not exceeding ten pounds, and the board may at the expense of such person demolish any work so constructed.

**54.** (1) Any person who erects, constructs or places any building, wall, fence, or other structure in, upon, over, or under any sewer so as to interfere with or obstruct the sewer in the carrying off of sewage, shall be liable on summary conviction to a penalty not exceeding twenty pounds, and, in case of a continuing offence, to a further penalty not exceeding one pound for each day during which the offence continues after notice to abate or cease the interference or obstruction has been given.

Buildings  
obstructing.  
cf. *Ibid.*  
s. 62.

(2) The board may demolish and remove the building, wall, fence, or other structure, repair the sewer, and may recover the cost and expenses of so doing from the person offending as a debt.

(3) The board may in any case where there is a threatened breach of this section sue for and obtain an injunction to prevent any damage to, or interference with, or obstruction of a sewer.

**55.**



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Damage to  
sewerage  
works.cf. Act No.  
50, 1924,  
s. 63.

**55.** Any person who unlawfully and maliciously destroys or damages, or attempts to destroy or damage, any sewer, pumping station, tank, pipe, ventilating shaft, machinery, plant, or other work or structure used for or incidental to the provision of sewerage services by the board shall be liable on conviction to penal servitude for a term not exceeding ten years.

*DIVISION 6.—Special powers of Minister for Public Works.*

All works  
to be  
carried out  
by Minister.

**56.** (1) (a) Any work of construction, maintenance, repair or renewal required or authorised by this Act to be carried out by the board shall, notwithstanding anything contained in this Act, be carried out on behalf of the board by the Minister for Public Works.

(b) Such work shall be carried out by the said Minister in accordance with such terms and conditions as may be contained in any arrangement or agreement made or entered into by the board with the said Minister, or, in the absence of such arrangement or agreement, as may be prescribed by the regulations.

(c) The costs and expenses incurred by the Minister for Public Works in carrying out any such work shall be defrayed out of moneys provided by the board for the purpose.

(2) (a) The Governor may, if he thinks fit, direct that any such work shall be carried out by the Minister for Public Works under the Public Works Act, 1912, as amended by subsequent Acts, in which case, and notwithstanding the fact that the estimated cost of carrying out such work may exceed the sum of twenty thousand pounds, the following provisions shall have effect:—

(i) The work shall be deemed to be an authorised work within the meaning of the Public Works Act, 1912, as amended by subsequent Acts.

(ii) The Minister for Public Works shall carry out the work and shall be the constructing authority for the same within the meaning of the said Act, as so amended, and shall enter into such contracts and take all such necessary steps for the proper execution thereof as such authority may think proper.

(iii)

(iii) The provisions of the Public Works Act, 1912, as amended by subsequent Acts, sections thirty-four, thirty-five, thirty-six and thirty-seven excepted, shall apply to and in respect of the said work.

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(b) Without prejudice to the generality of paragraph (a) of this subsection, the provisions of section thirty-eight of the Public Works Act, 1912, as amended by subsequent Acts, shall apply to and in respect of any contracts referred to in subparagraph (ii) of paragraph (a) of this subsection.

(3) Where any work is carried out under this section by the Minister for Public Works otherwise than pursuant to a direction given by the Governor under subsection two of this section, then for the purpose of carrying out such work the Minister for Public Works shall have and may exercise and discharge all or any of the powers, authorities, duties and functions which the board would have had and might have exercised and discharged if the board were itself carrying out such work.

**57.** (1) The Minister for Public Works is hereby authorised to carry out under the Public Works Act, 1912, as amended by subsequent Acts, and on behalf of the board each of the works described in the Second Schedule to this Act.

Construction of works in Second Schedule.

(2) The provisions of subsection two of section fifty-six of this Act shall extend to and in respect of each of such works in like manner as if such works were carried out pursuant to the direction of the Governor thereunder.

(3) The costs and expenses incurred by the Minister for Public Works in carrying out any such work shall be defrayed out of moneys provided by the board for the purpose.

**58.** (1) Upon the completion of any work constructed by the Minister for Public Works under the authority of subsection two of section fifty-six or under the authority of section fifty-seven of this Act the Governor shall notify in the Gazette that the work is transferred to the board.

Completion of works. cf. Act No. 50, 1924, s. 118.

The lands occupied or used in connection with the work shall thereupon become vested in the board on trust for His Majesty.

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(2) Upon the completion in part of any work constructed by the Minister for Public Works under the authority of subsection two of section fifty-six or under the authority of section fifty-seven of this Act the Governor may notify in the Gazette that such part of such work is transferred to the board and may by the same or a subsequent notification vest in the board, on trust for His Majesty, the lands occupied and used in connection with that part of the work.

(3) Where the Minister for Public Works possesses a less estate or interest in any land than the fee simple, that estate or interest only shall become or be vested in the board.

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## PART VI.

### FINANCE.

#### DIVISION 1.—*Loans.*

Temporary accommodation.  
cf. Act No. 50, 1924, s. 71.

**59.** (1) For the temporary accommodation of the board it may obtain advances by overdraft of current account in any bank or banks upon the credit of the board's funds to such extent as may from time to time be approved by the Governor.

(2) The Treasurer may advance such moneys to the board as the Governor may approve, upon such terms and conditions as to repayment and interest as may be agreed upon.

Purposes for which money may be borrowed.  
cf. *Ibid.* s. 72.

**60.** (1) The board may, from time to time, with the approval of the Governor, borrow money for—

- (a) the construction of additional works, including the works described in the Second Schedule to this Act;
- (b) the renewal of loans; and
- (c) the discharge, or partial discharge, of any indebtedness to the Treasurer or to any bank.

(2) Maintenance and repair of works shall not be deemed additional works within the meaning of this section.

**61.** Loans shall be deemed to be secured upon the income of the board from whatever source arising.

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Security for  
loans.  
Act No. 50,  
1924, s. 74.

**62.** (1) There shall be a reserve for loan repayments in every fund in respect to which any renewal or other loan or any part thereof has been raised by the board.

Reserves for  
repayments.  
*Ibid.* s. 75.

(2) The board shall during each year transfer to the reserve for loan repayment from the moneys of the appropriate fund a sum not less than the board in its application for approval of the loan intimated that it proposed to set apart as aforesaid. Where a loan rate is levied the sum shall be set apart out of the proceeds of the rate.

(3) Where any land or property of any kind which has been provided out of loan moneys is sold before the loan has been wholly repaid, the net proceeds of the sale shall be added to the reserve for loan repayment in the appropriate fund or paid directly to the lender or used for the provision or purchase of other land or property chargeable upon the fund to which the proceeds belong.

(4) Moneys held as reserve for loan repayment may be invested in Commonwealth Government securities or in such other securities as the Governor may approve or as may be prescribed by the regulations. Any interests or profits realised on such investments shall be added to and form part of the reserve for loan repayments. All moneys paid into the reserve for loan repayment in any fund may be applied in or towards repayment of any renewal or other loan raised in respect of the same fund, but except where otherwise provided, may not be applied for any other purpose.

(5) If, after all the loans raised in respect of any fund have been repaid, there remains in any reserve for loan repayment any balance, such balance may be transferred to the current account of that fund.

(6) The reserve for loan repayments shall not be subject to seizure in satisfaction of any debt other than for loans primarily charged on the income of the fund in which the reserve is provided.

**63.** (1) For securing repayment of the principal and interest on any moneys borrowed, the board may issue debentures or inscribed stock as prescribed by the regulations.

Debentures,  
&c.  
*cf. Ibid.*  
s. 76.

(2)

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Transfer of  
debentures,  
&c.

(2) Every such debenture and every coupon originally annexed to the debenture and whether separated therefrom or not shall be transferable by simple delivery.

(3) Inscribed stock shall be transferable in the books of the board in accordance with the regulations.

(4) Debentures or inscribed stock issued under this Act shall be deemed to be included in the general exemptions from stamp duty under Part III of the Stamp Duties Act, 1920-1933, contained in the Second Schedule to that Act.

Interest.

(5) The holder of a coupon originally annexed to a debenture and whether separated therefrom or not, shall be entitled to receive payment from the board of the interest mentioned in the coupon upon the presentation of the same on or after the date when and at the place where the interest is payable.

Guarantee.

(6) The due repayment of the debentures and stock and the interest thereon shall be a charge upon the income and revenue of the board, and is hereby guaranteed by the Government. Any liability arising from such guarantee shall be payable out of moneys provided by Parliament. Such charge shall not prejudice or affect the power of the board to sell or convey any property vested in it free of any such charge.

Raising of  
loan in any  
country.  
cf. Act No.  
50, 1924,  
s. 76A.

**64.** (1) (a) Notwithstanding the foregoing provisions of this Act, any money which the board is authorised to borrow may be borrowed by a loan raised wholly or in part in the form of debentures or bonds in such country as the Governor may approve, and may be negotiated and raised in any currency.

(b) Such debentures or bonds may be in such form and contain such terms, conditions, and provisions whether with respect to period, interest, or amount, or with respect to any other matter whatsoever as the board shall think fit, and shall be transferable by simple delivery if such debentures or bonds shall so provide.

(c) The provisions of this Division of this Part other than subsection one of section sixty-three and subsections three and four of section sixty-seven shall extend and apply to bonds as well as to debentures issued and to moneys borrowed under this section

(2)

(2) The board may in connection with any loan so raised agree that a sinking fund shall be established and controlled at such place by such person and in such manner as may be found necessary or expedient in the circumstances of the case, and where any such sinking fund is so established the provisions of section sixty-two of this Act shall apply with regard to that loan only in respect of the amount, if any, the repayment of which is not provided for by the sinking fund established under the agreement.

(3) In connection with the raising of any loan under this section, the board may enter into such agreements as the board shall think fit with respect to the form of such debentures or bonds, or for the sale of such debentures or bonds or the granting of an option to purchase such debentures or bonds or for services to be performed by any person in Australia or in any other part of the world in connection with such loan or with the issue, management, and redemption of or otherwise with respect to such debentures or bonds, and such agreements may be upon such terms and conditions and may contain such provisions for the giving or receipt of consideration as the board shall think fit.

Copies of any such agreement shall be forwarded to the Minister who shall cause the same to be laid before both Houses of Parliament so soon as possible after the loan is raised.

(4) The Governor may upon the recommendation of the board appoint two or more persons to negotiate in any country the terms and conditions of any loan raised outside Australia and for and on behalf of the board to enter into all such agreements as the board is by this section authorised to enter into and to sign, execute, or otherwise perfect all such agreements, debentures, or bonds as are by this section provided for, or to enter into all such agreements and execute all such securities and to do all such things as may be necessary or convenient to be done for the purpose of raising any loan under this Act, and may upon the like recommendation revoke or vary any such appointment and make any fresh appointment.

The production of a copy of the Gazette containing a notification of any such appointment or revocation as

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aforsaid shall in favour of a lender or of any holder of a security be conclusive evidence of the appointment or revocation.

Securities to be deemed lawfully issued.

(5) All debentures or bonds bearing the signatures of such persons so appointed in that behalf shall be deemed to be securities lawfully issued under seal by the board and shall be deemed to be secured upon the income of the board from whatsoever source arising, and all agreements purporting to be made under the authority of this section and bearing the signatures of such persons shall be deemed to have been lawfully made by the said board, and if the same shall purport to have been sealed by such persons to have been lawfully executed by the said board under seal.

A holder of any such debenture or bond shall not be bound to inquire whether the issue of such security was in fact duly authorised.

Exchange debentures, &c.  
cf. Act No. 50, 1924, s. 77.

**65.** Debentures and inscribed stock of the board may be purchased by the board out of moneys held as a reserve for the repayment of the loan for which they were issued, at or below their face value. Any debenture or inscribed stock so purchased shall be cancelled.

Trustees.  
cf. *Ibid.*  
s. 78.

**66.** (1) Any trustee, unless expressly forbidden by the instrument (if any) creating the trust, may invest any trust moneys in his hands in stock inscribed by the board, and the investment shall be deemed to be an investment authorised by the Trustee Act, 1925, or any Act replacing the said Act.

(2) Any debenture issued or stock inscribed by the board shall be a lawful investment for any moneys which any company, council, or body corporate incorporated by any Act of the Parliament of New South Wales is authorised or directed to invest in addition to any other investment expressly provided for the investment of such moneys.

(3) No notice of any trust expressed, implied, or constructive shall be received by the board or by any officer or servant of the same in relation to any debenture or coupon issued or stock inscribed by the board.

**67.** (1) If any debenture issued by the board is lost or destroyed or defaced before the same has been paid, the board may, subject to the provisions of this section, issue a new debenture in lieu thereof.

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Lost  
debentures.  
cf. Act No.  
50, 1924,  
s. 79.

(2) The new debenture with interest coupon annexed shall bear the same date, number, principal sum, and rate of interest as the lost, destroyed, or defaced debenture.

(3) When the debenture is lost or destroyed the new debenture shall not be issued unless and until—

- (a) a judge of the Supreme Court has been satisfied by affidavit of the person entitled to the lost or destroyed debenture, or of some person approved by the judge, that the same has been lost or destroyed before it has been paid off;
- (b) such advertisement as the judge may direct has been published;
- (c) six months have elapsed since the publication of the last of the advertisements; and
- (d) sufficient security has been given to the board to indemnify it against any double payment if the missing debenture be at any time thereafter presented for payment.

(4) When the debenture is defaced the new debenture shall not be issued unless and until the defaced debenture is lodged with the board for cancellation.

(5) The provisions of this section shall mutatis mutandis extend to the case of a lost, destroyed, or defaced coupon.

(6) In case of the loss, theft, destruction, mutilation, or defacement of any debenture or bond issued under section sixty-four hereof, a duplicate or new debenture or bond may be issued upon proof to the satisfaction of the board of such loss, theft, or destruction, or upon surrender of the mutilated or defaced debenture or bond, as the case may be, and upon the board receiving security or indemnity satisfactory to it against any double payment if the missing debenture or bond be at any time thereafter presented for payment.



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Receivers.  
cf. Act No.  
50, 1924,  
s. 80.

**68.** (1) If for six months default is made by the board in making any payment, whether of principal or interest, to the holder of any debenture or coupon issued or stock inscribed by the board, the holder thereof may apply to the Supreme Court in its equitable jurisdiction, in accordance with rules of court, for the appointment of a receiver of the rates and other income of the board.

(2) A receiver may be appointed in respect of the rates and other income of the board either generally or as regards specified rates or income.

(3) The court may make such orders and give such directions as it may deem proper for and with respect to—

- (a) the appointment of a receiver;
- (b) the removal of a receiver;
- (c) the appointment of a receiver in place of a receiver previously appointed.

(4) The receiver shall be deemed to be an officer of the court, and shall act under its directions.

Powers and  
duties of  
receiver.  
cf. *Ibid.*  
s. 81.

**69.** (1) A receiver shall have power to make levy and collect all income and in particular all rates payable to the board, but the rates so made and levied shall not exceed the maximum limits permitted under the law in force for the time being, and for the purposes of this subsection the receiver shall be deemed to be the board, and may exercise all the powers of the board.

(2) The receiver shall discharge such duties of the board and of the president or any officer or servant of the board, as may be prescribed by the regulations.

Commission  
to receiver.  
*Ibid.* s. 82.

**70.** The receiver shall be entitled to such commission or remuneration for his services as the court may order, and the commission or remuneration shall be payable out of the rates or income for and in respect of which he has been appointed receiver.

Application  
of moneys  
received.  
*Ibid.* s. 83.

**71.** The receiver shall, subject to any order of the court, pay and apply all moneys received by him in the following order, that is to say:—

- (a) firstly, in payment of the costs, charges, and expenses of collection, and of his commission or remuneration;

(b)

- (b) secondly, in the payment of the amount due and payable to the holder of the debenture or inscribed stock or coupon, as the case may be;
- (c) thirdly, in the payment of all the residue of the moneys to the board.

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**72.** (1) A person advancing money to the board shall not be bound to enquire into the application of the money advanced, or be in any way responsible for the non-application or misapplication thereof.

Protection of investors.  
cf. Act No. 50, 1924, s. 85.

(2) A notification in the Gazette of the approval of the Governor having been given to a borrowing by the board shall, in favour of a lender and of any holder of a security given by the board, be conclusive evidence that all conditions precedent to the borrowing have been complied with, and where the approval notified is to the borrowing by the board in a country outside New South Wales and in a particular currency shall also be conclusive evidence in favour of such persons of the approval of the Governor to the borrowing in the country and in the currency specified in the notification.

**73.** All debentures, bonds, or other securities which are at any time secured upon the income and revenue of the board shall rank *pari passu* without any preference one above another by reason of priority of date or otherwise.

Debentures and bonds to rank *pari passu*.  
cf. *Ibid.* s. 85A.

**74.** If the board borrows any money without having first obtained the approval of the Governor, every member holding office who has knowingly and wilfully, or for any personal benefit or advantage, consented to the borrowing shall be liable to a penalty of five hundred pounds.

Penalty for illegally borrowing.  
cf. *Ibid.* s. 86.

The action to recover the penalty shall not be taken without the written consent of the Attorney-General.

*DIVISION 2.—Revenue.*

**75.** For or towards defraying the expenses of the board and meeting its obligations in respect of the services which it is authorised to conduct, the board may levy—

Purposes for which rates may be levied.  
cf. *Ibid.* s. 87.

- (a) water rates;
- (b) sewerage rates;
- (c) loan rates.

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Lands  
exempted  
from rates.cf. Act No.  
50, 1924,  
s. 88.**76.** (1) No rates shall be levied upon any of the following classes of land:—

- (a) land which is vested in the Crown, or in a public body, or in trustees, and is used for a public cemetery;
- (b) land which is vested in the Crown, or in a public body, or in trustees, and is used for a common;
- (c) land which is vested in the Crown, or in a public body, or in trustees, and is used for a public reserve or park;
- (d) land which belongs to any public hospital, public benevolent institution, or public charity, and is used or occupied by the hospital, institution, or charity, as the case may be, for the purposes thereof;
- (e) land which is vested in the Crown, or in a public body, or in trustees, and is used solely for the purposes of a free public library;
- (f) land owned by the Crown not being land held under a lease from the Crown by any person for private purposes;
- (g) land which belongs to a religious body and which is occupied and used in connection with—
  - (i) any church or other building used or occupied for public worship;
  - (ii) any building used or occupied solely as the residence of a minister of religion in connection with any such church or building;
  - (iii) any building used or occupied for the purpose of religious teaching or training;
  - (iv) any building used or occupied solely as the residence of the official head and/or the assistant official head of any religious body in the State of New South Wales or in any diocese within that State;
- (h) land which is a public place within the meaning of the Local Government Act, 1919;
- (i) land which belongs to and which is occupied and used in connection with any school registered under

under the Bursary Endowment Act, 1912, or any certified school under the Public Instruction (Amendment) Act, 1916, including any playground which belongs to and is used in connection with any such school, and any building occupied as a residence by any caretaker, servant, or teacher of any such school which belongs to and is used in connection with the school;

- (j) drill grounds, sports grounds, gardens, or children's playgrounds provided by the council under the powers conferred by the Local Government Act, 1919, or any amendment of the said Act.

(2) Paragraph (f) of subsection one of this section shall not operate to render land owned by the Crown ratable, by reason only of the fact that such land is leased by the Crown to a caretaker at a nominal rental.

(3) Notwithstanding anything contained in the Government Railways Act, 1912-1934, water rates and sewerage rates may be levied upon lands which are vested in the Commissioner for Railways and which are leased to any person for private purposes.

**77.** Subject to the provisions of this Division water rates may be levied upon—

Lands subject to water rates.

- (a) land, whether the property of the Crown or not, which is situated within two hundred and fifty yards of a water-pipe of the board measured in a direction at right-angles to the water-pipe where such land has a frontage to the public road or street in which the water-pipe is laid, and whether or not the land is actually supplied with water from any water-pipe of the board;

cf. Act No. 50, 1924, s. 89.

Provided that water rates may not be levied upon such land unless water could be supplied to some part thereof from a stand-pipe at least three feet in height from the ground level if such pipe were laid and connected to the board's mains;

- (b) land whether the property of the Crown or not which is supplied with water from any water-pipe of the board.

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Lands  
subject to  
sewerage  
rates.cf. Act No.  
50, 1924,  
s. 90.

**78.** Subject to the provisions of this Division, sewerage rates may be levied upon all land whether the property of the Crown or not (notwithstanding that such land is by any other Act exempted from rates) except—

- (a) land which is distant more than two hundred and fifty feet from any sewer of the board, and is not connected thereto;
- (b) land from which sewage cannot be drained into any sewer of the board.

Lands  
subject to  
loan rates.  
*Ibid.* s. 92.

**79.** Loan rates may be levied upon lands which would be subject to rates for the water or sewerage service for which any money is borrowed. Where money is borrowed for expenditure in any particular locality the loan rate may, with the approval of the Governor, be levied as a rate upon the particular lands which in the opinion of the board will be benefited by the expenditure of the loan moneys.

Exemptions  
from rates:  
Hospitals.  
*Ibid.* s. 93.

**80.** (1) The board may supply water to any public hospital, or public benevolent or charitable institution either free of charge or at a reduced charge to be fixed by the board, subject to the following conditions:—

- (a) The quantity to be supplied free of charge or at such reduced charge shall be such quantity as the board may fix but not exceeding fifty gallons per day for every person resident in a public hospital and thirty gallons per day for every person resident in a public benevolent or charitable institution: Provided that the board may by resolution increase the quantity of water which may be supplied as aforesaid to the hospital or institution.
- (b) For the purposes of this section an inmate shall be deemed to be resident and the number of persons resident shall be the average number of persons so resident during the year last preceding the period in respect of which charges would be payable; and the board may at any reasonable time demand the production of the books of such hospital or institution to verify such average number.

(c)

(c) The supply shall in each case be through a meter, and any quantity of water in excess of that which may be supplied free of charge or at such reduced charge shall be paid for according to the charge fixed by the board for water supplied by measure.

(2) The board may also supply either free of charge or at a reduced charge to be fixed by the board any quantity of water prescribed by the by-laws but subject to such conditions as may be so prescribed for use in any public park, reserve, garden or land vested in the council or in trustees for public recreation, health or enjoyment, or for cleansing gutters and drains, or for cleansing and watering streets, or for any drinking fountain or public horse or animal trough, or for the practice of any fire brigade, or for any public baths, wash-houses or public lavatories established by the council:

Provided that no baths or washhouses shall be supplied with water under the provisions of this section unless the charges for the use thereof shall be approved of and shall not exceed the amount fixed by the board.

81. Subject to the provisions of this Act the board shall in the manner prescribed, for the purposes for which it is so authorised, levy rates, the proceeds of which, together with any other revenues of the service for which the rate is levied, shall be sufficient to discharge all its obligations under this Act.

Amount of rate. cf. Act No. 50, 1924, s. 94.

82. (1) The proceeds of any water or sewerage rate shall not exceed the amount which would be yielded by a rate which would produce an amount equal to ten per centum on the assessed annual value of the properties ratable.

Limit of rates. Ibid. s. 95.

(2) The proceeds of any loan rate shall not exceed the amount stated in the loan proposal approved by the Governor as sufficient to provide the sum required for the payment of interest and the provision of reserve for loan repayment.

(3) Notwithstanding the provisions of subsection one of this section the board may levy a special rate in addition to the ordinary rate for the provision of any water

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water or sewerage service in any district in which the provision of the service at the ordinary rate either on account of the remoteness of the district or the high cost involved in the provision of the service would occasion a loss to the board.

Basis of rating.  
cf. Act No. 50, 1924, s. 96.

**83.** (1) The board may determine whether for any year the rates to be levied, or any of them shall be levied—

- (a) upon the assessed annual value of ratable land; or
- (b) partly upon the assessed annual value and partly upon the unimproved value of ratable land; or
- (c) upon the unimproved value of ratable land.

Minimum rates.

(2) In levying any rate it shall be lawful for the board to levy in respect of any property ratable—

- (a) for water rate a minimum amount of five shillings per annum or such greater amount as may be prescribed by the by-laws in respect of unoccupied land or a minimum amount of one pound per annum or such greater amount as may be prescribed by the by-laws in respect of other land;
- (b) for sewerage rate a minimum amount of five shillings per annum or such greater amount as may be prescribed by the by-laws in respect of unoccupied land or a minimum amount of one pound per annum or such greater amount as may be prescribed by the by-laws in respect of other land.

(3) The valuations made under the provisions of the Valuation of Land Act, 1916, the Local Government Act, 1919, or any Acts amending such Acts, and in force immediately preceding the levying of a rate shall be the valuation to be adopted for the purpose of such rate.

Valuations.  
*Ibid.* s. 97.

**84.** (1) For the purposes and subject to the provisions of this Act—

- (a) unimproved value, and
- (b) assessed annual value

of ratable land shall respectively be the unimproved value and the assessed annual value of the land as determined in accordance with the Valuation of Land Act, 1916, and until so determined, as valued under the Local Government Act, 1919.

(2)

(2) This section shall be deemed to extend to all ratable land, including land owned by the Crown, and land held under lease from the Crown.

(3) Any parcel of land separately valued under any of the said Acts shall be a separate parcel of land, and may be separately rated.

(4) Where any land has not been valued or separately valued pursuant to the Valuation of Land Act, 1916, or the Local Government Act, 1919, or the board considers that by reason of the erection, alteration, or demolition of, or damage by fire to buildings, or of the subdivision of land, or for any other reason the valuation pursuant to such Act is not the true valuation, or is not in sufficient detail, or should be apportioned for the purposes of this Act, the board may cause a valuation or apportionment of the valuation to be made.

The board shall give notice of such valuation or apportionment, and appeal against such valuation or apportionment shall lie in the manner provided in the case of objections against valuations under the Valuation of Land Act, 1916.

(5) The fact that an objection has been lodged shall not affect the valuation of the board which is objected to, and any rate may be levied and recovered on the valuation as if no objection were pending:

Provided that if the valuation is altered on objection a due adjustment shall be made and any amount paid in excess shall be refunded and any amount short-paid shall be recoverable as arrears.

(6) Any occupier of land who refuses, or wilfully omits to disclose, or wilfully misstates, to any officer of the board directed by the board to value any land, the name of the owner of the land, or of the person who receives or is authorised to receive the rents of the same, or any other information required for or calculated to affect the valuation shall be liable to a penalty not exceeding five pounds.

(7) Any owner of land who refuses, or wilfully omits to disclose, or wilfully misstates, to any officer of the board directed by the board to value the land, any  
information



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Inspection  
of rate and  
valuation  
books.  
cf. Act No.  
50, 1924,  
s. 98.

information required for or calculated to affect the valuation shall be liable to a penalty not exceeding five pounds.

**85.** (1) Any officer of the board authorised in that behalf shall have liberty at all reasonable times without charge to inspect any valuation, rate, or assessment book of the council and to take a copy or make extracts from the same.

The town clerk or other person having the custody of such valuation, rate, or assessment books refusing or preventing such officer from having access thereto or taking copies or extracts therefrom shall incur a penalty for every such offence not exceeding fifty pounds.

(2) A copy of or extract from any valuation, rate, or assessment book of the council made by any officer of the board as provided in this section, or any copy of or extract from any valuation list furnished to the board by the Valuer-General, or any valuation made by the board in pursuance of this Act, shall be entered in the rate book of the board, and such entry shall be signed by the president, or vice-president, or by an officer authorised in that behalf by the board.

All entries made in such rate book, 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.

Charges  
for service.  
*Ibid.* s. 99.

**86.** (1) The board may impose charges and fees for services rendered by the board, and in particular, and without limiting the generality of the foregoing power, may impose charges for water supplied to or sewerage services rendered in respect of lands (including land owned by the Crown) not ratable under this Act.

(2) Any charges or fees imposed under any section of this Act shall be charged upon the land in respect of which the charge or fee is imposed, and may be recovered as rates.

(3) Charges and fees shall be fixed by the by-laws and may be made payable in advance or otherwise.

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(4) The board may supply the Commissioner for Railways with water by measure at a charge to be fixed by the by-laws.

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**87.** With regard to rates, charges, and fees, the provisions contained in the First Schedule to this Act shall have effect.

Rates, &c.  
First  
Schedule.  
cf. Act No.  
50, 1924,  
s. 100.

**88.** (1) Any person may apply for a certificate under this section as to the amount (if any) due or payable to the board for rates or otherwise in respect of any land.

Certificate  
as to amount  
due.  
*Ibid.* s. 101.

(2) Application for the certificate shall be made in writing, and shall state the name and address of the applicant and the particulars of the land in respect of which the information is required.

(3) The board shall, upon payment of a fee of two shillings and sixpence for each certificate having reference to a parcel of land separately assessed, forthwith give or post to the applicant a certificate in writing, signed by the officer prescribed by the by-laws, and stating what (if any) rates, charges, or sums of money are due or payable to the board in respect of the land, with the particulars thereof, and when the same became due or payable, or that no such rates or charges or sums are then due or payable, as the case may be.

(4) The production of the certificate shall for all purposes be deemed conclusive proof in favour of a bona fide purchaser for value that at the date thereof no rates, charges, or sums other than those stated in the certificate were due or payable to the board in respect of the land.

(5) For the purposes of this section, rates, charges, or sums of money shall be deemed to be due or payable notwithstanding that the requisite period after service of any notice may not have expired.

**DIVISION 3.—Funds.**

**89.** (1) For the purposes and subject to the provisions of this Act, the board shall establish the following funds:—

Establish-  
ment of  
funds.  
*Ibid.* s. 102.

(a) a water fund;

(b)

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- (b) a sewerage fund;
- (c) a general fund.

(2) The funds shall be separate and distinct.

Water fund.  
cf. Act No.  
50, 1924,  
s. 103.

**90.** (1) The water fund shall consist of the following:—

- (a) All moneys received or receivable in respect of the water rate.
- (b) All moneys received or receivable in respect of any charges, rents, fees, or profits in connection with the board's water supply service.
- (c) All moneys borrowed in respect of the water supply service and all moneys received or receivable in respect of a loan rate, if any, levied in respect of such borrowing.
- (d) All moneys and property directed by or under this Act to be allocated to the water fund.

(2) The water fund may be applied to any of the following purposes:—

- (a) Any purpose for which the water rate is levied.
- (b) Contributions to any sinking fund or reserve for loan repayments in respect of moneys borrowed for the water supply service.
- (c) Contributions to any reserve for effecting renewals or replacements of the water works.
- (d) Payment of principal, interest, and expenses in respect of moneys borrowed for the water supply service.
- (e) Any purpose authorised by this Act or the regulations for the application of the fund.

The sewer-  
age fund.  
cf. *Ibid.*  
s. 104.

**91.** (1) The sewerage fund shall consist of the following:—

- (a) All moneys received or receivable in respect of the sewerage rate.
- (b) All moneys received or receivable in respect of any charges, rents, fees, or profits in connection with the board's sewerage service.

(c)

- (c) All moneys borrowed in respect of the sewerage service and all moneys received or receivable in respect of a loan rate, if any, levied in respect of such borrowing. No. 20, 1938.
- (d) All moneys and property directed by or under this Act to be allocated to the sewerage fund.
- (2) The sewerage fund may be applied to any of the following purposes:—
- (a) Any purpose for which the sewerage rate is levied.
- (b) Contributions to any sinking fund or reserve for loan repayments in respect of moneys borrowed for the sewerage service.
- (c) Contributions to any reserve for effecting renewals or replacements of the sewerage works.
- (d) Payment of principal, interest, and expenses in connection with the moneys borrowed for the sewerage service.
- (e) Any purpose authorised by or under this Act for the application of the fund.

**92.** (1) The general fund shall consist of the following:—

- (a) All moneys voted from the other funds of the board for the purpose of meeting the expenses of administration and management, and meeting such of the general expenses of the board as cannot be conveniently provided for out of any other fund.
- (b) Moneys voted from the other funds in respect of contributions to any reserve for effecting renewals or replacements of the water or sewerage works.
- (c) Any other moneys of the board not payable to any of the other funds and all moneys held by it in suspense or on trust.

General Fund.  
cf. Act No. 50, 1924, s. 106.

(2) The general fund may be applied to any purpose of the board to which its funds may be applied in accordance with this Act and as to which no special provision has been made in this Act or for any prescribed purpose.

## Broken Hill Water and Sewerage Act.

No. 20, 1938.

Transfers  
from fund  
to fund.cf. Act No.  
50, 1924,  
s. 107.

**93.** (1) Moneys shall not be transferred from one fund to any other fund except in accordance with this Act or with the regulations.

(2) Provision may be made by the regulations for the distribution of the administrative expenses of the board among the various funds and for the definition of administrative expenses.

(3) The Governor may permit the board to lend money from one fund to another fund, but this provision shall not apply to loan moneys.

(4) The board shall comply in all respects with the provisions fixed by the Governor in the document conveying such permission as to the amount of and the application of the money, the time and method of repayment, and the interest payable thereon.

Renewals  
and  
replace-  
ments  
reserve.cf. No. 41,  
1919, s. 388  
(2).

**94.** (1) The board shall, in respect of any water or sewerage works constructed by or vested in it, direct in each year that a specified sum approved by the Treasurer shall be set aside out of its income in order to provide a reserve for the purpose of effecting renewals or replacements of such works.

(2) The sums so directed shall be paid each year into a separate account in the board's bank.

As soon as may be after such payment the amount set aside shall be invested in Commonwealth Government securities or in such other manner as the Minister may approve or placed on fixed deposit at interest with a bank or with the Treasurer.

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

(3) The fund created by such payments and interest accrued thereon shall not without the consent of the Minister be drawn upon by the board except for the purpose of renewing or replacing capital assets.

Questions  
as to  
funds.cf. Act No.  
50, 1924,  
s. 108.

**95.** If any question arises under this Act or the regulations with respect to—

(a) the fund, or account within a fund, to which any moneys or property should be allocated; or

(b)

(b) the fund which should be applied for any purpose, No. 20, 1938.

the Treasurer may determine the question.

DIVISION 4.—*Special provisions relating to the Treasurer.*

**96.** (1) When in any year during the period of twenty years commencing on the first day of January, one thousand nine hundred and thirty-nine, the income and revenues of the board are insufficient to meet the costs of administration and operation of the water supply and sewerage services of the board, contributions by the board to the renewals and replacements reserve and other indebtedness of the board properly chargeable to its operations for that year, the Treasurer shall, out of moneys provided by Parliament, pay to the board the amount of such deficiency or the sum of nine thousand pounds, whichever is the less; and the board shall apply the moneys so paid in satisfaction in whole or in part of such costs, contributions, and indebtedness. Payments by  
Treasurer  
to board.

(2) Where during any year in the period of forty-five years commencing on the first day of January, one thousand nine hundred and thirty-nine, the rate of interest on moneys borrowed by the board for the purpose of constructing the works set out in the Second Schedule to this Act exceeds three and one-half per centum per annum, the Treasurer shall out of moneys provided by Parliament pay to the board a sum equivalent to the difference between the amount payable as interest for that year and the amount which would have been payable if the rate of interest were three and one-half per centum per annum.

(3) Any moneys which stand at the credit of the Broken Hill Water Supply Administration Account in the Special Deposits Account in the Treasury shall be held by the Treasurer and made available for the purpose of renewing or replacing capital assets of the board upon the request of the board.

(4) Any loan indebtedness chargeable against the Broken Hill Water Supply in the accounts of the Treasurer is hereby extinguished.

DIVISION

**Broken Hill Water and Sewerage Act.**

No. 20, 1938.

DIVISION 5.—*Special provisions relating to certain companies.*

Third  
Schedule.

**97.** (1) In this Division the expression “mining company” means a company whose name is for the time being contained in the Third Schedule to this Act.

Alteration  
of Third  
Schedule.

(2) The Governor may, from time to time, by proclamation amend the Third Schedule to this Act—

(a) by adding to that Schedule the name of any company carrying on mining operations at Broken Hill; or

(b) by omitting therefrom the name of any company which, in his opinion, has permanently ceased to carry on operations at Broken Hill.

The Third Schedule as so amended shall be deemed to be the Third Schedule to this Act.

(3) Every such proclamation shall take effect from the date of publication or from a later date to be specified in the proclamation.

(4) Where the name of any company is omitted from the Third Schedule such company shall remain liable to any obligation or liability accrued or incurred under this Act before the date upon which the name was so omitted and to which it was subject immediately before such date.

Supply to  
mining  
companies.  
Act No. 43,  
1915, s. 13.

**98.** The board shall, subject to this Act, supply to each mining company the water required by it in carrying on its business so far as the capacity of the water works and the requirements of the owners and occupiers of ratable land and of other persons using water for domestic purposes will permit.

Such water shall be made available at places as near as possible to the mines or works of the mining company.

Mining  
companies  
to take  
water.  
*Ibid.*  
s. 14.

**99.** Each mining company shall, so long as the board is able and continues to supply, take from the board all the water it requires to purchase for the purpose of the conduct of its business, except such water as it may draw from supplies conserved, either before or after the commencement of this Part of this Act, in its own tanks or dams, or as may be obtained from sources other than  
Stephens

Stephens Creek, by any means lawfully used by it on or after the twenty-first day of December, one thousand nine hundred and fifteen, and before such commencement. No. 20, 1938.

**100.** (1) Land at Broken Hill held by any mining company under a lease from the Crown and used for mining purposes or purposes incidental thereto and land at Broken Hill owned or held under a lease from the Crown by Western New South Wales Electric Power Proprietary Limited and used by that company for the purposes of a power station or purposes incidental thereto shall not be ratable to the water rate. Water charges.

(2) Where the board supplies water to any mining company the charge for such water shall be two shillings and sixpence per thousand gallons.

Such charge shall, for the purposes of this Act, be deemed to be a charge imposed by the board for water supplied to the land of the mining company taking the water and shall be payable as prescribed by the by-laws.

The amounts payable under this subsection for water supplied are in this section referred to as "water charges."

(3) If the total amount which is payable as water charges by all the mining companies for water supplied during the year commencing on the first day of January, one thousand nine hundred and thirty-nine, or during any subsequent year, is less than the sum of sixteen thousand pounds the mining companies shall pay to the board the difference between that total amount and that sum (which difference is in this section referred to as "the deficiency").

(4) Each mining company shall pay to the board, for the purpose of meeting the deficiency, a sum which bears the same proportion to the deficiency as the amount of the water charges payable by that mining company for water supplied during the year bears to the total amount of the water charges payable by all the mining companies for water supplied during the year.

The sum payable by a mining company pursuant to this subsection shall, for the purposes of this Act, be deemed to



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to be a charge imposed by the board for water supplied to the land of such mining company, and shall be payable as prescribed by the by-laws.

Additional charges.

**101.** (1) Each mining company shall, in respect of the year commencing on the first day of January, one thousand nine hundred and thirty-nine, and of each of the succeeding nineteen years, pay to the board, by way of additional charge, a sum which bears the same proportion to the sum of five thousand pounds as the amount payable for the year by that company under section one hundred of this Act bears to the total amount payable for the year by all the mining companies under that section.

(2) The additional charge payable by a mining company pursuant to subsection one of this section shall, for the purposes of this Act, be deemed to be a charge imposed by the board for water supplied to the land of such mining company, and shall be payable as prescribed by the by-laws.

Sewerage.

**102.** (1) Land at Broken Hill held by any mining company under a lease from the Crown and used for mining purposes or purposes incidental thereto and land at Broken Hill owned or held under a lease from the Crown by Western New South Wales Electric Power Proprietary Limited and used by that company for the purposes of a power station or purposes incidental thereto which would, but for this section, be ratable to the sewerage rate by reason of the construction of the works shown on the plan marked "Broken Hill Sewerage Works" and signed by the Minister for Public Works and countersigned by the Acting Chief Engineer for Water Supply and Sewerage and lodged in the office of the said Minister, shall not be ratable to the sewerage rate.

(2) Each mining company shall in respect of the year during which the said works or any part thereof are put into service and every subsequent year pay to the board a sum which bears the same proportion to the sum of three thousand two hundred pounds as the amount payable for the year by that mining company to the council for general rates bears to the total amount payable for the year by all the mining companies to the council for general rates. (3)

(3) The sum payable by a mining company pursuant to subsection two of this section shall, for the purposes of this Act, be deemed to be a charge imposed by the board for sewerage services rendered in respect of the said land of such mining company, and shall be payable as prescribed by the by-laws.

**103.** If any mining company neglects to pay in accordance with this Division any moneys which become payable by it under section one hundred, section one hundred and one or section one hundred and two of this Act, and the board has obtained judgment against that mining company and taken all reasonable steps to enforce the judgment but the judgment remains unsatisfied, the board may recover an amount equivalent to the moneys which became payable by such mining company and are so unpaid, from all the mining companies which have not so neglected to pay, and may recover such amount ratably in proportion to the moneys which were payable by each of such last mentioned mining companies under section one hundred, section one hundred and one or section one hundred and two, as the case may be.

Provision  
in case of  
default.

**104.** (1) Land owned by the Silverton Tramway Company Limited (not being land held under a lease from that company by any person for private purposes) shall not be ratable to the water rate.

Silverton  
Tramway  
Company  
Limited.

(2) The said company shall pay annually to the board the sum of seven hundred and fifty pounds by half-yearly payments in advance, the first of such payments to be made in respect of the half-year commencing on the first day of January, one thousand nine hundred and thirty-nine.

(3) The said company shall, so far as the capacity of the water works and the requirements of the owners and occupiers of ratable land and of other persons using water for domestic purposes will permit, be entitled to receive such a quantity of water as would be purchased by the amount of such payment at the rate of two shillings and sixpence per thousand gallons.

(4) If the said company takes water in excess of the quantity referred to in subsection three of this section the charge for such water shall be at the rate of two shillings and sixpence per thousand gallons.

Such

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No. 20, 1938.

Such charge shall, for the purposes of this Act, be deemed to be a charge imposed by the board for water supplied to the land of the said company and shall be payable as prescribed by the by-laws.

DIVISION 6.—*Accounts and audit.*

Accounts generally.  
Act No. 50,  
1924, s. 109.

**105.** (1) The board shall cause books to be provided and kept, and true and regular accounts to be entered therein in respect of each fund so as to show—

- (a) the assets, liabilities, income and expenditure in respect of the fund; and
- (b) the sources of income and purposes of expenditure in respect of the fund.

(2) The accounts of the board shall be kept as prescribed by the regulations.

Charging expenditure generally.  
*Ibid.* s. 110.

**106.** The expenditure of each fund shall, subject to any provisions made by or under this Act, be charged against income and capital as nearly as may be in accordance with commercial principles.

Annual statements.  
*Ibid.* s. 111.

**107.** (1) The board shall cause an annual report of its operations and statements of accounts as prescribed to be prepared.

(2) The board shall furnish a copy of such report and statements to the council and to the Minister.

(3) The report shall be laid before both Houses of Parliament.

Audit.  
*Ibid.* s. 112.

**108.** (1) The statements of accounts so prepared shall be audited and reported upon by the Auditor-General, who shall have in respect to the accounts of the board all the powers conferred on the Auditor-General by any law now or hereafter to be in force relating to the audit of the public accounts, as well as all powers conferred by this Act.

(2) The Auditor-General shall report to the board and the Minister—

- (a) whether or not in his opinion—
  - (i) due provision has been made for the repayment of loans; and
  - (ii) the value of assets has (so far as he can judge) been in all cases fairly stated; and
  - (iii)

- (iii) due diligence and care have been shown in the collection and banking of income; and
  - (iv) the expenditure incurred has been duly authorised, vouched and supervised; and
  - (v) proper account has been kept of plant, stores, and materials; and
  - (vi) any of the moneys or other property of the board have been misappropriated or improperly or irregularly dealt with; and
- (b) as to any other matters which in his judgment call for special notice or which are prescribed by the regulations.

(3) Towards defraying the cost and expenses of the audit by the Auditor-General the board shall, at such periods as the Minister may direct, pay to the Treasurer for credit of the Consolidated Revenue Fund, the amount involved, as certified to by the Auditor-General.

DIVISION 7.—*General.*

**109.** All sums of money hereafter due and payable by the board to the Treasurer shall be charged upon the assets and revenues of the board in priority to any debenture, inscribed stock, overdraft, lien or incumbrance of any nature whatsoever.

Priority of Crown.  
Act No. 50, 1924,  
s. 113.

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PART VII.

PROPERTY.

DIVISION 1.—*Acquisition.*

**110.** (1) The board may purchase from any person (including the Crown) any land which it may require for any of the purposes of this Act.

Purchase.  
cf. *Ibid.*  
s. 114.

(2) The board may acquire a leasehold estate in any land.

Leases.

(3) If the purchase money exceeds five thousand pounds or the term of the lease exceeds five years the approval of the Governor to the purchase or the acquisition of the lease shall be first obtained.

**111.**

No. 20, 1938.

Resumption.  
cf. Act No.  
50, 1924,  
s. 115.

**111.** (1) Where the board proposes to acquire land by appropriation or resumption it may apply to the Governor through the Minister.

(2) The board shall make provision to the satisfaction of the Governor for the payment of compensation for the land together with interest and all necessary charges and expenses incidental to the appropriation or resumption.

(3) The Governor may authorise the appropriation or resumption of the land.

(4) Thereupon the Governor may—

(a) appropriate or resume the land by Gazette notification under Division 1 of Part V of the Public Works Act, 1912, as amended by subsequent Acts; and

(b) notify that the land is vested in the board.

(5) Thereupon the land shall vest in the board.

(6) For the purposes of the Public Works Act, 1912, as amended by subsequent Acts, such appropriation or resumption shall be deemed to be for the purpose of carrying out an authorised work within the meaning of that Act.

#### DIVISION 2.—*Transfer.*

Transfer  
of works.

**112.** (1) The Governor shall by proclamation transfer to the board the works which immediately before the commencement of this Part of this Act were used for or in connection with the water supply for Broken Hill in accordance with the Broken Hill Water Supply Administration Act, 1915, and shall by the same or a subsequent proclamation vest in the board such of the lands occupied or used in connection with the works so transferred as the Governor may determine. The lands shall be so vested for such estate or interest as may be specified in the proclamation.

cf. *Ibid.*  
s. 117.

(2) Where any of the lands were held upon trust for any particular purpose the board shall hold the same upon the same trust.

(3) Subject to the provisions of this Act the board shall hold all lands and property acquired by or vested in it upon trust for His Majesty.

**113.**

**113.** The Governor may divest the board of any land, and upon publication of a notification in the Gazette of such divesting, the land shall revert to or vest in the Minister and shall be held by him under and subject to the provisions of the Public Works Act, 1912, as amended by subsequent Acts.

No. 20, 1938.  
Divesting.  
cf. Act No.  
50, 1924,  
s. 119.

**114.** The board shall compile and keep a register showing all the property vested in the board, and shall on request furnish copies thereof or extracts therefrom to the Minister.

Record of  
property.  
cf. *Ibid.*  
s. 120.

DIVISION 3.—*General.*

**115.** Any Crown lands or lands vested in the board within any catchment area, and any tunnel, water or sewer main of the board shall be exempt from any rate or rental charge which but for this section the council might have levied or imposed thereon; but nothing herein contained shall preclude the council from levying and collecting rates upon any land vested in or acquired by the board and occupied by it or upon Crown lands occupied by it.

Municipal  
rates.  
cf. *Ibid.*  
s. 121.

**116.** (1) The board may sell any of its personal property and may, with the approval of the Governor, sell or exchange any land vested in it.

Sale and  
lease of  
property.  
cf. *Ibid.*  
s. 122.

(2) The board may lease any land or building or other real or personal property vested in or belonging to it.

No lease for any period in excess of five years shall be entered into unless the Governor's approval shall have been first obtained.

(3) The board may let for hire any of its plant or material not immediately required for the purposes of the board.

**117.** The board may insure any property of or under the control and management of the board, and for the purpose of any such insurance shall be deemed to have an insurable interest in the subject-matter thereof.

Insurance.  
cf. *Ibid.*  
s. 123.

## PART VIII.

## REGULATIONS AND BY-LAWS.

Regulations.  
cf. Act No.  
50, 1924,  
s. 124.

**118.** The Governor may make regulations not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed by regulations and in particular in relation to the following matters:—

- (a) Any of the powers conferred or duties imposed on the Governor or the Minister.
- (b) The method in which the accounts of the board shall be kept.
- (c) The methods in which payments of the board are to be made.

By-laws.  
cf. *Ibid.*  
s. 125.

**119.** (1) The board, with the approval of the Governor, may make by-laws, not inconsistent with this Act or the regulations, prescribing all matters which by this Act are required or permitted to be prescribed by by-laws or which are necessary or convenient to be so prescribed and in particular in relation to the following matters:—

*Catchment areas.*

- (a) The marking of the boundaries of any catchment area.
- (b) The protection of any catchment area or any watercourse or reservoir therein from pollution, and the protection of any property of the board on any catchment area.
- (c) The inspection of land and buildings upon any catchment area.
- (d) The regulation or the prohibition of burials on any catchment area.
- (e) The authorising of the carrying out by the board of structural alteration of buildings or other works to prevent or minimise danger of pollution of any catchment area.
- (f) Requiring the removal of buildings or works on any catchment area.

(g)

- (g) Preventing the diversion of or taking of water from any natural or artificial watercourse, the water of which flows into the board's works, except by or under the authority of the board or of any statute. No. 20, 1938.
- (h) The prevention of the destruction of trees or shrubs, and the authorising of measures necessary to preserve or provide arboreal cover.
- (i) Any matter which by this Act the board is authorised to control, regulate, or prohibit.

*Water supply.*

- (j) The regulation of water service pipes and fittings between the water main and the outlets of such pipes, the construction, alteration, extension, disconnection, removal, maintenance, repair, renewal or clearing of any water service pipes or fittings, the performance by the board of any work required to be performed as a result of the default of the person concerned.
- (k) The direction and regulation as to the use, supply, fixing, maintenance, repair, removal, alteration, and inspection of meters.
- (l) The prevention of the waste or misuse or unlawful taking of water.
- (m) The assessment of the volume of water lost by leakages upon any property, the determination of the volume to be paid for by the consumer, and the recovery of payment therefor.
- (n) The regulation of the method by which water shall be supplied to ratable properties or to any consumer.

*Sewerage.*

- (o) The regulation of sewerage service pipes and fittings, the construction, alteration, extension, disconnection, removal, maintenance, repair, renewal, ventilation, flushing, and cleansing of any such service pipes and fittings, the performance by the board of any work required to be performed as a result of default of the person concerned.

(p)



No. 20, 1938.

- (p) The regulation or prevention of the discharge into any sewer of the board of roof waters and other surface waters from any public road or any street or elsewhere, and for preventing the admission of any dust, soil, rubbish, filth, or garbage.
- (q) The regulation of the conditions to be observed with regard to liquid trade or factory wastes, or chemical or other impurities before they are discharged into the board's sewers, and the prevention of such discharge.
- (r) The regulation of water closet and urinal accommodation for premises served by a sewer of the board, and for the alteration of existing premises served by a sewer of the board to conform to the requirements of the board.

*General.*

- (s) The regulation of all matters relating to the connection of premises to the mains of the board, and without limiting the generality of the foregoing power, in particular the regulation of the number, design, dimension, level, materials, form, position, and arrangement of all pipes and fittings which the board may require to be provided and used in connection with any water or sewerage services.
- (t) The regulation of the testing, stamping, and marking of fittings intended for use in connection with any of the board's water or sewerage services.
- (u) The conditions upon which licenses or certificates of competency shall be issued to persons applying therefor, and the amount of fees to be charged.
- (v) The prescribing of the fees to be paid for the connection of any premises with the board's water or sewerage services, and such other fees as may lawfully be imposed.
- (w) The prescribing of the form of any notice or other document to be prepared, issued, or received in accordance with this Act and any by-laws thereunder.

(x)

- (x) The protection of the property of the board from damage and trespass, and the water supply from pollution.
- (y) The governance of the officers and workmen of the board, the regulation of their conditions of employment, and for their guidance in the execution of their duties.
- (z) The insuring of the fidelity of officers.
- (aa) The conduct of the business of the board.
- (ab) The carrying into effect of the several provisions, intentions, and objects of this Act.

(2) Where any owner or occupier of land within a catchment area is prejudicially affected by the operation of any by-laws made respecting that catchment area, he shall be entitled to be paid compensation by the board in respect of the damage sustained by him.

(3) Where there is any conflict between the by-laws made by the board in relation to any matter concerning catchment areas and the ordinances, regulations, or by-laws made under any other Act, the by-laws made by the board shall prevail.

**120.** Without affecting the generality of any other provisions of this Act, by-laws may be made for and with respect to—

Ancillary.  
cf. Act No.  
50, 1924,  
s. 126.

- (a) any premises, person, or matter in any case where by this Act the board is authorised or required to control, regulate, license, appoint, inspect, examine, register, authorise, permit, prescribe, prevent, acquire, define or classify;
- (b) preventing obstruction of any person acting under the authority of the board or under the provisions of this Act or of any by-law;
- (c) preventing destruction, injury, damage, interference or misuse by any person in respect of any work, undertaking, or property of or under the control or management of the board;
- (d) regulating the use by the public of any work, undertaking, or property of or under the control or management of the board, and authorising or directing the removal of trespassers or other persons causing damage, annoyance, or inconvenience;
- (e)

No. 20, 1938.

Penalties,  
directions  
fees, &c.  
cf. Act No.  
50, 1924,  
s. 127.

- (e) enforcing and securing the observance of the provisions of this Act or of any by-law.

**121.** (1) A regulation or by-law may—

- (a) impose a penalty for any breach thereof and also distinct penalties in case of successive breaches thereof, but no such penalty shall exceed fifty pounds;
- (b) impose also a daily penalty for any continuing breach thereof not exceeding five pounds per day;
- (c) fix a minimum as well as a maximum penalty.

## (2) A by-law may—

- (a) provide that in addition to a penalty any expense incurred by the board in consequence of a breach of the by-law or in the execution of work directed by the by-law to be executed by any person and not executed by him shall be paid by the person committing such breach or failing to execute such work;
- (b) require any work or thing to be executed or done of such materials, within such time or in such manner as is directed or approved in any particular case by the board or any person duly authorised, and require works to be executed only by qualified or licensed persons;
- (c) provide for the payment of fees for inspections and for services rendered by the board.

Publication,  
&c.  
cf. *Ibid.*  
s. 128.

**122.** (1) Regulations and by-laws shall—

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

(2) If either House of Parliament passes a resolution of which notice has been given at any time within

within fifteen sitting days after such regulation or by-law has been laid before such House disallowing the regulation or by-law or any part thereof, such regulation or by-law or part shall thereupon cease to have effect. No. 20, 1938.

**123.** (1) Where any regulation or by-law is amended by— Incorporation of amendments.  
cf. Act No. 50, 1924, s. 129.

- (a) the repeal or omission of certain words or figures; or
- (b) the substitution of certain words or figures in lieu of any repealed or omitted words or figures; or
- (c) the insertion of certain words or figures,

the regulation or by-law as so amended may be printed by the Government Printer in the form certified as correct by the Attorney-General.

(2) The provisions of the Amendments Incorporation Act, 1906, shall, *mutatis mutandis*, apply to any regulation or by-law as so amended.

**124.** A regulation or by-law shall, save as therein otherwise expressly provided, be construed as if the Interpretation Act of 1897, applied, *mutatis mutandis*, to the interpretation thereof. Interpretation.  
cf. *Ibid.* s. 130.

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## PART IX.

### SUPPLEMENTAL.

**125.** (1) Any notice required to be served by the board may be served as provided in this section. Notices by the board.  
cf. *Ibid.* s. 131.

(2) Where a department of the Government is concerned the service may be—

- (a) in the case of a notice of valuation or a rate notice upon the Treasurer;
- (b) in any other case upon the permanent head of the department;
- (c) in any case upon such person as may be prescribed by regulation.

(3)

**Broken Hill Water and Sewerage Act.**

No. 20, 1938.

(3) Where a statutory body representing the Crown is concerned, the service may be—

- (a) upon any superior officer thereof; or
- (b) upon such person as may be prescribed by regulation.

(4) Any notice required to be served upon the council may be served upon the mayor or the town clerk.

(5) Any notice required to be served upon any other corporate body may be served upon any superior officer thereof.

(6) When the notice is required to be served upon any ratable person or upon any owner or occupier of any land, building, or premises the service may be—

- (a) personal; or
- (b) by delivering the notice at or on the premises at which the person to be served lives or carries on business, and leaving the same with any person apparently above the age of fourteen years resident or employed thereat; or
- (c) by posting the notice by prepaid letter addressed to the last known place of abode or business of the person to be served; or
- (d) by affixing the notice on any conspicuous part of the land, building, or premises.

(7) In addition to the modes of service prescribed by subsection six of this section—

- (a) in any case where the person to be served—
  - (i) is or after inquiry appears to be absent from New South Wales; or
  - (ii) has authorised the board, in writing, to serve notice to him upon an agent,

the service may be upon the agent of such person by any of the modes prescribed in paragraphs (a) (b) and (c) of subsection six of this section;

- (b) in any case where the land, building, or premises are unoccupied and the owner thereof or his address

address is not known to the board, the service may be by advertisement as prescribed by the regulations.

(8) The notice may be addressed by the description of "ratable person" or "the owner" or "the occupier" of the land, building, or premises (naming or otherwise sufficiently indicating the same) in respect of which the notice is served, and without further name or description.

(9) The notice may be wholly or partly in printing or in writing or in both.

(10) Where the notice has been served by any of the modes prescribed by this section, all inquiries requisite under this section shall be deemed to have been made, and the service shall be conclusive evidence thereof.

(11) Proof by affidavit or orally that the notice has been posted in accordance with this section shall be conclusive evidence of service.

(12) Any notice required to be served upon any ratable person or upon any owner or occupier shall, if due service has been once made upon the ratable person or upon the owner or occupier, be binding upon any person claiming through, or under, or in trust for, or in succession to the ratable person or being a subsequent owner or occupier, as if the notice has been served on such person. Effect of notice.

**126.** (1) Any information, complaint, or other legal proceeding under this Act, or any by-law made thereunder, may be laid, made, and taken in the name of the Broken Hill Water Board by any officer of the board duly authorised in that behalf. Legal proceedings. cf. Act No. 50, 1924, s. 132.

(2) The officer shall out of the General Fund be reimbursed all damages, costs, charges and expenses to which he is put or with which he becomes chargeable by reason of anything contained in subsection one of this section.

(3) A writ or other process shall not be sued out or served upon the board or any member thereof or any officer of the board or any person acting in his aid for anything done or intended to be done or omitted to be Notice of action.

**No. 20, 1938.** done under the provisions of this Act until the expiration of one month after notice in writing has been served on the board or such member, officer or person clearly stating the cause of action and the name and place of abode of the intended plaintiff and of his solicitor or agent in the case and on trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action that is not stated in the notice served; and unless such notice is served a verdict shall be found for the defendant.

Penalties  
extended  
to persons  
causing  
offences.  
cf. Act No.  
50, 1924.  
s. 133.

**127.** Every penalty imposed by or under this Act in the case of any person committing an offence, shall extend and apply also to any person—

- (a) who causes the commission of the offence;
- (b) by whose order or direction the offence is committed; or
- (c) who aids, abets, counsels or procures or by act or omission is directly or indirectly concerned in the commission of the offence.

Recovery of  
rates, etc.  
cf. *Ibid.*  
s. 134.

**128.** (1) Any rate, charge, fee, or money due to the board under the provisions of this Act or any by-law may be recovered as a debt in any court of competent jurisdiction.

(2) Proceedings for the recovery of any rate, charge, fee, or money so due to the board shall be deemed to be for the recovery of a debt or liquidated demand within the meaning of—

- (a) section twenty-four of the Common Law Procedure Act, 1899;
- (b) section sixty-four of the District Courts Act, 1912-1936;
- (c) section twenty-five of the Small Debts Recovery Act, 1912-1933.

(3) An unsatisfied judgment or order of any court for the recovery of any rate from any person shall not be a bar to the recovery thereof from any other person liable under this Act to the payment thereof.

**129.**

**129.** (1) Every penalty imposed upon any person by this Act or by any by-law or regulation made or continued under the provisions of this Act shall be without prejudice to the right of the board to recover from such person—

- (a) any sum for damage sustained through his act or default;
- (b) the cost and expense incurred by the board in remedying such damage;
- (c) the value of any water wasted, misused, unduly consumed, illegally diverted or illegally taken by him.

The payment of any such penalty shall not bar or affect the right of the board to bring any other action or take any other proceeding against such person.

(2) Any penalty, fine, or forfeiture recovered under this Act or the regulations or by-laws save the penalty mentioned in section seventy-four of this Act shall be paid to the board and be allocated to the appropriate fund established under this Act.

**130.** (1) If any person—

not having from the board a supply of water for other than domestic purposes uses for other than domestic purposes any water supplied to him by the board;

having from the board a supply of water for any other than domestic purposes uses for any purpose other than that for which he is entitled to use the same any water supplied to him by the board,

then and in any such case he shall for such offence be liable to a penalty not exceeding five pounds.

(2) The board may also recover the value of the water so misused.

**131.** Every person who commits any of the following offences with respect to any stream or watercourse, reservoir, aqueduct, or other waterworks in any catchment area or belonging to or under the control and management of the board shall for every such offence be liable to a penalty not exceeding five pounds:—

Bathes therein.

Washes, throws, or causes to enter therein any dog or other animal.

Throws,

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Recovery of penalty does not prejudice right to take other proceedings.

cf. Act No. 50, 1924, s. 135.

Penalty for misapplication of water.

cf. *Ibid.* s. 136.

Bathing or washing or throwing dirt and filth into waterworks.

cf. *Ibid.* s. 137.



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Throws, conveys, or causes or permits to be thrown or conveyed therein any refuse, rubbish, dirt, filth, or noisome thing whatsoever.

Washes or cleanses therein the skin of any animal, or any clothes, cloth, wool, leather, or other thing whatsoever.

Penalty for letting foul water flow thereinto.

cf. Act No. 50, 1924, s. 138.

**132.** If any person causes the water of any sink, sewer, drain, or of any engine or boiler, or any other filthy water belonging to him or under his control to run or be brought into any stream or watercourse, reservoir, aqueduct, or other waterworks in any catchment area or belonging to or under the control and management of the board, or does any other act whereby the water of the board is fouled, he shall for such offence be liable to a penalty not exceeding five pounds and a further penalty not exceeding five pounds for each day (if more than one) that such offence continues.

Fouling water or injuring works by substances produced in making gas. *Ibid.* s. 139.

**133.** Any person making or supplying gas who causes or permits the water in any stream or watercourse, reservoir, aqueduct, or other waterworks in any catchment area or belonging to or under the control and management of the board to be fouled or any pipes or conduits of the board to be injured by reason of his—

doing any act connected with the making of gas;

causing or suffering any substance produced in the making or supplying of gas to be brought into or to flow into such stream or watercourse, reservoir, aqueduct, or other waterworks, pipe, or conduit or into any drain communicating therewith;

shall be liable to a penalty of twenty pounds for each day during which any such offence continues.

But he shall not become liable to such penalty until the expiration of twenty-four hours from the time when notice of such offence has been served upon him by the board.

Such penalty may be recovered with full costs in any court of competent jurisdiction.

**134.**

**134.** Whenever the water supplied by the board is fouled by the gas of any person making or supplying gas, such person shall, for every such offence, be liable to a penalty of not more than twenty pounds, and a further sum of not more than ten pounds for each day during which the offence continues, after the expiration of twenty-four hours from the service on him of notice of such offence.

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Gasmakers causing water to be fouled.  
cf. Act No. 50, 1924, s. 140.

**135.** (1) For the purpose of ascertaining whether the water is fouled, the board may dig up the ground and examine the pipes, conduits, and works of the person making or supplying gas.

Power to examine gas pipes to ascertain cause of water being fouled.  
cf. *Ibid.* s. 141.

(2) Before proceeding to do so, the board shall give twenty-four hours' notice in writing to the said person of the time at which the digging and examination is intended to take place, and it shall give the like notice to the Public Authority having the control or management of the street or place where the digging is intended to take place, and it shall be subject to the like obligation of reinstating the street, and the soil and pavement thereof, and to the same penalties for delay or any non-feasance or misfeasance therein as provided in Part V of this Act with respect to streets and pavements broken up by it for laying pipes.

Notice of such examination to be given.

(3) If upon the examination it appears that the water has been fouled by any gas belonging to the said person the expenses of the digging, examination and repair of the street or place disturbed in any such examination shall be paid by such person.

Expenses of examination to abide the result.

(4) If upon the examination it appears that the water has not been fouled by the gas of the said person then the board shall pay all expenses of the examination and repair, and also make good to the said person any injury which may be occasioned to his works by the examination.

**136.** Any person who wilfully obstructs any person acting under the direction of the Minister for Public Works or of the board in setting out any works undertaken in pursuance of this Act, or pulls or removes any poles or stakes driven into the ground for

Penalty for obstructing construction of works.  
cf. *Ibid.* s. 142.

the

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the purpose of setting out such works, or defaces or destroys any marks made for the same purpose, shall be guilty of an offence and liable to a penalty not exceeding five pounds.

Penalty for tampering with works.  
cf. Act No. 50, 1924, s. 143.

**137.** Any person who opens any ground so as to uncover or expose any pipes or other works or fittings belonging to or under the control and management of the board without being lawfully entitled so to do and without having given to the board two days' notice in writing of his intention so to do, or who wilfully or negligently breaks or injures or opens any pipes or other works or fittings as aforesaid, shall be guilty of an offence and liable to a penalty not exceeding five pounds.

Penalty for unlawfully taking water.  
cf. *Ibid.* s. 144.

**138.** (1) Any person who wrongfully takes or uses water from any reservoir, aqueduct or pipe belonging to or under the control and management of the board, or from any pipe leading to or from any such reservoir, aqueduct or pipe, or from any cistern or other like place belonging to or under the control and management of the board or supplied by it with water for the use of any consumer, shall be guilty of an offence and liable to a penalty not exceeding five pounds.

Penalty for illegally taking or diverting water.

(2) Any person who illegally diverts or takes water supplying or flowing into any waterworks, watercourse or reservoir belonging to or under the management and control of the board, or who does any unlawful act whereby the water from any such waterworks, watercourse or reservoir may be drawn off or diminished in quantity, shall be liable to a penalty not exceeding five pounds for every day during the whole or any part of which the said supply of water is diverted or diminished by reason of any act done by or by the direction of such person.

When water diverted to any land onus of proof of non-complicity lies on owner or occupier of land.  
cf. *Ibid.* s. 145.

**139.** Whenever it is shown that any water is or has been so wrongfully taken or used or illegally diverted or taken to or into land owned or occupied by any person, the taking or using or diversion of such water shall be deemed to have been effected by or by the direction of such person unless such person satisfies the court that such taking or using or diversion of the water on to or into such land was effected without his direction or connivance.

**140.** (1) When a dispute arises between the board and another Public Authority either may refer the dispute to the Minister for settlement by the Governor.

(2) The Minister may appoint any person a commissioner to hold an inquiry and to report to him as to any matter arising in or relating to the dispute.

(3) The provisions of the Royal Commissions Act, 1923-1934, other than those of Division 2 of Part II of that Act, and the provisions of section one hundred and fifty-two of the Justices Act, 1902, shall mutatis mutandis apply to any commissioner appointed under this section.

(4) The Governor may make such order in the public interest and in the circumstances of the case as may seem to be just and equitable. Any such order shall be final and conclusive and shall be given effect to by the board and by the Public Authority.

(5) This section shall apply to the exclusion of section six hundred and fifty-four of the Local Government Act, 1919.

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Settlement of disputes between the board and other public authorities.

cf. Act No. 50, 1924, s. 146.

**SCHEDULES.**

**FIRST SCHEDULE.**

*Rates, charges, and fees.*

1. A scale of rates shall be fixed by the by-laws, and such scale shall continue to be the scale according to which rates shall be levied until the by-law fixing the scale is varied or amended.

2. Rates shall be levied annually by resolution of the board, a copy of which resolution shall be published in the Gazette and in one or more newspapers published in Broken Hill. The production of the Gazette, or the part thereof containing the resolution, shall be evidence of the due levying of a rate.

3. Rates shall be levied within the first three months in each year for the twelve months commencing on the first day of January in that year.

4. Rates shall be due and payable to and recoverable by the board on the expiration of one month after service of the rate notice, but may, in a particular case, with the approval of the board, be paid by instalments.

5. The owner or occupier of land shall become liable to the payment of rates upon the service by the board on him of a rate notice in the form prescribed by the by-laws.

Sec. 87.

cf. *Ibid.*

Fourth Schedule.

**Broken Hill Water and Sewerage Act.**

No. 20, 1938

6. The owner or occupier of the land or the person requiring the service shall become liable to the payment of charges and fees upon the service on him of an account therefor and a notice to pay in the form prescribed by the by-laws, unless by the by-laws the charge or fee is made payable in advance.

7. A rate shall become payable in respect of each separate parcel of land, but any rate in respect thereof may be included in the same rate notice with any rate in respect of the same or different land.

8. In any case where more than one person is an owner or occupier of the land within the meaning of this Act, the rate notice may be served upon any one or more of such persons, and the board may recover the rate as against any person upon whom the rate notice is so served.

Nothing in this clause shall entitle the board to recover more than the full amount of the rate.

9. In any case where the name of any owner or occupier liable to pay the rate is not known to the board, it shall be sufficient to rate such owner or occupier by the designation of "the owner" or "the occupier," as the case may be, without stating his name.

10. Where land which was not ratable has become ratable the rate payable thereon shall be proportionate to the portion of the twelve months during which the land is ratable; and in any such case any valuation made by the board of the land after it becomes ratable shall be deemed to have come into force concurrently with the land becoming ratable.

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 levied as from the first day of January of the then current financial year of the board. Where in any other case mentioned in subsection four of section eighty-four a valuation is made by the board, the valuation shall come into force and rates may be levied as from the date when the valuation is made.

12. If for any reason a rate is not levied within or by the time prescribed by or under this Act, or if any irregularity in levying any rate affects or may be considered to affect the validity of the rate, the Governor may extend the time for the levying of the rate and may authorise the doing by the board of such acts as may be necessary to cure the irregularity and to validate the rate.

13. Every rate shall be entered in a rate-book, which shall be in or to the effect of the form prescribed by the regulations.

14. An alteration or amendment in the rate-book may be made in respect of any rate by--

- (a) inserting the name of any person claiming and entitled to have his name inserted as owner or as occupier, as the case may be;
- (b) inserting the name of any person who ought to have been rated or who has since the levying of the rate become liable to be rated;

(c)

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- (c) striking out the name of any person who ought not to have been rated;
- (d) raising or reducing the sum at which any person has been rated, if it appears to the board that owing to any error in entering the rate in any rate notice or in the rate-book or in transcribing any figures from any valuation book, or if a valuation has been varied on appeal, the person has been under rated or over rated;
- (e) inserting any land which ought to have been rated and the necessary particulars in respect thereof;
- (f) making such other alterations or amendments as will make the rate conformable to this Act.

15. Any such alteration or amendment in the rate-book shall not be held to avoid the rate.

16. An alteration or amendment in the rate-book may be authenticated in the manner prescribed by the regulations, and shall have effect as though made when the rate was made.

17. Every person whose rate is altered or amended to his prejudice, or who by any alteration or amendment has become rated in respect of any land, shall be entitled to receive one month's notice of the alteration or amendment before the rate shall be due and payable by him.

18. Rates shall, except where otherwise expressly provided, be payable by the owner of the land in respect of which the rate notice is served.

19. Where the land is owned by the Crown, and is held by any person under a lease therefrom, the rate shall be payable by the holder of the lease:

Provided that where a Crown lease is transferred by way of mortgage, the board may not recover from the mortgagee unless and until it has failed to recover from the mortgagor.

20. (1) Where the land is held under a lease from the Crown by two or more persons successively in the same year, whether with or without any interval between their holdings, the board may, if it thinks fit—

- (a) make such adjustment (if any) of the rate, whether paid or unpaid, as it thinks proper, between such persons;
- (b) recover from each of such persons his proportion of the rate as fixed by the adjustment;
- (c) make any refund in accordance with the adjustment;
- (d) write off any amount in respect of the interval between the holding of such persons.

(2) Where the land is vested in the board and is held therefrom by any person under a lease for a term of not less than one year, the rate shall, if the lease contains an agreement by the lessee to pay rates, or to pay any equivalent sum expressly fixed by reference thereto, be paid to the board by the holder of the lease.

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21. (a) Where the land is owned or held jointly by two or more ratable persons, such persons shall be jointly and severally liable for the rate, but as between themselves each shall only be liable for such part of the rate as is proportionate to his interest in the land and in the improvements thereon.

(b) If any of such persons pays more than his proportionate part, he may recover the excess by way of contribution from the others.

22. Where a ratable person disposes of his estate or interest in the land, he shall nevertheless be a ratable person and liable for the rate to the same extent as if he had not disposed of his estate or interest provided that the rate notice is served either—

(a) before he disposes of his estate or interest; or

(b) before a notice of transfer in or to the effect of the form prescribed by the by-laws is given.

23. If any ratable person, who disposes of his estate or interest in the land, pays any rate in respect thereof which has become payable after he disposes of his estate or interest and before the prescribed notice of transfer is given, he may recover the amount from the person to whom he disposes of his estate or interest.

24. As between a ratable person and any other person from or to whom he derives or disposes of his estate or interest in the land every rate shall be considered as accruing from day to day and shall be apportionable in respect of time accordingly.

25. Where a person by becoming entitled to an estate or interest in the land becomes a ratable person, he shall be liable to the board for the current rate and for all arrears of the rate owing by any previous owner in respect of the land, notwithstanding the fact that he became entitled to the estate or interest after the rate notice was served.

26. If any ratable person who becomes entitled to an estate or interest in the land pays to the board any rate in respect thereof which became payable before he became entitled to the estate or interest, he may recover a proportion of the amount from the person who was liable to the board for the rate at the time when the rate notice was served.

27. Nothing in clauses 25 and 26 of this Schedule shall affect or extend to any person who is the holder of a lease from the Crown or from the board, where the lease is granted after the rate is levied, although the land was previously held under a lease from the Crown or from the board.

28. The proviso to clause 30 of this Schedule relating to a charge for rates shall apply mutatis mutandis to the liability for rates under clauses 25 and 26 hereof.

29. (1) Where rates for the payment of which a ratable person is liable are unpaid at the expiration of one month after the date when they became payable, the board may serve notice upon the occupier (if any) to pay the rates, and the occupier shall thereupon become liable to pay the same.

(2) Where the rates for which the owner is liable are required from and paid by the occupier, the occupier may set off the amount so paid against any rent due from him to the owner. No. 20, 1938.

If where the rates are so paid no rent is due, or if the amount of the rates so paid exceeds the amount of rent due, the occupier may either set off the amount so paid or the amount of the excess against accruing rent or recover it or part of it by action as for money paid, with full costs as between solicitor and client.

(3) A tenant who pays rates for a period extending beyond his term shall be entitled to recover from his landlord the amount so paid, with such costs as aforesaid.

(4) The receipt of the board for such rates shall be a discharge of the rent and conclusive evidence of the payment thereof to the amount specified in the receipt.

30. (1) Every rate under this Act, and any costs awarded to the board by any court in proceedings for the recovery of the rate shall be a charge on the land in respect of which a rate notice is served, in priority to all sales, conveyances, transfers, mortgages, charges, liens, and encumbrances whatsoever:

Provided that—

- (a) no such charge for any rate or costs shall be of any effect as against a bona fide purchaser for value who at the time of purchase made due inquiry, but had no notice of the liability; and
- (b) a purchaser shall be deemed to have made due inquiry who has obtained a certificate under section eighty-eight as to the amount (if any) due to the board.

(2) The provisions of the preceding paragraph and the proviso thereto shall extend to all sums due to the board and by this Act declared to be charged upon land.

(3) Where the land is owned by the Crown the charge shall not affect or extend to—

- (a) the estate or interest of the Crown in the land; or
- (b) the estate or interest of any person holding under a lease from the Crown where the lease is granted after the rate is levied, although the land has been previously held under a lease from the Crown.

(4) The charge shall rank *pari passu* with any charge on the land under any other Act.

31. In this Schedule the expression "ratable person" means any owner of land or any holder of a lease who is made liable to pay the rates.



## SECOND SCHEDULE.

## WATER AND SEWERAGE WORKS.

*Works of Water Supply.*

The construction of a concrete and earthen dam on Yancowinna Creek and including spillways, outlets, shafts, diversion tunnels, pipe lines, aqueducts, channels, pumping machinery, buildings, transmission lines and all works incidental thereto.

The construction of a concrete syphon spillway for Umberumberka Storage Reservoir and all works incidental thereto.

The construction of an additional concrete service reservoir on Block 10 Hill.

The provision of additional pumping machinery in connection with the booster plant at Mica-street Service Reservoir.

The construction of an additional pipe line from Mica-street Service Reservoir to connect with the existing gravitation main from Blue Anchor Hill to Block 10 Hill.

The duplication of the electrically driven pumping machinery at Stephens Creek Storage Reservoir.

Additions to the filtration plant at Mica-street Service Reservoir.

The renewal when necessary of portion or portions of the existing gravitation main from Blue Anchor Hill to Block 10 Hill.

The renewal when necessary of the existing reticulation within the City of Broken Hill.

The renewal when necessary of pumping machinery and other minor items of machinery.

The whole will be subject to such modifications as may be considered desirable by the Minister for Public Works.

*Works of Sewerage.*

The construction of a sewerage scheme, including main sewers, reticulation sewers, ventilation, pumping stations, pumping machinery, rising mains, and works for the treatment of sewage, and all other details necessary for the proper completion of the scheme.

The whole will be subject to such modifications as may be considered desirable by the Minister for Public Works.

**THIRD SCHEDULE.**

*Mining Companies.*

Broken Hill South Limited.

North Broken Hill Limited.

The Broken Hill Proprietary Company Limited.

The Zinc Corporation Limited.

Sulphide Corporation Limited.

New Broken Hill Consolidated Limited.

Western New South Wales Electric Power Proprietary Limited.

Willyama Mining Proprietary Limited.

