

# Water Management (Private Drainage Boards—General) Regulation 1995

[1995-469]



New South Wales

## Status Information

### Currency of version

Repealed version for 15 July 2001 to 31 March 2002 (accessed 26 November 2024 at 4:59)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Previously named**  
Drainage (General) Regulation 1995
- **Repeal**  
The Regulation was repealed by Gazette No 67 of 28.3.2002, p 2022 with effect from 1.4.2002.
- **Note**  
The *Water Management (Private Drainage Boards—General) Regulation 1995* (formerly *Drainage (General) Regulation 1995*) made under the *Drainage Act 1939* is on and from 1.1.2001 taken to be a regulation under the *Water Management Act 2000 No 92*. See clause 48 of Schedule 9 to the *Water Management Act 2000*.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 2 April 2002

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# Water Management (Private Drainage Boards—General) Regulation 1995



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation may be cited as the *Water Management (Private Drainage Boards—General) Regulation 1995*.

### 2 Commencement

This Regulation commences on 1 September 1995.

### 3 Definitions

(1) In this Regulation:

**the Act** means the *Water Management Act 2000*.

(2) (Repealed)

#### 3A Continuity of existing bodies

Each private drainage board is a continuation of, and the same legal entity as, the drainage union from which it has arisen.

#### 3B Continuation of certain sections of Drainage Act 1939

(1) Despite the repeal of the *Drainage Act 1939*, sections 30 and 31 of that Act apply to and in respect of a private drainage board in the same way as they formerly applied to and in respect of the board of directors of a union under that Act.

(2) In the sections of the *Drainage Act 1939* referred to in subclause (1):

(a) any reference to regulations is taken to be a reference to this Regulation, and

(b) any reference to a prescribed matter is taken to be a reference to a matter prescribed by this Regulation.

- (3) This clause ceases to have effect on 1 September 2001.

## **Part 2 Valuations and rating**

### **4-7 (Repealed)**

#### **8 Rate book**

- (1) A rate book must contain the particulars listed in Schedule 2.
- (2) For the purposes of section 209 (2) of the Act (alterations or amendments in rate book), any particular relating to a rate may be altered.
- (3) For the purposes of section 209 (4) of the Act, an alteration or amendment in a rate book is to be made, signed and dated by the Board's Secretary and countersigned by the Chairperson.

#### **9 Rate notices**

Rate notices must be in a form approved by the Ministerial Corporation.

## **Part 3 Administration and accounts**

### **10 Duties of Secretary**

- (1) A Board's Secretary (subject to any direction given by the Board or Chairperson) is to exercise general control over all other Board employees.
- (2) A Board's Secretary, under the direction of the Chairperson:
- (a) must see that the Board's accounts are kept and presented for audit in accordance with the Act and this Regulation, and
  - (b) must keep accurate and permanent records of all assets purchased or sold by, or in possession of, the Board, and
  - (c) must take minutes of the Board's meetings, and of general meetings of ratepayers, and record them in a minute book, and
  - (d) has charge of the Board's records and is responsible for their recording, filing and safekeeping, and
  - (e) has custody of the Board's seal.

### **11 Keeping of books and accounts**

The books and accounts to be kept by a Board are proper books and accounts which show full, true and regular accountings of all money received and paid by the Board and the purposes for which money has been received or paid.

## **12 Qualifications of auditor**

The auditor of a Board's accounts must be a registered company auditor within the meaning of the *Corporations Act 2001* of the Commonwealth.

## **13 Duties of auditor**

A Board's auditor must:

- (a) audit the Board's accounts at the end of each financial year, and
- (b) furnish a report to the Board as to the correctness or otherwise of the accounts, and
- (c) complete a certificate verifying the accuracy of the annual financial statements.

## **14, 15 (Repealed)**

## **16 Register of loans**

Full particulars of all loans raised by a Board must be recorded by the Board in a register kept for the purpose.

## **17 Banking**

Money received by a Board must be paid into a bank, building society or credit union account in the name of the Board.

## **18 Writing off of debts**

- (1) A rate or other debt due to a Board may be written off on a resolution of the Board.
- (2) A rate or debt must not be written off unless the Board's auditor has certified that all practical means have failed to collect or recover it.
- (3) The resolution must specify the reason for the writing off.
- (4) A record of the resolution must be entered in the rate book.

## **Part 4 Miscellaneous**

### **19 (Repealed)**

### **20 Quorum for a Board**

The number of directors which constitute a quorum for a Board is:

- (a) if the Board consists of 3 directors—2, or
- (b) if the Board consists of 4 or 5 directors—3, or
- (c) if the Board consists of 6 or 7 directors—4.

## 21 Repeal

- (1) The *Drainage Regulations 1939* are repealed.
- (2) Any act, matter or thing that, immediately before that repeal, had effect under a provision of the repealed Regulations is taken to have effect under the corresponding provision of this Regulation or the *Drainage (Elections) Regulation 1995*.

## Schedule 1 (Repealed)

## Schedule 2 Particulars to be inserted in rate book

(Clause 8)

Assessment number	Additional charges for current year
Name of ratepayer	Payment received
Increased value	Receipt number
Rate on the increased value	Date of payment
Current rates	Arrears of rates carried forward
Arrears	Total
Total due	