

New South Wales.



ANNO DECIMO

GEORGI V REGIS.

Act No. 25, 1919.

An Act to extinguish the cost of works of certain drainage trusts; to extend the period for repayment of cost of works of certain drainage trusts; to provide for the fixing of such cost; to increase the maximum rate which may be imposed by the Brundee Swamp Drainage Trust; to annul the dissolution of the James Creek Drainage Trust; to validate certain acts, rates, and notifications; to amend the Water Act, 1912; and for purposes consequent thereon or incidental thereto. [Assented to, 5th December, 1919.]

BE

Water (Amendment).

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Water (Amendment) Act, 1919," and shall be construed with the Water Act, 1912.

Curl Curl
Drainage
Trust and Big
Swamp
Drainage
Trust.

2. (1) The cost of the works of the Curl Curl Lagoon Drainage Trust, and of the Big Swamp Drainage Trust, together with all unpaid interest thereon, is hereby extinguished.

Newrybar,
Cudgera,
Mooball and
Crabbe's
Creek, and
Tuckean
Drainage
Trust.

(2) In respect of the following drainage trusts the period for the extinguishment by a sinking fund of the cost of the original works taken over by such trusts shall be deemed not to have commenced to run until the expiration from the respective dates of gazettal of the completion of such works of the periods hereinafter respectively fixed; that is to say—

- (a) in respect of Newrybar Swamp Drainage Trust, five years;
- (b) in respect of Cudgera Drainage Trust, and Mooball and Crabbe's Creek Swamp Drainage Trust, three years;
- (c) in respect of Tuckean Swamp Drainage Trust, one year:

Provided that the Minister may, by notification in the Gazette, fix the cost of such original works by adding in each case to the amount of the cost already fixed, less any amounts already paid in respect thereof, all unpaid interest thereon at the rates set out in the respective constitutions of such trusts during such period of five years, three years, or one year, as the case may be, and the amounts so notified and no other shall be payable by the said trusts in respect of the said original works:

Provided further that the Minister may extend the periods fixed by the said constitutions within which the respective costs of such original works shall be repaid so as to prevent the annual repayments from being increased by reason of this section.

Water (Amendment).

(3) The notification by the Minister published in the Gazette of the eighth day of July, one thousand nine hundred and fourteen, purporting to cancel the previous notification of the completion of works of the Lavender Swamp Drainage Trust, and the notification published in the Gazette of the fifth day of August, one thousand nine hundred and fourteen, fixing the cost of the works of the said trust at the sum of one thousand two hundred and ninety-two pounds fifteen shillings and fourpence, are hereby ratified and confirmed.

Lavender
Swamp
Drainage
Trust.

(4) The maximum rate per acre which the trustees of the Brundee Swamp Drainage Trust are empowered to levy is hereby increased to one shilling and sixpence per acre.

Brundee
Swamp
Drainage
Trust rates.

(5) The dissolution by the Governor of the James Creek Drainage Trust, and the notification thereof published in the Gazette, are hereby declared to be and to have been null and void and of no effect.

James Creek
Drainage
Trust.

All acts done by the Minister or by the manager of the said trust since the date of the said dissolution, and all rates imposed by the Minister since such date, are hereby ratified and declared to be and to have been valid.

3. (1) Section thirty-two, paragraph (c), of the Water Act, 1912, is amended by omitting the words "shall not exceed four per centum per annum and."

Amendment
of s. 32.

(2) Section fifty-nine of the said Act is repealed and the following section is substituted therefor:—

Repeal of
s. 59.

59. (1) In the event of any delay in the election of trustees or in the event of any default by trustees in the discharge of their duties under this Part or the regulations made thereunder, or of the rate-payers failing to elect trustees, or the required number of trustees, the Minister may, by notification in the Gazette—

Powers of
Minister to
remove
trustees and
assume their
powers, &c.

- (i) remove a trustee or trustees from office, and direct the election of another trustee or other trustees; or
- (ii) remove a trustee or trustees (if any) and assume all powers, duties, and obligations by

Water (Amendment).

by this Part conferred or imposed on the trustees, and may appoint a manager of the affairs of the trust :

Provided that the Minister may at any time direct the election of trustees, and upon such election all such powers, duties, and obligations shall be revested in and reimposed upon the trustees.

(2) The Governor may, where in his opinion sufficient reason exists, dissolve a trust, and may extinguish any liability of such trust to the Crown.

Governor may dissolve trust.

By Authority :

WILLIAM APPELGATE GULLICK, Government Printer, Sydney, 1919.

[4d.]

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 1 December, 1919.*

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BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

P. B. COLQUHOUN,
Chairman of Committees of the Legislative Assembly.

Water (Amendment).

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Water (Amendment) Act, 1919," and shall be construed with the Water Act, 1912.

Curl Curl
Drainage
Trust and Big
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2. (1) The cost of the works of the Curl Curl Lagoon Drainage Trust, and of the Big Swamp Drainage Trust, together with all unpaid interest thereon, is hereby extinguished.

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Cudgera,
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(2) In respect of the following drainage trusts the period for the extinguishment by a sinking fund of the cost of the original works taken over by such trusts shall be deemed not to have commenced to run until the expiration from the respective dates of gazettal of the completion of such works of the periods hereinafter respectively fixed; that is to say—

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- (b) in respect of Cudgera Drainage Trust, and Mooball and Crabbe's Creek Swamp Drainage Trust, three years;
- (c) in respect of Tuckean Swamp Drainage Trust, one year:

Provided that the Minister may, by notification in the Gazette, fix the cost of such original works by adding in each case to the amount of the cost already fixed, less any amounts already paid in respect thereof, all unpaid interest thereon at the rates set out in the respective constitutions of such trusts during such period of five years, three years, or one year, as the case may be, and the amounts so notified and no other shall be payable by the said trusts in respect of the said original works:

Provided further that the Minister may extend the periods fixed by the said constitutions within which the respective costs of such original works shall be repaid so as to prevent the annual repayments from being increased by reason of this section.

(3)

Water (Amendment).

(3) The notification by the Minister published in the Gazette of the eighth day of July, one thousand nine hundred and fourteen, purporting to cancel the previous notification of the completion of works of the Lavender Swamp Drainage Trust, and the notification published in the Gazette of the fifth day of August, one thousand nine hundred and fourteen, fixing the cost of the works of the said trust at the sum of one thousand two hundred and ninety-two pounds fifteen shillings and fourpence, are hereby ratified and confirmed.

Lavender
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(4) The maximum rate per acre which the trustees of the Brundee Swamp Drainage Trust are empowered to levy is hereby increased to one shilling and sixpence per acre.

Brundee
Swamp
Drainage
Trust rates.

(5) The dissolution by the Governor of the James Creek Drainage Trust, and the notification thereof published in the Gazette, are hereby declared to be and to have been null and void and of no effect.

James Creek
Drainage
Trust.

All acts done by the Minister or by the manager of the said trust since the date of the said dissolution, and all rates imposed by the Minister since such date, are hereby ratified and declared to be and to have been valid.

3. (1) Section thirty-two, paragraph (c), of the Water Act, 1912, is amended by omitting the words "shall not exceed four per centum per annum and."

Amendment
of s. 32.

(2) Section fifty-nine of the said Act is repealed and the following section is substituted therefor:—

Repeal of
s. 59.

59. (1) In the event of any delay in the election of trustees or in the event of any default by trustees in the discharge of their duties under this Part or the regulations made thereunder, or of the rate-payers failing to elect trustees, or the required number of trustees, the Minister may, by notification in the Gazette—

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- (i) remove a trustee or trustees from office, and direct the election of another trustee or other trustees; or
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Water (Amendment).

by this Part conferred or imposed on the trustees, and may appoint a manager of the affairs of the trust :

Provided that the Minister may at any time direct the election of trustees, and upon such election all such powers, duties, and obligations shall be re-vested in and reimposed upon the trustees.

Governor
may dissolve
trust.

(2) The Governor may, where in his opinion sufficient reason exists, dissolve a trust, and may extinguish any liability of such trust to the Crown.

*In the name and on behalf of His Majesty I assent to
this Act.*

*Government House,
Sydney, 5th December, 1919.*

W. E. DAVIDSON,
Governor.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 20 November, 1919.*

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Provided that the Minister may, by notification in the Gazette, fix the cost of such original works by adding in each case to the amount of the cost already fixed, less any amounts already paid in respect thereof, all unpaid interest thereon at the rates set out in the respective constitutions of such trusts during such period of five years, three years, or one year, as the case may be, and the amounts so notified and no other shall be payable by the said trusts in respect of the said original works:

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(2) The Governor may, where in his opinion ^{Governor} sufficient reason exists, dissolve a trust, and may ^{may dissolve} trust. extinguish any liability of such trust to the Crown.