Hunter District Water and Sewerage (Amendment) Bill.

EXPLANATORY NOTE.

THE main objects of the Bill are as follows:-

- (1) To make provision for an alteration of the grouping of the constituent Councils which elect representatives on the Board, to increase the number of elected members, to decrease the number of nominee members to one (the President), to provide for a more adequate representation of community interests, and to give representation to shires served by the Board's mains.
- (2) To increase the maximum remuneration of members of the Board from £100 to £150.
- (3) To simplify and modernise the machinery for election of representatives on the Board.
- (4) To repeal enactments relating to collection of revenue by agents and as to the signing of cheques, the provisions of which are not applicable to present-day circumstances, and can be better provided for by regulation.
- (5) To consolidate and simplify provisions relating to by-laws which are scattered through several Acts and are of doubtful meaning.
- (6) To increase the limit of rating for water and sewerage purposes from one shilling (1s.) to one shilling and sixpence (1s. 6d.) in the pound on the assessed annual value in each case.
- (7) To authorise the Board to rate for stormwater drainage purposes.
- (8) To remove certain disabilities in respect of the making of valuations, and to more clearly define the Board's obligations as to rating.
- (9) To repeal the provision respecting the sale of land for unpaid rates which is not required.
- (10) To authorise the Board, at its option, to rate upon the unimproved value of land, or partly on the assessed annual value and partly on the unimproved value.
- (11) To empower the Board, independently of the Minister, to carry out extensions and improvements.
- (12) To increase the amount by which the Board may assist ratepayers to make sewerage connections from twenty pounds (£20) to thirty pounds (£30).
- (13) To vest stormwater drains in the Board, and to provide the necessary machinery for controlling same.
- (14) To omit a number of financial provisions which have never been operative, and to substitute simple provisions which will sufficiently define the Board's obligations as to the collection and disposal of revenue.

A BILL

To make further provision for water supply, sewerage, and drainage for the Hunter District; to amend the Hunter District Water and Sewerage Acts, 1892–1906; and for purposes consequent thereon or incidental thereto.

[Mr. Ball; -23 October, 1923.]

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:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Hunter District short title. Water and Sewerage (Amendment) Act, 1923."

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Definition,

2. The Hunter District Water Supply and Sewerage Act of 1892 (hereinafter referred to as "the Principal Act"), as amended or extended by the Hunter District Water Supply (Partial Duplication) Act, 1895, the Hunter District Water and Sewerage Act Amendment 5 Act, 1897, the Newcastle Sewerage Act, 1902, and the Hunter District Water and Sewerage (Amendment) Act, 1906, are in this Act referred to, and may in any Act, regulations, or by-laws, or any instrument made under the authority of any such Act, regulations or 10 by-laws, be cited as the "Hunter District Water and Sewerage Acts, 1892–1923."

Divisions of Act.

- 3. This Act is divided into Parts, as follows:-
 - PART I.—PRELIMINARY—ss. 1-4.
 - PART II.—Constitution of the Board—Regu- 15 LATIONS—BY-LAWS—88. 5-13.
 - PART III.—VALUATIONS AND RATES—DEFERRED PAYMENTS—ss. 14, 15.
 - PART IV.—STORMWATER DRAINS—FINANCE s. 16.

Amendment of Act 55 Vic. No. 27,

- **4.** Section two of the Principal Act is amended by the insertion in appropriate alphabetical order of definitions as follows:—
 - "Assessed annual value" shall have the meaning defined in section seven of the Valuation of 25 Land Act, 1916, and shall in all cases be read in place of the expression "net annual value" wherever occurring in this Act or any Act amending or extending its provisions.

"Stormwater drain" means any channel, natural 30 or artificial, whereby any surface water, liquid refuse, or polluted waters, other than those containing fæcal matter, is carried off.

PART II.

CONSTITUTION OF THE BOARD—REGULATIONS— BY-LAWS.

5. (1) This Part shall come into force on the first day Date of com-5 of January, one thousand nine hundred and twenty-four. Part. (2) Members of the board in office at the date of Members at

the passing of this Act shall continue to hold office present in until the thirtieth day of June, one thousand nine hundred and twenty-four. They shall thereupon cease

10 to hold office, and shall not be entitled to compensation by reason of their removal from office. They shall, if otherwise qualified, be eligible for election or appointment under this Act.

(3) If an extraordinary vacancy occurs in the 15 board prior to the thirtieth day of June, one thousand nine hundred and twenty-four, the Governor may appoint some person to fill the vacancy until the said date.

6. (1) Section five of the Principal Act is omitted Repeal of s. 5 and Sch. I of and the following section is inserted in lieu thereof —

Insertion of

5. (1) The authority empowered to carry out constitution 20 the provisions of this Act, except such parts of Board. thereof as empower the Minister to complete, construct, or maintain works for water supply, sewerage, or drainage, shall be the "Hunter 25 District Water Supply and Sewerage Board." Board shall be composed of seven persons.

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(2) The Governor shall appoint one member President. of the Board, who shall be the president of the Board.

(3) There shall be six elected members of the Elected board, each of whom shall be elected for a members-Electorates. constituency.

(4) Each constituency shall include the areas Future grouped therein respectively as set out in the First electorates. 35 Schedule to this Act: Provided that the Governor may by proclamation in the Gazette add the names of other municipalities or shires which he is of opinion should be represented on the board, to the names of the areas mentioned in the said Schedule, and 40 may include such area in any of the constituencies named,

named, and may re-group the areas included in the constituencies by including or excluding areas from such constituencies.

(5) The member for a constituency shall be elected by the aldermen and councillors of the areas 5

grouped therein.

Sixth

(6) For the purposes of this section area shall have the meaning ascribed thereto in the Local Government Act, 1919.

(2) The First Schedule to the Principal Act is 10 omitted and the following Schedule is inserted in lieu thereof:—

FIRST SCHEDULE.

East Maitland

Bolwarra Shire.

Morpeth

Cessnock

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Sec. 5 (4).	Constituencies.				Areas.	
	First				Newcastle Municipality.	15
					Stockton ,, Merewether ,,	
1	Second	•••	•••		Carrington ,,	
					Wickham ","	20
	Third				Hamilton ,,	20
					Adamstown ,,	
	T (1				New Lambton "	
	Fourth				Lambton ,, Wallsend	25
					Lake Macquarie Shire.	40
				1.06	Tarro Shire.	
	Fifth				West Maitland Municipality	

Amendment of s. 7 of Principal Act. 7. Section seven of the Principal Act is amended by omitting all the words after "years" where first occurring and inserting in substitution therefor "Provided that of 35 the first members elected in June, one thousand nine hundred and twenty-four, three shall hold office for two years only. The determination as to which members are to hold office for two years only shall be made by lot in the manner prescribed. Any member retiring 40 in accordance with this provision shall, if otherwise qualified, be eligible for re-election.

8. Section eight of the Principal Act is amended by *Ibid.* s. s. omitting the words "the Governor shall appoint some member of the board to be their president and."

9. Section nine of the Principal Act is amended by *Ibid.* s. 9. 5 omitting "one hundred" and inserting "one hundred

and fifty."

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10. Sections thirteen, fourteen, sixteen, and seven- *Ibid.* ss. 13, teen of the Principal Act are repealed, and the following ^{14,16, and 17}. sections are inserted in the place of those sections:—

14. (1) Elections to fill other than extraordinary Date of vacancies shall be held in the month of June in the elections year one thousand nine hundred and twenty-four, and in the same month in every second year thereafter.

(2) Members elected at the periodical elections in June shall assume office as from the

first day of July following.

16. Every person shall be eligible for election as Qualification a member of the Board if at the time of the holding of candidates.

20 of any election he possesses in and for any municipality or shire named in the First Schedule or in any proclamation made in pursuance of section five of this Act, the qualification, and is not within any disqualification, prescribed and imposed in respect of the office of alderman or councillor by the Local Government Act, 1919, or any Act amending or consolidating the same.

17. All elections shall be conducted in the manner Conduct of prescribed by regulations made by the Governor, regulations which shall also prescribe the notice to be given of such elections, the method of nominating candidates, the appointment and duties of returning officers and other electoral officers, and such other

matters as may require to be prescribed.

11. Sections twenty-eight and twenty-nine of the Repeal of Ss. 28 and 29 of Principal Act are repealed.

12. (1) Sections thirty-five of the Principal Act, Repeal of thirteen, fifteen, eighteen, nineteen, and forty-eight of s. 35 of Printipal Act, the Hunter District Water Supply and Sewerage Act ss. 15, 18, 19,

40 Amendment Act, 1897, and seventeen of the Hunter 48 of Act No.14 of 1897, District Water and Sewerage (Amendment) Act, 1906, s. 17 of Act are hereby repealed.

(2)

No. 33 of 1906.

Insertion of new ss. 35, 36 in Principal Act.

(2) The following sections are inserted in the Principal Act:—

Board may make by-laws.

35. (1) Subject to the provisions of this Act the Board may from time to time make, alter, and repeal by-laws in relation to—

Water supply.

Water rate.

(i) the determining, making, and levying the water rate to be paid in respect of property ratable for water supply. No such rate shall exceed the amount of seven and one-10 half pounds per centum on the assessed annual value: Provided that a minimum rate on each property of fifteen shillings may be imposed;

(ii) the appointment of a scale of charges for 15 water supplied by measure, and the minimum charge in any such case;

Charge for water for industrial, &c., purposes.

Charge by

measure.

Stock

charges.

(iii) the determining, making, and levying charges for water used for other than domestic purposes. Such charges shall be 20 additional to any rates payable in respect of any ratable property;

(iv) the determining, making, and levying an extra charge to be paid in addition to the water rate in respect of each property on 25 which one or more head of stock is kept where such property is supplied with water by the Board. No such extra charge shall exceed the sum of five shillings per head per

Payment of rates and charges.

(v) the determining of the time when rates and charges for water shall be payable, and whether in advance or otherwise;

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annum:

Water service pipes. (vi) the regulation of water service pipes and fittings between the water main and the 35 outlets of such pipes, the construction, alteration, extension, disconnection, removal, maintenance, repair, renewal, or clearing of any water service pipes and fittings, the performance by the Board of any work 40 should

required to be performed as a result of default of the person concerned, and the recovery of any expense so incurred; (vii) the direction and regulation as to the use, Water supply, fixing, maintenance, repair, removal, meters. 5 and inspection of meters; (viii) the prevention of the waste or misuse or the waste or unlawful taking of water; (ix) the assessment of the volume of water lost by Leakages. 10 leakages upon any property, the determination of the volume to be paid for by the consumer, and the recovery of payment therefor; (x) the regulation of the method by which water Methods of 15 shall be supplied to ratable properties or to supply. any consumer. Sewerage. (xi) The determining, making, and levying the Sewerage rate to be paid in respect of each property rates. 20 ratable for sewerage. No such rate shall exceed seven and one-half pounds per centum on the assessed annual value of the property ratable: Provided that a minimum rate on each property of fifteen shillings may be 25 imposed: (xii) the regulation of sewerage service pipes and Construction fittings, the construction, alteration, exten- of drains. sion, disconnection, removal, maintenance, repair, renewal, ventilation, flushing, and 30 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, and the recovery of any expense so incurred; 35 (xiii) the regulation or prevention of the discharge Surface into any sewer of the Board of roof waters waters. and other surface waters, and for preventing the admission of any dust, soil, rubbish, filth,

(xiv)

or garbage;

Liquid wastes

(xiv) 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;

W.C.'s and urinals.

(xv) prescribing the extent of water closet and urinal accommodation to be provided for premises, and for the alteration of existing premises to conform to the requirements of the Board in such matters.

Stormwater drainage.

Drainage rates.

(xvi) the determining, making, and levying the drainage rate to be paid in respect of each property in a drainage area according to the benefit which, in the opinion of 15 the Board, accrues to such property from the construction of stormwater drainage works. No such rate shall exceed the amount of three pounds per centum per annum on the assessed annual value: Provided that a 20 minimum rate on each property of two shillings and sixpence may be imposed;

Fouling and obstruction of drains.

(xvii) regulating and preventing the discharge of urine, fæcal matter, liquid wastes, and polluted waters into stormwater drains, and 25 preventing obstruction to the free flow of waters in such drains.

General.

Design of pipes, fittings, &c.

(xviii) the regulation of the number, design, dimension, level, materials, and form of all 30 pipes and fittings which the Board may require to be provided and used in connection with any water supply, sewerage, or stormwater drainage service;

Testing of fittings.

(xix) the regulation of the testing, stamping, and 35 marking of fittings intended for use in connection with any of the Board's water, sewerage, or drainage services;

(XX)

	(xx)	the conditions upon which licenses or certificates of competency shall be issued to persons applying therefor, and the amount of fees to be charged;	Licenses.
5	(xxi)	the prescribing of the fees to be paid for the connection of any premises with the Board's water or sewerage services, for examining	Fees.
10	(xxii)	and preparing drainage plans and estimates, and such other fees as may lawfully be imposed; the prescribing of the form of any notice or other document to be prepared, issued, or	Notices.
15	(xxiii)	received in accordance with this Act and any by-laws thereunder; the protection of the property of the Board from damage and trespass, and the water supply from pollution;	Damage to property.
20		for the governance of the officers and servants of the Board, the regulation of their conditions of employment, and for their guidance in the execution of their duties;	Officers and servants. Conduct of outiness.
25	and ch	the carrying into effect the several provisions, of intentions, and objects of this Act. (2) In any by-laws made by the Board rates parges may be uniform or on a differential tribular scale as the Board may determine.	General. Provision as
30	that th or reve	(3) No by-law or proceedings taken thereshall be deemed to be invalid by reason only e estimates made by the Board of expenditure onue were inaccurate. By-laws and regulations made under the process of the state	Dublication
35	provision (a)	ons of this Act shall— be published in the Gazette; take effect from the date of publication provided that by-laws determining, making, or levying rates shall upon publication,	f by-laws and regula- ions.
40	53—	unless the contrary intention appears, be deemed to have been in force from the commencement of the then current rating year; B (c)	

(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. If either 5 House of Parliament pass are solution of which notice has been given at any time within fifteen sitting days after such by-law has been laid before such House disallowing any by-law or part thereof, such by-law or part 10 shall thereupon cease to have effect.

Sec. 42 of Principal Act. 13. Section forty-two of the Principal Act is amended by omitting all words after "Act" where the second time occurring, and inserting in substitution therefor the words "or any Act amending or extending 15 its provisions, and for prescribing the form of any notice or other document under this Act or any Act amending or extending its provisions, and requirements to be observed in the payment of expenditure incurred by the Board."

PART III.

VALUATIONS AND RATES—DEFERRED PAYMENTS.

Amendment of s. 9 of H.D. Act, 1897. 14. (1) Section nine of the Hunter District Water and Sewerage Act Amendment Act, 1897, is amended—

(a) in subsection one by omitting the words "by 25 two competent valuers, of whom the assessor to the Board for the time being shall be one, in the form or to the effect of Schedule A hereto" and inserting in substitution therefor the words "in the prescribed form"; and by 30 omitting Schedule A to that Act;

(b) by omitting subsections two and four;

(c) in subsection six by omitting "in the form or to the effect of Schedule A hereto."

Amendment of ss. 9 and 10 of H.D. Act, 1897. (2) Sections nine and ten of the same Act are 35 amended by inserting before "municipal council" in the expression "valuation then in force of any municipal council," wherever occurring, the words "shire or."

(3)

	(3) Section ten of the same Act is amended in <i>Ibid.</i> s. 10 of paragraph (I) by inserting after "may" the words "in H.D. Act, each year"; and in paragraph (III) by omitting "municipal" where secondly occurring. (4) Section fourteen of the same Act is repealed Insertion of and the following section is inserted in substitution new s. 14 of H.D. Act, 1897.	
	14. The Board shall levy and collect such rates, Water and	
	charges, and sums of money as shall be sufficient to sewerage	
1	cover the annual sums required for carrying out the	
•	provisions of the Hunter District Water and Sewer-	
	age Acts, 1892-1923, including the payment of the	
	salaries and remuneration of the president, vice-	
	president, and other members of the Board.	
1	5 (5) A new section is inserted in the same Act Insertion of	
	next after section nineteen: — new section 19A.	
	19A. (1) The Board may determine whether for Rating.	
	any year the rates to be levied, or any of them, shall	
	be levied,	
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	property; or	
	(b) upon the unimproved value of the ratable	
	property; or (c) partly upon the assessed annual value and	
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_	ratable property.	
	(2) Before levying a rate in pursuance of	
3	paragraph (b) or paragraph (c) of the last preceding sub-section, the Board shall furnish the Government Statistician with the details of the proposed rate. (3) No rates shall be levied in pursuance of	
	paragraph (b) or paragraph (c) of sub-section one	
	of this section unless and until the Government	
	Statistician furnishes a certificate to the Governor	
3	(which shall be published in the Gazette) setting	
	out that the revenue which will be produced by the	
	proposed rate for the year in respect of which it is to be levied will not exceed an amount equal or	
	approximately equal to that which would be pro-	
	duced.	
4	(a) in the case of a water rate or a sewerage rate	
	by a rate of seven and one-half per centum	
	of the assessed annual value of the property	
	ratable. (b)	

(b) in the case of a stormwater drainage rate by a rate of three per centum of the assessed annual value of the property ratable.

(4) In levying any rate under this section it shall be lawful for the Board to levy in respect 5

of any property ratable,—

(a) for water supply—a minimum water rate of fifteen shillings per annum;

(b) for sewerage—a minimum sewerage rate of fifteen shillings per annum;

(c) for stormwater drainage—a minimum stormwater drainage rate of two shillings and six-

pence per annum.

(5) "Unimproved value" shall in this section mean the unimproved value of the land as 15 stated in a valuation list issued under the Valuation of Land Act, 1916, or in the case of land not included in any valuation list the unimproved value as ascertained in accordance with the Local Government Act, 1919, or any Act amending the 20 same.

(6) The valuation in force on the thirty-first day of December immediately preceding the giving of a certificate by the Government Statistician or the making of a rate shall be the valuation to be adopted for the purpose of such certificate or rate.

(6) Section thirty-five of the same Act is

repealed.

(7) Section forty-five of the same Act is amended by omitting the words "passed before the commencement of this Act" and the words "and sewers."

(8) A new section is inserted in the same Act

next after section forty-five as follows:—

45A. The Board may, subject to the provisions of Public Works Act, 1912, carry out any extensions or improvements of any works vested in it, and in 35 such case all powers and liabilities exercisable by and attaching to the Constructing Authority shall be exercisable by and attach to the Board.

15. Section twelve of the Hunter District Water and Sewerage (Amendment) Act, 1906, is amended in subsection two by omitting the words "twenty pounds" and inserting in substitution therefor the words "thirty pounds."

PART

Repeal of s. 35 of H.D. Act, 1897.

Amendment of s. 45 of H.D. Act, 1897.

New s. 45A.

Board may carry out improvements or extensions.

Amendment of s. 12 of H.D. Act, 1906.

PART IV.

STORMWATER DRAINS-FINANCE.

16. (1) Part IV of the Principal Act and Part IV Repeal of of the Hunter District Water Supply and Sewerage Act Part IV of Principal 5 Amendment Act, 1897, are hereby repealed.

(2) The following new Parts are inserted in H.D. Act, 1897.

PART IV.

STORMWATER DRAINS.

10 129. The Governor may, by proclamation in stormwater drains hereafter the Gazette, direct that any stormwater drains vested in Board. now or hereafter constructed therein described be vested in the Board.

in pursuance of the next preceding section, the stormwater control and management of the drains shall be absolutely transferred to the Board, and all lands, buildings, works, material, plant, plans, documents, and all other property whatsoever connected therewith shall be vested in the Board for an estate in fee-simple without any further conveyance or transfer.

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131. As soon as practicable after any such Drainage transfer to the Board of any stormwater drain—

(a) the Board shall define the boundaries of the drainage area in respect of any such drain, and shall cause notice thereof to be published in the Gazette, and at least twice in some newspaper or newspapers circulating in such area, and to be given to the council of any municipality or shire constituting or forming part of such area. Such notices shall state that an appeal against such definition of the boundaries may be made within thirty days from the date of the last of such publications;

(b) within such thirty days any person interested may appeal against such definition of boundaries to a dipendiary or police magistrate,

magistrate, appointed by the Governor in that behalf, and sitting in open court within such area or convenient thereto;

(c) notice of the day and place of hearing of appeals shall be published by the Board by 5 advertisement in the Gazette and in one or more newspapers circulating in such area;

(d) such magistrate shall hear such appeal, and for that purpose shall have the powers of a court of petty sessions, and may con-10 firm or make such alterations in the boundaries of the area as he may think just, having regard to the benefit derived, or to be derived, by the owners or occupiers of properties within such drainage area from 15 the construction of such works or the actual use thereof, or the right to the use thereof;

(e) where the boundaries of such area are confirmed, such magistrate shall attest by his 20 signature the Gazette notice of such boundaries, and where such boundaries are altered the magistrate shall there and then amend and alter such notice accordingly, and attest the same as so altered;

(f) the boundaries as defined by the Board, with such alterations (if any) as may be made therein on appeal as aforesaid, shall be the boundaries of such drainage area for the purposes of this Act.

132. Subject to the provisions of this Act, drainage rates may be enforced and recovered in respect of each and every property situated within the boundaries of any drainage area. Differential rates may be levied in respect of different zones as 35 actined by by-law. Any drainage rate imposed on property may be in addition to any sewerage rate imposed thereon.

133. Subject to the provisions of this Act the Minister may from time to time construct storm-40 water drains or alter or extend any stormwater drains vested in the Board.

133A.

Drainage rates.

Construction and alteration of drains. 133A. The Board shall maintain, repair, and Maintenance cleanse all stormwater drains transferred to and of drains. vested in or constructed or acquired by it, and shall keep the same so as not to be a nuisance or injurious to health.

PART IVA.

FINANCE.

133B. (1) As soon as practicable after the Yearly thirtieth day of June in each year the Minister statement of shall cause statements to be prepared and furnished to the Board showing the respective amounts expended up to that day on all works constructed by or vested in the Board—

(a) in the purchase or acquisition of land and on permanent or other works which do not require maintenance or reconstruction;

(b) on works which may require maintenance or reconstruction.

20 Board may report to the Minister, making such recommendations as may be thought fit.

(3) The Minister shall consider the said report, and shall finally determine the respective amounts and the classification of the expenditure, and shall notify the same in the Gazette.

(4) The Governor may make such partial remissions of or deductions from the amounts expended as he may think just.

the Treasury, or into the bank keeping the public expenditure.

account, and all necessary expenditure in management and all working expenses shall be advanced to the Board out of the Consolidated Revenue

35 133D. The provisions of the Audit Act, 1902, shall Application apply to the Board, and to all officers acting under of Audit Act, its authority and control.

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