

*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, 11 September, 1924.*

## New South Wales.



ANNO QUINTO DECIMO

## GEORGI V REGIS.

\*\*\*\*\*

### Act No. 6, 1924.

An Act 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. [Assented to, 17th September, 1924.]

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, 1924."

2.

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

R. B. WALKER,  
*Chairman of Committees of the Legislative Assembly.*



*Hunter District Water and Sewerage (Amendment).*

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 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 by-laws, be cited as the "Hunter District Water and Sewerage Acts, 1892-1924."

Divisions of Act.

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

PART I.—PRELIMINARY—ss. 1-4.

PART II.—CONSTITUTION OF THE BOARD—REGULATIONS—BY-LAWS—ss. 5-13.

PART III.—VALUATIONS AND RATES—DEFERRED PAYMENTS—ss. 14, 15.

PART IV.—STORMWATER DRAINS—FINANCE, &C.—ss. 16-19.

Amendment of Act 55 Vic. No. 27, s. 2.

**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 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.

"Catchment area" means any area as defined from time to time by proclamation from which the supply of water is drawn.

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

"Stormwater



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“Stormwater drain” means any channel, natural or artificial, whereby any surface water, liquid refuse, or polluted waters, other than those containing faecal 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 of December, one thousand nine hundred and twenty-four. Date of commencement of Part.

(2) Members of the board in office at the date of the passing of this Act shall continue to hold office until the thirty-first day of December, one thousand nine hundred and twenty-four. They shall thereupon cease 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. Members at present in office.

(3) If an extraordinary vacancy occurs in the board prior to the thirty-first day of December, 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 and the following section is inserted in lieu thereof:— Repeal of s. 5 and Sch. I of H.D. Act of 1892. Insertion of new s. 5.

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

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

(3)



*Hunter District Water and Sewerage (Amendment).*

Elected  
members—  
Electoral-  
ates.  
Future  
electoral-  
ates.

(3) There shall be eight elected members of the board.

(4) The constituencies for elections shall include the areas as set out in the First Schedule to this Act. Each constituency shall return the number of members indicated in the said Schedule: 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 may include such area in any of the constituencies named, and may re-group the areas included in the constituencies by including or excluding areas from such constituencies, and may alter the number of members to be returned for each constituency.

(5) The member or members for a constituency shall be elected by the aldermen and councillors of the areas grouped therein.

(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 omitted and the following Schedule is inserted in lieu thereof:—

Sec. 5 (4).

## FIRST SCHEDULE.

Constituencies.	Areas.	No. of Members to be returned.
First	City of Newcastle...	One.
Second	Stockton, Carrington, Wickham, Waratah.	Two.
Third	Merewether, Hamilton, Adams-town, New Lambton, Lambton.	Two.
Fourth	Wallsend, Lake Macquarie, Tarro	One.
Fifth	West Maitland, East Maitland, Morpeth, and Bolwarra.	One.
Sixth	Cessnock ...	One.



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**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 the members elected in December, one thousand nine hundred and twenty-four, four 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 in accordance with this provision shall, if otherwise qualified, be eligible for re-election.

Amendment  
of s. 7 of  
Principal  
Act.

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

*Ibid.* s. 8.

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

*Ibid.* s. 9.

**10.** Sections thirteen, fourteen, sixteen, and seventeen of the Principal Act are repealed, and the following sections are inserted in the place of those sections:—

*Ibid.* ss. 13,  
14, 16, and 17.

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

Date of  
elections.

(2) Members elected at the periodical elections in December shall assume office as from the first day of January following.

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

Qualification  
of candidates.

17. All elections shall be conducted in the manner prescribed by regulations made by the Governor, which shall also prescribe the notice to be given of

Conduct of  
elections—  
regulations



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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.

Repeal of ss. 28  
and 29 of Prin-  
cipal Act.

**11.** Sections twenty-eight and twenty-nine of the Principal Act are repealed.

Repeal of  
s. 35 of Prin-  
cipal Act,  
ss. 15, 18, 19,  
48 of Act  
No. 14 of 1897,  
s. 17 of Act  
No. 33 of 1906.

**12.** (1) Sections thirty-five of the Principal Act, thirteen, fifteen, eighteen, nineteen, and forty-eight of the Hunter District Water Supply and Sewerage Act Amendment Act, 1897, and seventeen of the Hunter District Water and Sewerage (Amendment) Act, 1906, are hereby repealed.

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—

*Catchment area.*

Boundaries.

(i) the marking of the boundaries of any catchment area:

Protection  
from  
pollution.

(ii) 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;

Inspection  
of land and  
buildings.  
Prohibition  
of burials.

(iii) the inspection of land and buildings upon any catchment area;

(iv) the regulation or the prohibition of burials on any catchment area;

Structural  
alterations  
to prevent  
pollution.

(v) 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;

Removal of  
buildings or  
works.

(vi) requiring the removal of buildings or works on any catchment area;

Diversion of  
water.

(vii) 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;

(viii)



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- (viii) the prevention of the destruction of trees or shrubs, and the authorising of measures necessary to preserve or provide arboreal cover; Preservation of arboreal cover.
- (ix) any matter which by this Act the board is authorised to control, regulate, or prohibit.

*Water supply.*

- (x) 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-half pounds per centum on the assessed annual value: Provided that a minimum rate on each property of fifteen shillings may be imposed; Water rate.
- (xi) the appointment of a scale of charges for water supplied by measure, and the minimum charge in any such case; Charge by measure.
- (xii) the determining, making, and levying of the charges to be paid in addition to the rate, in respect of any property where water is used for other than domestic purposes and the supply is not through a meter; Special fees.
- (xiii) the determining of the time when rates and charges for water shall be payable, and whether in advance or otherwise; Payment of rates and charges.
- (xiv) 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 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; Water service pipes.
- (xv) the direction and regulation as to the use, supply, fixing, maintenance, repair, removal, and inspection of meters; Water meters.
- (xvi) the prevention of the waste or misuse or the unlawful taking of water; Waste or misuse.

(xvii)



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*Hunter District Water and Sewerage (Amendment).*

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| Leakages.          | (xvii) 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 ; |
| Methods of supply. | (xviii) the regulation of the method by which water shall be supplied to ratable properties or to any consumer.   |

*Sewerage.*

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|-------------------------|---|
| Sewerage rates.         | (xix) The determining, making, and levying the rate to be paid in respect of each property 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 imposed ;  |
| Construction of drains. | (xx) 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, and the recovery of any expense so incurred ; |
| Surface waters.         | (xxi) the regulation or prevention of the discharge into any sewer of the Board of roof waters and other surface waters, and for preventing the admission of any dust, soil, rubbish, filth, or garbage ;   |
| Liquid wastes.          | (xxii) 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.     | (xxiii) 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*



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*Stormwater drainage.*

- (xxiv) the determining, making, and levying the <sup>Drainage</sup> drainage rate to be paid in respect of <sup>rates.</sup> each property in a drainage area according to the benefit which, in the opinion of 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 minimum rate on each property of two shillings and sixpence may be imposed;
- (xxv) regulating and preventing the discharge of <sup>Fouling and</sup> urine, faecal matter, liquid wastes, and <sup>obstruction</sup> polluted waters into stormwater drains, and <sup>of drains.</sup> preventing obstruction to the free flow of waters in such drains.

*General.*

- (xxvi) the regulation of the number, design, <sup>Design of</sup> dimension, level, materials, and form of all <sup>pipes,</sup> pipes and fittings which the Board may <sup>fittings, &c.</sup> require to be provided and used in connection with any water supply, sewerage, or stormwater drainage service;
- (xxvii) the regulation of the testing, stamping, and <sup>Testing of</sup> marking of fittings intended for use in con- <sup>fittings.</sup> nection with any of the Board's water, sewerage, or drainage services;
- (xxviii) the conditions upon which licenses or certi- <sup>Licenses.</sup> ficates of competency shall be issued to persons applying therefor, and the amount of fees to be charged;
- (xxix) the prescribing of the fees to be paid for the <sup>Fees.</sup> connection of any premises with the Board's water or sewerage services, for examining and preparing drainage plans and estimates, and such other fees as may lawfully be imposed;

(xxx)



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| Notices.               | (xxx) 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 ;                   |
| Damage to property.    | (xxxi) the protection of the property of the Board from damage and trespass, and the water supply from pollution ;   |
| Officers and servants. | (xxxi) 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 ; |
| Conduct of business.   | (xxxiii) the conduct of the business of the Board ;  |
| General.               | (xxxiv) the carrying into effect the several provisions, intentions, and objects of this Act.  |
- Provision as to rates.
- (2) In any by-laws made by the Board rates and charges may be uniform or on a differential basis or sliding scale as the Board may determine.
- (3) No by-law or proceedings taken thereunder shall be deemed to be invalid by reason only that the estimates made by the Board of expenditure or revenue were inaccurate.
- (4) 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.
- Publication of by-laws and regulations.
36. By-laws and regulations made under the provisions of this Act shall—
- (a) be published in the Gazette ;
  - (b) take effect from the date of publication provided that by-laws determining, making, or levying rates shall upon publication, unless the contrary intention appears, be deemed to have been in force from the commencement of the then current rating year ;
  - (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not then within



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within fourteen sitting days after the commencement of the next session. If either House of Parliament pass a resolution 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 shall thereupon cease to have effect.

**13.** (1) 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 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." Sec. 42 of  
Principal  
Act.

(2) Section six of the Hunter District Water and Sewerage Act Amendment Act, 1897, is amended by omitting the words "Four hundred and forty" wherever occurring and inserting in lieu thereof the words "Two hundred and fifty."

## PART III.

## VALUATIONS AND RATES—DEFERRED PAYMENTS.

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

- (a) in subsection one by omitting the words "by 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 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."

(2)



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Amendment  
of ss. 9 and  
10 of H.D.  
Act, 1897.

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

*Ibid.* s. 10 of  
H.D. Act,  
1897.

(3) Section ten of the same Act is amended in paragraph (I) by inserting after "may" the words "in each year"; and in paragraph (III) by omitting "municipal" where secondly occurring.

Insertion of  
new s. 14 of  
H.D. Act,  
1897.

(4) Section fourteen of the same Act is repealed and the following section is inserted in substitution therefor:—

Water and  
sewerage  
rates.

14. The Board shall levy and collect such rates, charges, and sums of money as shall be sufficient to cover the annual sums required for carrying out the provisions of the Hunter District Water and Sewerage Acts, 1892-1924, in respect of the water supply, sewerage, and stormwater drainage services, including the payment of the salaries and remuneration of the president, vice-president, and other members of the Board:

Provided that in respect of each such service the deficit or surplus on the preceding year's operations shall be brought forward and added to or deducted from the estimated annual sum required for the carrying out of each such respective service for the next following year.

Insertion of  
new section  
19A.

(5) A new section is inserted in the same Act next after section nineteen:—

Rating.

19A. (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 the ratable property; or
- (b) upon the unimproved value of the ratable property; or
- (c) partly upon the assessed annual value and partly upon the unimproved value of the ratable property.

(2) For the purpose of securing compliance with the provisions of this Act, as to the limitation of rates, the board shall before levying a rate in pursuance



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pursuance of paragraph (b) or (c) of the last preceding subsection, 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 subsection one of this section unless and until the Government Statistician furnishes a certificate to the Governor (which shall be published in the Gazette) that the revenue from any such proposed rate will not exceed an amount approximately equal to—

(a) in the case of a water rate or a sewerage rate seven and one-half per centum of the assessed annual value of the property ratable;

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

(4) No rates shall be levied in pursuance of paragraph (b) or paragraph (c) of subsection one of this section unless and until the Government Statistician furnishes a certificate to the Governor (which shall be published in the Gazette) that the revenue from such proposed rates, so far as the same are to be levied upon unimproved value, will not exceed the amount of the capital expenses.

(5) For the purposes of this section the capital expenses shall mean the aggregate of the following sums:—

(a) the interest charged for the preceding financial year on the total sum debited in the Treasury against the board as at the end of that year in respect of capital expenditure;

(b) one per centum on such capital expenditure.

(6) Any revenue raised from rates levied upon unimproved value shall, so far as that revenue exceeds such interest, be applied in reduction of any sum debited against the board in respect of capital expenditure.

(7) In levying any rate under this section it shall be lawful for the Board to levy in respect of any property ratable,—

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

(b)



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(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 sixpence per annum.

(8) “Unimproved value” shall in this section mean the unimproved value of the land as 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 same.

(9) 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.

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

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

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

(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.”

New s. 45A.

(8) A new section is inserted in the same Act next after section forty-five as follows :—

Board may carry out improvements or extensions.

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 such case all powers and liabilities exercisable by and attaching to the Constructing Authority shall be exercisable by and attach to the Board.

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

**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.”



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PART IV.

STORMWATER DRAINS—FINANCE.

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

Repeal of  
Part IV of  
Principal  
Act and  
Part IV of  
H.D. Act,  
1897.

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

PART IV.

STORMWATER DRAINS.

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

Stormwater  
drains hereafter  
vested in Board

130. In respect of any drains vested in the Board in pursuance of the next preceding section, the 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.

Property in  
stormwater  
drains.

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

Drainage  
areas.

- (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)



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- (b) within such thirty days any person interested may appeal against such definition of boundaries to a stipendiary or police 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 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 confirm 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 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 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.

Drainage  
rates.

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 defined by by-law. Any drainage rate imposed on property may be in addition to any sewerage rate imposed thereon.

133.



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

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

## PART IVA.

## FINANCE.

133B. (1) As soon as practicable after the thirtieth day of June in each year the Minister 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— Yearly statement of expenditure.

- (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.

(2) On receipt of any such statements the 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.

133C. All revenue of the Board shall be paid into the Treasury, or into the bank keeping the public account, and all necessary expenditure in management and all working expenses shall be advanced to the Board out of the Consolidated Revenue Fund. Revenue and expenditure.

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



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Amendment  
of 55 Vic.  
No. 27, s. 91.

**17.** The Principal Act is further amended by omitting from section ninety-one all words after the words "the same" and by adding the following new subsections :—

(2) No water rates shall be leviable upon land vested in the Railway Commissioners for New South Wales in use for railway or tramway purposes and not let to any other person.

(3) The board may supply the Railway Commissioners for New South Wales with water by measure at a charge to be fixed by the by-laws.

(4) Sewerage rates may be levied upon land which is vested in the Railway Commissioners for New South Wales if—

- (a) the land is let to any other person ; or
- (b) there are buildings on such land, and the sewage from such buildings is drained into a sewer of the board ; or
- (c) there is a sewer of the board in a road to which such land has frontage, or in the land, and there are buildings on such land, the sewage from which could be drained into such sewer, and such sewer is not distant more than one hundred and fifty feet from such buildings.

The land upon which the rates may be levied, if in use for railway or tramway purposes, is the land in connection with which the buildings aforesaid are used, and such land shall be deemed to be the mean width of frontage of platforms or buildings in the case of railway stations, tramway depots, workshops, offices, or other similar buildings used in connection with the operations of the railway or tramway systems, excepting any buildings separately enclosed by fences, which shall be assessed on the mean frontage of the enclosed area.

Catchment  
areas.

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

(2) The Governor may, by like proclamation, at any time revoke and cancel the proclamation of any catchment



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*Hunter District Water and Sewerage (Amendment).*

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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 or any Act repealed thereby.

(3) After the passing 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) A license granted under section twenty-six of the Forestry Act, 1912, shall not, unless with the consent of the board, apply to land within a catchment area.

(5) 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.

**19.** (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 thereon so as to avoid any insanitary condition thereon or any interference therefrom with the purity of the water supply. Prevention of pollution of 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, stock-yards, or stables, and prescribe the distance from any watercourse or reservoir within which



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*Hunter District Water and Sewerage (Amendment).*

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- which no such structure shall be erected or continued, and 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 householder or occupier of any premises within the 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 on any such case ;
  - (m) 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.

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

W. P. CULLEN,

*By Deputation from His Excellency the Governor.*

*Government House,*

*Sydney, 17th September, 1924.*



# HUNTER DISTRICT WATER AND SEWERAGE (AMENDMENT) BILL.

## *SCHEDULE of Amendments referred to in Message o 4th September, 1924.*

Page 2, clause 4. *After line 29 insert new definitions:—*

**“Catchment area”** means any area as defined from time to time by proclamation from which the supply of water is drawn.

**“Domestic purposes”** does not include a supply of water for stables, for manufacturing, trade, or business purposes, for irrigation, for water power, for fountains, for watering cattle or horses, or for watering gardens.

Page 3, clause 5, line 13. *Omit “thirtieth” insert “thirty-first”*

Page 3, clause 6, line 32. *Omit “seven” insert “nine”*

Page 3, clause 6, line 36. *Omit “six” insert “eight”*

Page 3, clause 6, lines 37 and 38. *Omit “each of whom shall be elected for a constituency”*

Page 4, clause 6, lines 1 and 2. *Omit “Each constituency shall include the areas grouped therein respectively” insert “The constituencies for elections shall include the areas”*

Page 4, clause 6, line 4. *After “Act” insert “Each constituency shall return the number of members indicated in the said Schedule”*

Page 4, clause 6, line 14. *After “constituencies” insert “and may alter the number of members to be returned for each constituency”*

Page 4, clause 6, line 16. *After “member” insert “or members”*

Page 4. *Omit First Schedule.*

Page 5. *Insert new First Schedule.*

Page 5, clause 7, line 19. *After “the” omit “first”*

Page 5, clause 7, line 20. *After “twenty-four” omit “three” insert “four”*

Page 6, clause 12, line 30. *After “watercourse” insert “or reservoir”*

Page 6, clause 12, lines 43 and 44. *Omit paragraph (vii).*

Page 7, clause 12. *After paragraph (ix) insert new paragraph (ix).*

Page 7, clause 12, lines 24 to 28. *Omit paragraph (xii) insert new paragraph (xii) as follows:—“the determining, making, and levying of the charges to be paid in addition to the rate, in respect of any property where water is used for other than domestic purposes and the supply is not through a meter”*

Page 11, clause 13. *At end of clause add new subclause (2).*

Page 13, clause 14. *After subclause (3) insert new subclauses (4), (5), and (6).*

Page 18, clause 17, line 18. *Omit “two” insert “one”*

Page 19. *After clause 18 add new clause 19.*







*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, 30 July, 1924.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.*

W. L. S. COOPER,

*Clerk of the Parliaments.*

*Legislative Council Chamber,*

*Sydney, 4th September, 1924.*

## **New South Wales.**



ANNO QUINTO DECIMO

## **GEORGII V REGIS.**

\*\*\*\*\*

**Act No. , 1924.**

An Act 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.

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

### **PART I.**

#### **PRELIMINARY.**

**1.** This Act may be cited as the "Hunter District Short title Water and Sewerage (Amendment) Act, 1924."

47805

70—A

**2.**

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.



*Hunter District Water and Sewerage (Amendment).*

**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  
 5 Hunter District Water and Sewerage Act Amendment 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  
 10 Act, regulations, or by-laws, or any instrument made under the authority of any such Act, regulations or by-laws, be cited as the "Hunter District Water and Sewerage Acts, 1892-1924."

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

Divisions of  
Act.

PART I.—PRELIMINARY—ss. 1-4.

15 PART II.—CONSTITUTION OF THE BOARD—REGU-  
LATIONS—BY-LAWS—ss. 5-13.

PART III.—VALUATIONS AND RATES—DEFERRED  
PAYMENTS—ss. 14, 15.

20 PART IV.—STORMWATER DRAINS—FINANCE, &C.  
—ss. 16-19.

**4.** Section two of the Principal Act is amended by the insertion in appropriate alphabetical order of  
 definitions as follows:—

Amendment  
of Act 55  
Vic. No. 27,  
s. 2.

25 "Assessed annual value" shall have the meaning defined in section seven of the Valuation of 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.

30 "Catchment area" means any area as defined from time to time by proclamation from which the supply of water is drawn.

35 "Domestic purposes" does not include a supply of water for stables, for manufacturing, trade, or business purposes, for irrigation, for water power, for fountains, for watering cattle or horses, or for watering gardens.

*and*

"Stormwater



*Hunter District Water and Sewerage (Amendment).*

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

5

## PART II.

CONSTITUTION OF THE BOARD—REGULATIONS—  
BY-LAWS.

5. (1) This Part shall come into force on the first day of December, one thousand nine hundred and twenty-four. Date of commencement of Part.

(2) Members of the board in office at the date of the passing of this Act shall continue to hold office until the ~~thirtieth~~ **thirty-first** day of December, one thousand nine hundred and twenty-four. They shall thereupon cease 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. Members at present in office.

(3) If an extraordinary vacancy occurs in the board prior to the thirty-first day of December, 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 and the following section is inserted in lieu thereof — Repeal of s. 5 and Sch. I of H.D. Act of 1892. Insertion of new s. 5.

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

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

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

(4)



*Hunter District Water and Sewerage (Amendment).*

(4) ~~Each constituency shall include the areas~~ <sup>Future</sup> ~~grouped therein respectively~~ <sup>electorates.</sup> The constituencies for elections shall include the areas as set out in the

5 return the number of members indicated in the said Schedule: 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  
10 of the areas mentioned in the said Schedule, and may include such area in any of the constituencies named, and may re-group the areas included in the constituencies by including or excluding areas from such constituencies, and may alter the number of  
15 members to be returned for each constituency.

(5) The member or members for a constituency shall be elected by the aldermen and councillors of the areas grouped therein.

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

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

25 **FIRST SCHEDULE.** Sec. 5 4).

Constituencies.				Areas.
30	First	...	...	Newcastle Municipality.
				Stockton
				Merewether "
35	Second	...	...	Carrington "
				Wickham "
				Waratah "
40	Third	...	...	Hamilton "
				Adamstown "
				New Lambton "
45	Fourth	...	...	Lambton "
				Wallsend "
				Lake Macquarie Shire.
	Fifth	...	...	Tarro Shire.
				West Maitland Municipality
				East Maitland "
				Morpeth "
				Bolwarra Shire.
	Sixth	...	...	Cessnock "

**FIRST**



*Hunter District Water and Sewerage (Amendment).*

## FIRST SCHEDULE.

	Constit- uencies.	Areas.	No. of Members to be returned.
5	First ...	City of Newcastle ...	One
	Second ...	Stockton, Carrington, Wickham, Waratah.	Two
10	Third ...	Merewether, Hamilton, Adams- town, New Lambton, Lambton.	Two
	Fourth ...	Wallsend, Lake Macquarie, Tarro.	One
	Fifth ...	West Maitland, East Maitland, Morpeth, and Bolwarra.	One
15	Sixth ...	Cessnock ...	One

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 the first members elected in December, one thousand nine hundred and twenty-four, three four 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 in accordance with this provision shall, if otherwise qualified, be eligible for re-election.

Amendment  
of s. 7 of  
Principal  
Act.

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

*Ibid.* s. 8.

9. Section nine of the Principal Act is amended by omitting "one hundred" and inserting "one hundred and fifty."

*Ibid.* s. 9.

10. Sections thirteen, fourteen, sixteen, and seventeen of the Principal Act are repealed, and the following sections are inserted in the place of those sections:—

*Ibid.* ss. 13,  
14, 16, and 17.

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

Date of  
elections.

(2) Members elected at the periodical elections in December shall assume office as from the first day of January following.

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

Qualification  
of candidates.



*Hunter District Water and Sewerage (Amendment).*

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 prescribed by regulations made by the Governor, 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.

Conduct of elections—  
regulations.

11. Sections twenty-eight and twenty-nine of the Principal Act are repealed.

Repeal of ss. 28 and 29 of Principal Act.

12. (1) Sections thirty-five of the Principal Act, thirteen, fifteen, eighteen, nineteen, and forty-eight of the Hunter District Water Supply and Sewerage Act Amendment Act, 1897, and seventeen of the Hunter District Water and Sewerage (Amendment) Act, 1906, are hereby repealed.

Repeal of s. 35 of Principal Act, ss. 15, 18, 19, 48 of Act No. 14 of 1897, s. 17 of Act No. 33 of 1906.

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

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

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—

Board may make by-laws.

*Catchment area.*

(i) the marking of the boundaries of any catchment area:

Boundaries.

(ii) 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;

Protection from pollution.

(iii) the inspection of land and buildings upon any catchment area;

Inspection of land and buildings.

(iv) the regulation or the prohibition of burials on any catchment area;

Prohibition of burials.

(v) 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;

Structural alterations to prevent pollution.

(vi) requiring the removal of buildings or works on any catchment area;

Removal of buildings or works.

~~(vii) the regulation or prevention of the keeping of animals on any catchment area;~~

~~Keeping of animals.~~

(viii vii)



*Hunter District Water and Sewerage (Amendment).*

- (viii vii) preventing the diversion of or taking of Diversion of water.  
water from any natural or artificial water-  
course, the water of which flows into the  
board's works, except by or under the  
authority of the board or of any statute ;
- 5 (ix viii) the prevention of the destruction of trees or Preservation of arboreal cover.  
shrubs, and the authorising of measures  
necessary to preserve or provide arboreal  
cover ;
- 10 (ix) any matter which by this Act the board is  
authorised to control, regulate, or prohibit.

*Water supply.*

- (x) the determining, making, and levying the Water rate.  
water rate to be paid in respect of property  
ratable for water supply. No such rate  
shall exceed the amount of seven and one-  
half pounds per centum on the assessed  
annual value: Provided that a minimum  
rate on each property of fifteen shillings  
may be imposed ;
- 20 (xi) the appointment of a scale of charges for Charge by measure.  
water supplied by measure, and the minimum  
charge in any such case ;
- 25 (xii) the determining, making, and levying Charge for water for industrial, &c., purposes.  
charges for water used for other than  
domestic purposes. Such charges shall be  
additional to any rates payable in respect of  
any ratable property, the determining, mak- Special fees.  
ing, and levying of the charges to be paid  
in addition to the rate, in respect of any  
property where water is used for other than  
domestic purposes and the supply is not  
through a meter ;
- 30 (xiii) the determining of the time when rates and Payment of rates and charges.  
charges for water shall be payable, and  
whether in advance or otherwise ;
- 35 (xiv) the regulation of water service pipes and Water service pipes.  
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 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 ;
- 40
- 45

(xv)



*Hunter District Water and Sewerage (Amendment).*

- (xv) the direction and regulation as to the use, <sup>Water</sup>  
supply, fixing, maintenance, repair, removal, <sup>meters.</sup>  
and inspection of meters ;
- 5 (xvi) the prevention of the waste or misuse or the <sup>Waste or</sup>  
unlawful taking of water ; <sup>misuse.</sup>
- (xvii) the assessment of the volume of water lost by <sup>Leakages.</sup>  
leakages upon any property, the determina-  
tion of the volume to be paid for by the  
consumer, and the recovery of payment  
10 therefor ;
- (xviii) the regulation of the method by which water <sup>Methods of</sup>  
shall be supplied to ratable properties or to <sup>supply.</sup>  
any consumer.

*Sewerage.*

- 15 (xix) The determining, making, and levying the <sup>Sewerage</sup>  
rate to be paid in respect of each property <sup>rates.</sup>  
ratable for sewerage. No such rate shall  
exceed seven and one-half pounds per centum  
on the assessed annual value of the property  
20 ratable : Provided that a minimum rate on  
each property of fifteen shillings may be  
imposed ;
- (xx) the regulation of sewerage service pipes and <sup>Construction</sup>  
fittings, the construction, alteration, exten- <sup>of drains.</sup>  
25 sion, 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  
30 result of default of the person concerned,  
and the recovery of any expense so incurred ;
- (xxi) the regulation or prevention of the discharge <sup>Surface</sup>  
into any sewer of the Board of roof waters <sup>waters.</sup>  
and other surface waters, and for preventing  
35 the admission of any dust, soil, rubbish, filth,  
or garbage ;
- (xxii) the regulation of the conditions to be observed <sup>Liquid</sup>  
with regard to liquid trade or factory wastes, <sup>wastes.</sup>  
or chemical or other impurities before they  
are discharged into the Board's sewers, and  
40 the prevention of such discharge ;
- (xxiii) prescribing the extent of water closet and <sup>W.C.'s and</sup>  
urinal accommodation to be provided for <sup>urinals.</sup>  
premises, and for the alteration of existing  
45 premises to conform to the requirements of  
the Board in such matters. *Stormwater*



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*Hunter District Water and Sewerage (Amendment).*

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*Stormwater drainage.*

- (xxiv) the determining, making, and levying the Drainage drainage rate to be paid in respect of rates.  
5 each property in a drainage area according to the benefit which, in the opinion of 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  
10 assessed annual value: Provided that a minimum rate on each property of two shillings and sixpence may be imposed;
- (xxv) regulating and preventing the discharge of Foulage and  
15 urine, faecal matter, liquid wastes, and obstruction of drains.  
polluted waters into stormwater drains, and preventing obstruction to the free flow of waters in such drains.

*General.*

- (xxvi) the regulation of the number, design, Design of  
20 dimension, level, materials, and form of all pipes, fittings, &c.  
pipes and fittings which the Board may require to be provided and used in connection with any water supply, sewerage, or stormwater drainage service;
- (xxvii) the regulation of the testing, stamping, and Testing of  
25 marking of fittings intended for use in fittings.  
connection with any of the Board's water, sewerage, or drainage services;
- (xxviii) the conditions upon which licenses or certi- Licenses.  
30 ficates of competency shall be issued to persons applying therefor, and the amount of fees to be charged;
- (xxix) the prescribing of the fees to be paid for the Fees.  
35 connection of any premises with the Board's water or sewerage services, for examining and preparing drainage plans and estimates, and such other fees as may lawfully be imposed;

(xxx)



*Hunter District Water and Sewerage (Amendment).*

- (xxx) 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 ; Notices.
- 5 (xxxi) the protection of the property of the Board from damage and trespass, and the water supply from pollution ; Damage to property.
- (xxxii) 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.
- 10 (xxxiii) the conduct of the business of the Board ; Conduct of business.
- (xxxiv) the carrying into effect the several provisions, intentions, and objects of this Act. General.
- 15 (2) In any by-laws made by the Board rates and charges may be uniform or on a differential basis or sliding scale as the Board may determine. Provision as to rates.
- (3) No by-law or proceedings taken thereunder shall be deemed to be invalid by reason only that the estimates made by the Board of expenditure or revenue were inaccurate.
- 20 (4) 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.
- 25 36. By-laws and regulations made under the provisions of this Act shall— Publication of by-laws and regulations.
- 30 (a) be published in the Gazette ;
- (b) take effect from the date of publication provided that by-laws determining, making, or levying rates shall upon publication, unless the contrary intention appears, be
- 35 deemed to have been in force from the commencement of the then current rating year ;
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not then
- 40 within



*Hunter District Water and Sewerage (Amendment).*

within fourteen sitting days after the commencement of the next session. If either House of Parliament pass a resolution 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 shall thereupon cease to have effect.

**13.** (1) 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 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."

(2) Section six of the Hunter District Water and Sewerage Act Amendment Act, 1897, is amended by omitting the words "Four hundred and forty" wherever occurring and inserting in lieu thereof the words "Two hundred and fifty."

## PART III.

## VALUATIONS AND RATES—DEFERRED PAYMENTS.

**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 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 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."

(2)



*Hunter District Water and Sewerage (Amendment).*

- (2) Sections nine and ten of the same Act are amended by inserting before "municipal council" in the expression "valuation then in force of any municipal council," wherever occurring, the words "shire or."
- 5 (3) Section ten of the same Act is amended in paragraph (I) by inserting after "may" the words "in each year"; and in paragraph (III) by omitting "municipal" where secondly occurring.
- 10 (4) Section fourteen of the same Act is repealed and the following section is inserted in substitution thereof:—
14. The Board shall levy and collect such rates, charges, and sums of money as shall be sufficient to cover the annual sums required for carrying out the provisions of the Hunter District Water and Sewerage Acts, 1892-1924, in respect of the water supply, sewerage, and stormwater drainage services, including the payment of the salaries and remuneration of the president, vice-president, and other members of the Board:
- 20 Provided that in respect of each such service the deficit or surplus on the preceding year's operations shall be brought forward and added to or deducted from the estimated annual sum required for the carrying out of each such respective service for the next following year.
- 25 (5) A new section is inserted in the same Act next after section nineteen:—
- 19A. (1) The Board may determine whether for
- 30 any year the rates to be levied, or any of them, shall be levied—
- (a) upon the assessed annual value of the ratable property; or
- (b) upon the unimproved value of the ratable property; or
- 35 (c) partly upon the assessed annual value and partly upon the unimproved value of the ratable property.
- (2) For the purpose of securing compliance with the provisions of this Act, as to the limitation of rates, the board shall before levying a rate in pursuance

Amendment  
of ss. 9 and  
10 of H.D.  
Act, 1897.

*Ibid.* s. 10 of  
H.D. Act,  
1897.

Insertion of  
new s. 14 of  
H.D. Act,  
1897.

Water and  
sewerage  
rates.

Insertion of  
new section  
19A.  
Rating.



*Hunter District Water and Sewerage (Amendment).*

pursuance of paragraph (b) or (c) of the last preceding subsection, furnish the Government Statistician with the details of the proposed rate.

5 (3) No rates shall be levied in pursuance of paragraph (b) or paragraph (c) of subsection one of this section unless and until the Government Statistician furnishes a certificate to the Governor (which shall be published in the Gazette) that the revenue from any such proposed rate will not exceed  
10 an amount approximately equal to—

(a) in the case of a water rate or a sewerage rate seven and one-half per centum of the assessed annual value of the property ratable;

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

(4) No rates shall be levied in pursuance of paragraph (b) or paragraph (c) of subsection one of  
20 this section unless and until the Government Statistician furnishes a certificate to the Governor (which shall be published in the Gazette) that the revenue from such proposed rates, so far as the same are to be levied upon unimproved value, will  
25 not exceed the amount of the capital expenses.

(5) For the purposes of this section the capital expenses shall mean the aggregate of the following sums:—

30 (a) the interest charged for the preceding financial year on the total sum debited in the Treasury against the board as at the end of that year in respect of capital expenditure;

(b) one per centum on such capital expenditure.

35 (6) Any revenue raised from rates levied upon unimproved value shall, so far as that revenue exceeds such interest, be applied in reduction of any sum debited against the board in respect of capital expenditure.

40 (4 7) In levying any rate under this section it shall be lawful for the Board to levy in respect of any property ratable,—

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



*Hunter District Water and Sewerage (Amendment).*

- (b) for sewerage—a minimum sewerage rate of fifteen shillings per annum ;
- (c) for stormwater drainage—a minimum storm-water drainage rate of two shillings and sixpence per annum.
- 5 (5 8) “Unimproved value” shall in this section mean the unimproved value of the land as stated in a valuation list issued under the Valuation of Land Act, 1916, or in the case of land not
- 10 included in any valuation list the unimproved value as ascertained in accordance with the Local Government Act, 1919, or any Act amending the same.
- (6 9) 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.
- 15 (6) Section thirty-five of the same Act is repealed.
- 20 (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
- 25 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 such case all powers and liabilities exercisable by
- 30 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”
- 35 and inserting in substitution therefor the words “thirty pounds.”
- 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
- (b) fifteen shillings per annum ;



*Hunter District Water and Sewerage (Amendment).*

## PART IV.

## STORMWATER DRAINS—FINANCE.

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

Repeal of  
Part IV of  
Principal  
Act and  
Part IV of  
H.D. Act,  
1897.

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

## PART IV.

## STORMWATER DRAINS.

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

Stormwater  
drains hereafter  
vested in Board

15      130. In respect of any drains vested in the Board in pursuance of the next preceding section, the 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 there-  
20      with shall be vested in the Board for an estate in fee-simple without any further conveyance or transfer.

Property in  
stormwater  
drains.

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

Drainage  
areas.

25      (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  
30      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  
35      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 stipendiary or police magistrate,



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*Hunter District Water and Sewerage (Amendment).*

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- magistrate, appointed by the Governor in that behalf, and sitting in open court within such area or convenient thereto ;
- 5 (c) notice of the day and place of hearing of appeals shall be published by the Board by advertisement in the Gazette and in one or more newspapers circulating in such area ;
- 10 (d) such magistrate shall hear such appeal, and for that purpose shall have the powers of a court of petty sessions, and may confirm 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
- 15 properties within such drainage area from the construction of such works or the actual use thereof, or the right to the use thereof ;
- 20 (e) where the boundaries of such area are confirmed, such magistrate shall attest by his 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 ;
- 25 (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
- 30 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 defined by by-law. Any drainage rate imposed on property may be in addition to any sewerage rate imposed thereon.
- 35
133. Subject to the provisions of this Act the Minister may from time to time construct storm-water drains or alter or extend any stormwater drains vested in the Board.
- 40
- 133A.

Drainage  
rates.

Construction  
and alteration  
of drains.



*Hunter District Water and Sewerage (Amendment).*

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

Maintenance  
of drains.

PART IVA.

FINANCE.

133B. (1) As soon as practicable after the thirtieth day of June in each year the Minister 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—

Yearly  
statement of  
expenditure.

(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.

(2) On receipt of any such statements the 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.

133C. All revenue of the Board shall be paid into the Treasury, or into the bank keeping the public account, and all necessary expenditure in management and all working expenses shall be advanced to the Board out of the Consolidated Revenue Fund.

Revenue and  
expenditure.

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

Application  
of Audit Act,  
1902.

17. The Principal Act is further amended by omitting from section ninety-one all words after the words "the same" and by adding the following new subsections :—

Amendment  
of 55 Vic.  
No. 27, s. 91.

(2) No water rates shall be leviable upon land vested in the Railway Commissioners for New



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*Hunter District Water and Sewerage (Amendment).*

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South Wales in use for railway or tramway purposes and not let to any other person.

5 (3) The board may supply the Railway Commissioners for New South Wales with water by measure at a charge to be fixed by the by-laws.

(4) Sewerage rates may be levied upon land which is vested in the Railway Commissioners for New South Wales if—

- 10 (a) the land is let to any other person ; or  
(b) there are buildings on such land, and the sewage from such buildings is drained into a sewer of the board ; or  
15 (c) there is a sewer of the board in a road to which such land has frontage, or in the land, and there are buildings on such land, the sewage from which could be drained into such sewer, and such sewer is not distant more than ~~two~~ one hundred and fifty feet from such buildings.

20 The land upon which the rates may be levied, if in use for railway or tramway purposes, is the land in connection with which the buildings aforesaid are used, and such land shall be deemed to be the mean width of frontage of platforms or buildings  
25 in the case of railway stations, tramway depots, workshops, offices, or other similar buildings used in connection with the operations of the railway or tramway systems, excepting any buildings separately enclosed by fences, which shall be assessed on the  
30 mean frontage of the enclosed area.

**18.** (1) The Governor may, by proclamation <sup>Catchment areas.</sup> published in the Gazette, proclaim any lands to be a catchment area in connection with the supply of water by the board.

35 (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  
40 this Act or any Act repealed thereby.

(3)



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*Hunter District Water and Sewerage (Amendment).*

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(3) After the passing 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  
5 catchment area.

(4) A license granted under section twenty-six of the Forestry Act, 1912, shall not, unless with the consent of the board, apply to land within a catchment area.

10 (5) 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.

15 **19.** (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 thereon so as to avoid any insanitary condition thereon or any interference therefrom with  
20 the purity of the water supply.

Prevention of  
pollution of  
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  
25 the pollution of the catchment area—

- (a) control, regulate, and require privy accommodation in premises and require special treatment or disposal or any faecal or excrementitious matter;
- 30 (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  
35 including the alteration of any drain;
- (e) control and regulate the erection of pigsties, cow-yards, poultry-houses, or yards, stock-yards, or stables, and prescribe the distance from any watercourse or reservoir within  
40 which no such structure shall be erected or continued, and require methods to be adopted, by



*Hunter District Water and Sewerage (Amendment).*

- 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 ;
- 5 (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
- 10 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 ;
- 15 (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 ;
- 20 (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
- 25 the parking of motor or other vehicles ;
- (l) require the notification to the board by householder or occupier of any premises within the catchment area of the occurrence of any case of typhoid, paratyphoid, dysentery, cholera, or
- 30 epidemic diarrhoea on his premises, and the notification to the board by any medical practitioner in attendance on any such case ;
- (m) and generally to control and regulate or prohibit the doing or continuance of anything
- 35 likely to cause the pollution of a catchment area or the water supply.



## HUNTER DISTRICT WATER AND SEWERAGE (AMENDMENT) BILL.

### *SCHEDULE of Amendments referred to in Message of 4th September, 1924.*

Page 2, clause 4. *After line 29 insert new definitions:—*

**“ Catchment area ”** means any area as defined from time to time by proclamation from which the supply of water is drawn.

**“ Domestic purposes ”** does not include a supply of water for stables, for manufacturing, trade, or business purposes, for irrigation, for water power, for fountains, for watering cattle or horses, or for watering gardens.

Page 3, clause 5, line 13. *Omit “ thirtieth ” insert “ thirty-first ”*

Page 3, clause 6, line 32. *Omit “ seven ” insert “ nine ”*

Page 3, clause 6, line 36. *Omit “ six ” insert “ eight ”*

Page 3, clause 6, lines 37 and 38. *Omit “ each of whom shall be elected for a constituency ”*

Page 4, clause 6, lines 1 and 2. *Omit “ Each constituency shall include the areas grouped therein respectively ” insert “ The constituencies for elections shall include the areas ”*

Page 4, clause 6, line 4. *After “ Act ” insert “ Each constituency shall return the number of members indicated in the said Schedule ”*

Page 4, clause 6, line 14. *After “ constituencies ” insert “ and may alter the number of members to be returned for each constituency ”*

Page 4, clause 6, line 16. *After “ member ” insert “ or members ”*

Page 4. *Omit First Schedule.*

Page 5. *Insert new First Schedule.*

Page 5, clause 7, line 19. *After “ the ” omit “ first ”*

Page 5, clause 7, line 20. *After “ twenty-four ” omit “ three ” insert “ four ”*

Page 6, clause 12, line 30. *After “ watercourse ” insert “ or reservoir ”*

Page 6, clause 12, lines 43 and 44. *Omit paragraph (vii).*

Page 7, clause 12. *After paragraph (ix viii) insert new paragraph (ix).*

Page 7, clause 12, lines 24 to 28. *Omit paragraph (xii) insert new paragraph (xii) as follows:—“ the determining, making, and levying of the charges to be paid in addition to the rate, in respect of any property where water is used for other than domestic purposes and the supply is not through a meter ”*

Page 11, clause 13. *At end of clause add new subclause (2).*

Page 13, clause 14. *After subclause (3) insert new subclauses (4), (5), and (6).*

Page 18, clause 17, line 18. *Omit “ two ” insert “ one ”*

Page 19. *After clause 18 add new clause 19.*







*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, 30 July, 1924.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.*

W. L. S. COOPER,

*Clerk of the Parliaments.*

*Legislative Council Chamber,*

*Sydney, 4th September, 1924.*

## **New South Wales.**



ANNO QUINTO DECIMO

# GEORGII V REGIS.

\*\*\*\*\*

Act No. , 1924.

An Act 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.

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, 1924."

47805

70—A

2.

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.



*Hunter District Water and Sewerage (Amendment).*

**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  
 5 Hunter District Water and Sewerage Act Amendment 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  
 10 under the authority of any such Act, regulations or by-laws, be cited as the "Hunter District Water and Sewerage Acts, 1892-1924."

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

Divisions of Act.

PART I.—PRELIMINARY—ss. 1-4.

15 PART II.—CONSTITUTION OF THE BOARD—REGULATIONS—BY-LAWS—ss. 5-13.

PART III.—VALUATIONS AND RATES—DEFERRED PAYMENTS—ss. 14, 15.

20 PART IV.—STORMWATER DRAINS—FINANCE, &C.—ss. 16-19.

**4.** Section two of the Principal Act is amended by the insertion in appropriate alphabetical order of definitions as follows :—

Amendment of Act 55 Vic. No. 27, s. 2.

25 "Assessed annual value" shall have the meaning defined in section seven of the Valuation of 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.

30 "Catchment area" means any area as defined from time to time by proclamation from which the supply of water is drawn.

35 "Domestic purposes" does not include a supply of water for stables, for manufacturing, trade, or business purposes, for irrigation, for water power, for fountains, for watering cattle or horses, or for watering gardens.

"Stormwater



*Hunter District Water and Sewerage (Amendment).*

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

5

## PART II.

CONSTITUTION OF THE BOARD—REGULATIONS—  
BY-LAWS.

5. (1) This Part shall come into force on the first day of December, one thousand nine hundred and twenty-four. Date of commencement of Part.

(2) Members of the board in office at the date of the passing of this Act shall continue to hold office until the ~~thirtieth~~ **thirty-first** day of December, one thousand nine hundred and twenty-four. They shall thereupon cease 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. Members at present in office.

(3) If an extraordinary vacancy occurs in the board prior to the thirty-first day of December, 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 and the following section is inserted in lieu thereof — Repeal of s. 5 and Sch. I of H.D. Act of 1892. Insertion of new s. 5.

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

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

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

(4)



*Hunter District Water and Sewerage (Amendment).*

(4) ~~Each constituency shall include the areas~~ <sup>Future</sup> ~~grouped therein respectively~~ <sup>electorates.</sup> The constituencies for elections shall include the areas as set out in the First Schedule to this Act. Each constituency shall return the number of members indicated in the said Schedule: 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 may include such area in any of the constituencies named, and may re-group the areas included in the constituencies by including or excluding areas from such constituencies, and may alter the number of members to be returned for each constituency.

(5) The member or members for a constituency shall be elected by the aldermen and councillors of the areas grouped therein.

(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 omitted and the following Schedule is inserted in lieu thereof:—

## FIRST SCHEDULE.

Sec. 5 4).

Constituencies.				Areas.
First	...	...	...	Newcastle Municipality.
				Stockton "
				Merewether "
Second	...	...	...	Carrington "
				Wickham "
				Waratah "
Third	...	...	...	Hamilton "
				Adamstown "
				New Lambton "
Fourth	...	...	...	Lambton "
				Wallsend "
				Lake Macquarie Shire.
Fifth	...	...	...	Tarro Shire.
				West Maitland Municipality
				East Maitland "
Sixth	...	...	...	Morpeth "
				Bolwarra Shire.
				Cessnock "

FIRST



*Hunter District Water and Sewerage (Amendment).*

## FIRST SCHEDULE.

	Constit- uencies.	Areas.	No. of Members to be returned.
5	First ...	City of Newcastle ...	One
	Second ...	Stockton, Carrington, Wickham, Waratah.	Two
10	Third ...	Merewether, Hamilton, Adams- town, New Lambton, Lambton.	Two
	Fourth ...	Wallsend, Lake Macquarie, Tarro.	One
	Fifth ...	West Maitland, East Maitland, Morpeth, and Bolwarra.	One
15	Sixth ...	Cessnock ...	One

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 the first members elected in December, one thousand nine hundred and twenty-four, three four 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 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. 8. 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. omitting "one hundred" and inserting "one hundred and fifty."

10. Sections thirteen, fourteen, sixteen, and seventeen of the Principal Act are repealed, and the following sections are inserted in the place of those sections:—

14. (1) Elections to fill other than extraordinary vacancies shall be held in the month of December in the 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 December shall assume office as from the first day of January following.

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

Amendment  
of s. 7 of  
Principal  
Act.

Date of  
elections.

Qualification  
of candidates.



*Hunter District Water and Sewerage (Amendment).*

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 prescribed by regulations made by the Governor, 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 Principal Act are repealed.

**12.** (1) Sections thirty-five of the Principal Act, thirteen, fifteen, eighteen, nineteen, and forty-eight of the Hunter District Water Supply and Sewerage Act Amendment Act, 1897, and seventeen of the Hunter District Water and Sewerage (Amendment) Act, 1906, are hereby repealed.

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

**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—

*Catchment area.*

- (i) the marking of the boundaries of any catchment area: Boundaries.
- (ii) 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; Protection from pollution.
- (iii) the inspection of land and buildings upon any catchment area; Inspection of land and buildings.
- (iv) the regulation or the prohibition of burials on any catchment area; Prohibition of burials.
- (v) 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; Structural alterations to prevent pollution.
- (vi) requiring the removal of buildings or works on any catchment area; Removal of buildings or works.
- ~~(vii) the regulation or prevention of the keeping of animals on any catchment area; Keeping of animals.~~

(vii)



*Hunter District Water and Sewerage (Amendment).*

- (viii vii) preventing the diversion of or taking of Diversion of water.  
 water from any natural or artificial water-  
 course, the water of which flows into the  
 board's works, except by or under the  
 authority of the board or of any statute ;
- 5 (ix viii) the prevention of the destruction of trees or Preservation of arboreal cover.  
 shrubs, and the authorising of measures  
 necessary to preserve or provide arboreal  
 cover ;
- 10 (ix) any matter which by this Act the board is  
 authorised to control, regulate, or prohibit.

*Water supply.*

- (x) the determining, making, and levying the Water rate.  
 water rate to be paid in respect of property  
 ratable for water supply. No such rate  
 shall exceed the amount of seven and one-  
 half pounds per centum on the assessed  
 annual value: Provided that a minimum  
 rate on each property of fifteen shillings  
 may be imposed ;
- 15 (xi) the appointment of a scale of charges for Charge by measure.  
 water supplied by measure, and the minimum  
 charge in any such case ;
- 20 (xii) the determining, making, and levying Charge for water for industrial, &c., purposes.  
 charges for water used for other than  
 domestic purposes. Such charges shall be  
 additional to any rates payable in respect of  
 any ratable property, the determining, mak- Special fees.  
 ing, and levying of the charges to be paid  
 in addition to the rate, in respect of any  
 property where water is used for other than  
 domestic purposes and the supply is not  
 through a meter ;
- 25 (xiii) the determining of the time when rates and Payment of rates and charges.  
 charges for water shall be payable, and  
 whether in advance or otherwise ;
- 30 (xiv) the regulation of water service pipes and Water service pipes.  
 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 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 40 45

(xv)



*Hunter District Water and Sewerage (Amendment).*

- (xv) the direction and regulation as to the use, <sup>Water</sup> supply, fixing, maintenance, repair, removal, <sup>meters.</sup> and inspection of meters ;
- 5 (xvi) the prevention of the waste or misuse or the <sup>Waste or</sup> unlawful taking of water ; <sup>misuse.</sup>
- (xvii) the assessment of the volume of water lost by <sup>Leakages.</sup> leakages upon any property, the determination of the volume to be paid for by the consumer, and the recovery of payment therefor ;
- 10 (xviii) the regulation of the method by which water <sup>Methods of</sup> shall be supplied to ratable properties or to <sup>supply.</sup> any consumer.

*Sewerage.*

- 15 (xix) The determining, making, and levying the <sup>Sewerage</sup> rate to be paid in respect of each property <sup>rates.</sup> 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
- 20 each property of fifteen shillings may be imposed ;
- (xx) the regulation of sewerage service pipes and <sup>Construction</sup> fittings, the construction, alteration, <sup>of drains.</sup> extension, disconnection, removal, maintenance, repair, renewal, ventilation, flushing, and
- 25 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 ;
- 30 (xxi) the regulation or prevention of the discharge <sup>Surface</sup> into any sewer of the Board of roof waters <sup>waters.</sup> and other surface waters, and for preventing the admission of any dust, soil, rubbish, filth, or garbage ;
- 35 (xxii) the regulation of the conditions to be observed <sup>Liquid</sup> with regard to liquid trade or factory wastes, <sup>wastes.</sup> or chemical or other impurities before they are discharged into the Board's sewers, and the prevention of such discharge ;
- 40 (xxiii) prescribing the extent of water closet and <sup>W.C.'s and</sup> urinal accommodation to be provided for <sup>urinals.</sup> premises, and for the alteration of existing premises to conform to the requirements of the Board in such matters. *Stormwater*
- 45



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*Hunter District Water and Sewerage (Amendment).*

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*Stormwater drainage.*

- (xxiv) the determining, making, and levying the drainage rate to be paid in respect of <sup>Drainage rates.</sup> each property in a drainage area according to the benefit which, in the opinion of 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 minimum rate on each property of two shillings and sixpence may be imposed;
- (xxv) regulating and preventing the discharge of <sup>Fouling and obstruction of drains.</sup> urine, faecal matter, liquid wastes, and polluted waters into stormwater drains, and preventing obstruction to the free flow of waters in such drains.

*General.*

- (xxvi) the regulation of the number, design, <sup>Design of pipes, fittings, &c.</sup> dimension, level, materials, and form of all pipes and fittings which the Board may require to be provided and used in connection with any water supply, sewerage, or stormwater drainage service;
- (xxvii) the regulation of the testing, stamping, and <sup>Testing of fittings.</sup> marking of fittings intended for use in connection with any of the Board's water, sewerage, or drainage services;
- (xxviii) the conditions upon which licenses or certificates of competency shall be issued to persons applying therefor, and the amount of fees to be charged; <sup>Licenses.</sup>
- (xxix) the prescribing of the fees to be paid for the <sup>Fees.</sup> connection of any premises with the Board's water or sewerage services, for examining and preparing drainage plans and estimates, and such other fees as may lawfully be imposed;

(xxx)



*Hunter District Water and Sewerage (Amendment).*

- (xxx) 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 ; Notices.
- 5 (xxxi) the protection of the property of the Board from damage and trespass, and the water supply from pollution ; Damage to property.
- (xxxii) 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.
- 10 (xxxiii) the conduct of the business of the Board ; Conduct of business.
- (xxxiv) the carrying into effect the several provisions, intentions, and objects of this Act. General.
- 15 (2) In any by-laws made by the Board rates and charges may be uniform or on a differential basis or sliding scale as the Board may determine. Provision as to rates.
- (3) No by-law or proceedings taken thereunder shall be deemed to be invalid by reason only that the estimates made by the Board of expenditure or revenue were inaccurate.
- 20 (4) 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.
- 25 36. By-laws and regulations made under the provisions of this Act shall— Publication of by-laws and regulations.
- 30 (a) be published in the Gazette ;
- (b) take effect from the date of publication provided that by-laws determining, making, or levying rates shall upon publication, unless the contrary intention appears, be
- 35 deemed to have been in force from the commencement of the then current rating year ;
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not then
- 40 within



*Hunter District Water and Sewerage (Amendment).*

within fourteen sitting days after the commencement of the next session. If either House of Parliament pass a resolution 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 shall thereupon cease to have effect.

5                   13. (1) Section forty-two of the Principal Act is  
10 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  
its provisions, and for prescribing the form of any notice  
or other document under this Act or any Act amending  
15 or extending its provisions, and requirements to be  
observed in the payment of expenditure incurred by  
the Board."

Sec. 42 of  
Principal  
Act.

(2) Section six of the Hunter District Water  
and Sewerage Act Amendment Act, 1897, is amended  
20 by omitting the words "Four hundred and forty"  
wherever occurring and inserting in lieu thereof the  
words "Two hundred and fifty."

## PART III.

## VALUATIONS AND RATES—DEFERRED PAYMENTS.

- 25   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  
30 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  
omitting Schedule A to that Act;
- (b) by omitting subsections two and four;
- 35   (c) in subsection six by omitting "in the form or  
to the effect of Schedule A hereto."

Amendment  
of s. 9 of  
H.D. Act,  
1897.

(2)



*Hunter District Water and Sewerage (Amendment).*

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

Amendment  
of ss. 9 and  
10 of H.D.  
Act, 1897.

5 (3) Section ten of the same Act is amended in paragraph (I) by inserting after "may" the words "in each year"; and in paragraph (III) by omitting "municipal" where secondly occurring.

*Ibid.* s. 10 of  
H.D. Act,  
1897.

10 (4) Section fourteen of the same Act is repealed and the following section is inserted in substitution therefor:—

Insertion of  
new s. 14 of  
H.D. Act,  
1897.

14. The Board shall levy and collect such rates, charges, and sums of money as shall be sufficient to cover the annual sums required for carrying out the provisions of the Hunter District Water and Sewerage Acts, 1892-1924, in respect of the water supply, sewerage, and stormwater drainage services, including the payment of the salaries and remuneration of the president, vice-president, and other members of the Board :

Water and  
sewerage  
rates.

20 Provided that in respect of each such service the deficit or surplus on the preceding year's operations shall be brought forward and added to or deducted from the estimated annual sum required for the carrying out of each such respective service for the next following year.

25 (5) A new section is inserted in the same Act next after section nineteen:—

Insertion of  
new section  
19A.

30 19A. (1) The Board may determine whether for any year the rates to be levied, or any of them, shall be levied—

Rating.

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

40 (2) For the purpose of securing compliance with the provisions of this Act, as to the limitation of rates, the board shall before levying a rate in pursuance



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*Hunter District Water and Sewerage (Amendment).*

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pursuance of paragraph (b) or (c) of the last preceding subsection, furnish the Government Statistician with the details of the proposed rate.

5 (3) No rates shall be levied in pursuance of paragraph (b) or paragraph (c) of subsection one of this section unless and until the Government Statistician furnishes a certificate to the Governor (which shall be published in the Gazette) that the revenue from any such proposed rate will not exceed  
10 an amount approximately equal to—

- (a) in the case of a water rate or a sewerage rate seven and one-half per centum of the assessed annual value of the property ratable ;  
15 (b) in the case of a stormwater drainage rate three per centum of the assessed annual value of the property ratable.

(4) No rates shall be levied in pursuance of paragraph (b) or paragraph (c) of subsection one of  
20 this section unless and until the Government Statistician furnishes a certificate to the Governor (which shall be published in the Gazette) that the revenue from such proposed rates, so far as the same are to be levied upon unimproved value, will  
25 not exceed the amount of the capital expenses.

(5) For the purposes of this section the capital expenses shall mean the aggregate of the following sums :—

- (a) the interest charged for the preceding  
30 financial year on the total sum debited in the Treasury against the board as at the end of that year in respect of capital expenditure;  
(b) one per centum on such capital expenditure.

(6) Any revenue raised from rates levied  
35 upon unimproved value shall, so far as that revenue exceeds such interest, be applied in reduction of any sum debited against the board in respect of capital expenditure.

(4 7) In levying any rate under this section  
40 it shall be lawful for the Board to levy in respect of any property ratable,—

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



*Hunter District Water and Sewerage (Amendment).*

(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 sixpence per annum.

5

(5 8) "Unimproved value" shall in this section mean the unimproved value of the land as 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 same.

10

(6 9) 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.

15

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

20

(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."

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

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

(8) A new section is inserted in the same Act next after section forty-five as follows :—

25

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 such case all powers and liabilities exercisable by

30

and attaching to the Constructing Authority shall be exercisable by and attach to the Board.

Board may carry out improvements or extensions.

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."

35

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



*Hunter District Water and Sewerage (Amendment).*

PART IV.

STORMWATER DRAINS—FINANCE.

- 16.** (1) Part IV of the Principal Act and Part IV of the Hunter District Water Supply and Sewerage Act Amendment Act, 1897, are hereby repealed. Repeal of Part IV of Principal Act and Part IV of H.D. Act, 1897.
- (2) The following new Parts are inserted in the Principal Act :—

PART IV.

STORMWATER DRAINS.

- 10      129. The Governor may, by proclamation in the Gazette, direct that any stormwater drains now or hereafter constructed therein described be vested in the Board. Stormwater drains hereafter vested in Board
- 15      130. In respect of any drains vested in the Board in pursuance of the next preceding section, the 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. Property in stormwater drains.
- 20      131. As soon as practicable after any such transfer to the Board of any stormwater drain— Drainage areas.
- 25      (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 ;
- 30      (b) within such thirty days any person interested may appeal against such definition of boundaries to a stipendiary or police magistrate,
- 35



*Hunter District Water and Sewerage (Amendment).*

- magistrate, appointed by the Governor in that behalf, and sitting in open court within such area or convenient thereto ;
- 5 (c) notice of the day and place of hearing of appeals shall be published by the Board by advertisement in the Gazette and in one or more newspapers circulating in such area ;
- 10 (d) such magistrate shall hear such appeal, and for that purpose shall have the powers of a court of petty sessions, and may confirm 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
- 15 properties within such drainage area from the construction of such works or the actual use thereof, or the right to the use thereof ;
- 20 (e) where the boundaries of such area are confirmed, such magistrate shall attest by his 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 ;
- 25 (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
- 30 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 defined by by-law. Any drainage rate imposed on property may be in addition to any sewerage rate imposed thereon.

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

133A.

Draina  
rates.

Constru ction  
and alte ratio  
of drains.



*Hunter District Water and Sewerage (Amendment).*

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

Maintenance  
of drains.

PART IV<sub>A</sub>.

## FINANCE.

133B. (1) As soon as practicable after the thirtieth day of June in each year the Minister 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—

Yearly  
statement of  
expenditure.

(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.

(2) On receipt of any such statements the 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.

133C. All revenue of the Board shall be paid into the Treasury, or into the bank keeping the public account, and all necessary expenditure in management and all working expenses shall be advanced to the Board out of the Consolidated Revenue Fund.

Revenue and  
expenditure.

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

Application  
of Audit Act,  
1902.

17. The Principal Act is further amended by omitting from section ninety-one all words after the words "the same" and by adding the following new subsections :—

Amendment  
of 55 Vic.  
No. 27, s. 91.

(2) No water rates shall be leviable upon land vested in the Railway Commissioners for New

70—B

South



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*Hunter District Water and Sewerage (Amendment).*

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South Wales in use for railway or tramway purposes and not let to any other person.

5 (3) The board may supply the Railway Commissioners for New South Wales with water by measure at a charge to be fixed by the by-laws.

(4) Sewerage rates may be levied upon land which is vested in the Railway Commissioners for New South Wales if—

- 10 (a) the land is let to any other person ; or  
(b) there are buildings on such land, and the sewage from such buildings is drained into a sewer of the board ; or  
15 (c) there is a sewer of the board in a road to which such land has frontage, or in the land, and there are buildings on such land, the sewage from which could be drained into such sewer, and such sewer is not distant more than ~~two~~ one hundred and fifty feet from such buildings.

20 The land upon which the rates may be levied, if in use for railway or tramway purposes, is the land in connection with which the buildings aforesaid are used, and such land shall be deemed to be the mean width of frontage of platforms or buildings in  
25 the case of railway stations, tramway depots, workshops, offices, or other similar buildings used in connection with the operations of the railway or tramway systems, excepting any buildings separately enclosed by fences, which shall be assessed on the  
30 mean frontage of the enclosed area.

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

35 (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  
40 this Act or any Act repealed thereby.

(3)



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*Hunter District Water and Sewerage (Amendment).*

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(3) After the passing 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) A license granted under section twenty-six of the Forestry Act, 1912, shall not, unless with the consent of the board, apply to land within a catchment area.

10 (5) 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.

15 **19.** (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 thereon so as to avoid any insanitary condition thereon or any interference therefrom with  
20 the purity of the water supply.

Prevention of  
pollution of  
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  
25 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;
- 30 (b) require premises to be kept free from rubbish or offensive or unwholesome matter;
- (c) require premises to be cleansed, disinfected, and limewashed;
- 35 (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, stock-yards, or stables, and prescribe the distance from any watercourse or reservoir within  
40 which no such structure shall be erected or continued, and require methods to be adopted, by



*Hunter District Water and Sewerage (Amendment).*

- 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 ;
- 5 (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
- 10 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 ;
- 15 (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 ;
- 20 (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
- 25 the parking of motor or other vehicles ;
- (l) require the notification to the board by householder or occupier of any premises within the catchment area of the occurrence of any case of typhoid, paratyphoid, dysentery, cholera, or
- 30 epidemic diarrhoea on his premises, and the notification to the board by any medical practitioner in attendance on any such case ;
- (m) and generally to control and regulate or prohibit the doing or continuance of anything
- 35 likely to cause the pollution of a catchment area or the water supply.



*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, 30 July, 1924.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with  
Amendments.*

*Clerk of the Parliaments.*

*Legislative Council Chamber,  
Sydney, September, 1924.*

## **New South Wales.**



ANNO QUINTO DECIMO

## **GEORGII V REGIS.**

\*\*\*\*\*

Act No. , 1924.

An Act 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.

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

### **PART I.**

#### **PRELIMINARY.**

**1.** This Act may be cited as the "Hunter District Short title. Water and Sewerage (Amendment) Act, 1924."

47805

70—A

**2.**

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.



*Hunter District Water and Sewerage (Amendment).*

**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  
 5 Hunter District Water and Sewerage Act Amendment 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  
 10 under the authority of any such Act, regulations or by-laws, be cited as the "Hunter District Water and Sewerage Acts, 1892-1924."

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

Divisions of Act.

PART I.—PRELIMINARY—ss. 1-4.

15 PART II.—CONSTITUTION OF THE BOARD—REGULATIONS—BY-LAWS—ss. 5-13.

PART III.—VALUATIONS AND RATES—DEFERRED PAYMENTS—ss. 14, 15.

20 PART IV.—STORMWATER DRAINS—FINANCE, &C.—ss. 16-19.

**4.** Section two of the Principal Act is amended by the insertion in appropriate alphabetical order of definitions as follows :—

Amendment of Act 55 of Vic. No. 27, s. 2.

25 "Assessed annual value" shall have the meaning defined in section seven of the Valuation of 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.

30 "Catchment area" means any area as defined from time to time by proclamation from which the supply of water is drawn.

35 "Domestic purposes" does not include a supply of water for stables, for manufacturing, trade, or business purposes, for irrigation, for water power, for fountains, for watering cattle or horses, or for watering gardens.

"Stormwater



*Hunter District Water and Sewerage (Amendment).*

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

5

PART II.

CONSTITUTION OF THE BOARD—REGULATIONS—  
BY-LAWS.

5. (1) This Part shall come into force on the first day of December, one thousand nine hundred and twenty-four. Date of commencement of Part.

(2) Members of the board in office at the date of the passing of this Act shall continue to hold office until the ~~thirtieth~~ **thirty-first** day of December, one thousand nine hundred and twenty-four. They shall thereupon cease 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. Members at present in office.

(3) If an extraordinary vacancy occurs in the board prior to the thirty-first day of December, 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 and the following section is inserted in lieu thereof — Repeal of s. 5 and Sch. I of H.D. Act of 1892. Insertion of new s. 5.

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

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

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

(4)



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(4) Each constituency shall include the areas <sup>Future</sup> grouped therein respectively as set out in the <sup>electorates.</sup> First 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 may include such area in any of the constituencies 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 grouped therein.

(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 omitted and the following Schedule is inserted in lieu thereof :—

## FIRST SCHEDULE.

Sec. 5 (4).

Constituencies.				Areas.
First	...	...	...	Newcastle Municipality. City of Newcastle.
Second	...	...	...	Stockton Municipality.
				Merewether "
				Carrington "
				Wickham "
Third	...	...	...	Waratah "
				Hamilton "
				Adamstown "
				New Lambton "
Fourth	...	...	...	Lambton "
				Wallsend "
				Lake Macquarie Shire.
				Tarro Shire.
Fifth	...	...	...	West Maitland Municipality.
				East Maitland "
				Morpeth "
				Bolwarra Shire.
Sixth	...	...	...	Cessnock "



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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 Principal Act are repealed. Repeal of ss. 28 and 29 of Principal Act.

**12.** (1) Sections thirty-five of the Principal Act, thirteen, fifteen, eighteen, nineteen, and forty-eight of the Hunter District Water Supply and Sewerage Act Amendment Act, 1897, and seventeen of the Hunter District Water and Sewerage (Amendment) Act, 1906, are hereby repealed. Repeal of s. 35 of Principal Act, ss. 15, 18, 19, 48 of Act No. 14 of 1897, s. 17 of Act No. 33 of 1906.

(2) The following sections are inserted in the Principal Act:— Insertion of new ss. 35, 36 in Principal Act.

**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— Board may make by-laws.

*Catchment area.*

- (i) the marking of the boundaries of any catchment area: Boundaries.
- 20** (ii) 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; Protection from pollution.
- 25** (iii) the inspection of land and buildings upon any catchment area; Inspection of land and buildings.
- (iv) the regulation or the prohibition of burials on any catchment area; Prohibition of burials.
- 30** (v) 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; Structural alterations to prevent pollution.
- (vi) requiring the removal of buildings or works on any catchment area; Removal of buildings or works.
- 35** ~~(vii) the regulation or prevention of the keeping of animals on any catchment area;~~ Keeping of animals.
- 35** (viii vii) 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; Diversion of water.

**40**

(ix viii)



*Hunter District Water and Sewerage (Amendment).*

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 the first members elected in December, 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 in accordance with this provision shall, if otherwise qualified, be eligible for re-election.

Amendment  
of s. 7 of  
Principal  
Act.

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

*Ibid.* s. 8.

9. Section nine of the Principal Act is amended by omitting "one hundred" and inserting "one hundred and fifty."

*Ibid.* s. 9.

10. Sections thirteen, fourteen, sixteen, and seventeen of the Principal Act are repealed, and the following sections are inserted in the place of those sections:—

*Ibid.* ss. 13,  
14, 16, and 17.

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

Date of  
elections.

(2) Members elected at the periodical elections in December shall assume office as from the first day of January following.

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

Qualification  
of candidates.

17. All elections shall be conducted in the manner prescribed by regulations made by the Governor, which shall also prescribe the notice to be given of such elections, the method of nominating candidates,

Conduct of  
elections—  
regulations.



*Hunter District Water and Sewerage (Amendment).*

(ix viii) the prevention of the destruction of trees or shrubs, and the authorising of measures necessary to preserve or provide arboreal cover ; Preservation of arboreal cover.

5 (ix) any matter which by this Act the board is authorised to control, regulate, or prohibit.

*Water supply.*

10 (x) 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-half pounds per centum on the assessed annual value: Provided that a minimum rate on each property of fifteen shillings may be imposed ; Water rate.

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

20 (xii) the determining, making, and levying charges for water used for other than domestic purposes. Such charges shall be additional to any rates payable in respect of any ratable property, the determining, making, and levying of the charges to be paid in addition to the rate, in respect of any property where water is used for other than domestic purposes and the supply is not through a meter ; Charge for water for industrial, &c., purposes. Special fees.

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

35 (xiv) 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 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 ; Water service pipes.

40 (xv) the direction and regulation as to the use, supply, fixing, maintenance, repair, removal, and inspection of meters ; Water meters.

45 (xvi) the prevention of the waste or misuse or the unlawful taking of water ; Waste or misuse. (xvii)



Hunter District Water and Sewerage (Amendment).

- (xvii) the assessment of the volume of water lost by <sup>Leakages.</sup> leakages upon any property, the determination of the volume to be paid for by the consumer, and the recovery of payment therefor ;
- 5 (xviii) the regulation of the method by which water <sup>Methods of</sup> shall be supplied to ratable properties or to <sup>supply.</sup> any consumer.

*Sewerage.*

- 10 (xix) The determining, making, and levying the <sup>Sewerage</sup> rate to be paid in respect of each property <sup>rates.</sup> ratable for sewerage. No such rate shall exceed seven and one-half pounds per centum on the assessed annual value of the property
- 15 ratable : Provided that a minimum rate on each property of fifteen shillings may be imposed ;
- (xx) the regulation of sewerage service pipes and <sup>Construction</sup> fittings, the construction, alteration, extension, <sup>of drains.</sup> 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
- 20 result of default of the person concerned, and the recovery of any expense so incurred ;
- 25 (xxi) the regulation or prevention of the discharge <sup>Surface</sup> into any sewer of the Board of roof waters <sup>waters.</sup> and other surface waters, and for preventing the admission of any dust, soil, rubbish, filth, or garbage ;
- 30 (xxii) the regulation of the conditions to be observed <sup>Liquid</sup> with regard to liquid trade or factory wastes, <sup>wastes.</sup> or chemical or other impurities before they are discharged into the Board's sewers, and the prevention of such discharge ;
- 35 (xxiii) prescribing the extent of water closet and <sup>W.C.'s and</sup> urinal <sup>urinals.</sup> 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*
- 40



*Hunter District Water and Sewerage (Amendment).**Stormwater drainage.*

- (xxiv) the determining, making, and levying the <sup>Drainage</sup> drainage rate to be paid in respect of <sup>rates.</sup> each property in a drainage area according to the benefit which, in the opinion of 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 minimum rate on each property of two shillings and sixpence may be imposed;
- (xxv) regulating and preventing the discharge of <sup>Fouling and</sup> urine, faecal matter, liquid wastes, and <sup>obstruction</sup> polluted waters into stormwater drains, and <sup>of drains.</sup> preventing obstruction to the free flow of waters in such drains.

*General.*

- (xxvi) the regulation of the number, design, <sup>Design of</sup> dimension, level, materials, and form of all <sup>pipes,</sup> pipes and fittings which the Board may <sup>fittings, &c.</sup> require to be provided and used in connection with any water supply, sewerage, or stormwater drainage service;
- (xxvii) the regulation of the testing, stamping, and <sup>Testing of</sup> marking of fittings intended for use in con- <sup>fittings.</sup> nection with any of the Board's water, sewerage, or drainage services;
- (xxviii) the conditions upon which licenses or certi- <sup>Licenses.</sup> ficates of competency shall be issued to persons applying therefor, and the amount of fees to be charged;
- (xxix) the prescribing of the fees to be paid for the <sup>Fees.</sup> connection of any premises with the Board's water or sewerage services, for examining and preparing drainage plans and estimates, and such other fees as may lawfully be imposed;

(xxx)



*Hunter District Water and Sewerage (Amendment).*

- (xxx) 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; Notices.
- 5 (xxxi) the protection of the property of the Board from damage and trespass, and the water supply from pollution; Damage to property.
- (xxxii) 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.
- 10 (xxxiii) the conduct of the business of the Board; Conduct of business.
- (xxxiv) the carrying into effect the several provisions, intentions, and objects of this Act. General.
- 15 (2) In any by-laws made by the Board rates and charges may be uniform or on a differential basis or sliding scale as the Board may determine. Provision as to rates.
- (3) No by-law or proceedings taken thereunder shall be deemed to be invalid by reason only that the estimates made by the Board of expenditure or revenue were inaccurate.
- 20 (4) 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.
- 25 36. By-laws and regulations made under the provisions of this Act shall— (1922) Publication of by-laws and regulations.
- 30 (a) be published in the Gazette ;
- (b) take effect from the date of publication provided that by-laws determining, making, or levying rates shall upon publication, unless the contrary intention appears, be
- 35 deemed to have been in force from the commencement of the then current rating year;
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not then
- 40 within



*Hunter District Water and Sewerage (Amendment).*

within fourteen sitting days after the commencement of the next session. If either House of Parliament pass a resolution 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 shall thereupon cease to have effect.

5  
10 **13.** (1) 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 its provisions, and for prescribing the form of any notice or other document under this Act or any Act amending  
15 or extending its provisions, and requirements to be observed in the payment of expenditure incurred by the Board."

Sec. 42 of  
Principal  
Act.

(2) Section six of the Hunter District Water and Sewerage Act Amendment Act, 1897, is amended  
20 by omitting the words "Four hundred and forty" wherever occurring and inserting in lieu thereof the words "Two hundred and fifty."

## PART III.

## VALUATIONS AND RATES—DEFERRED PAYMENTS.

25 **14.** (1) Section nine of the Hunter District Water and Sewerage Act Amendment Act, 1897, is amended—  
30 (a) in subsection one by omitting the words "by 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 omitting Schedule A to that Act;  
35 (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 s. 9 of  
H.D. Act,  
1897.

(2)



*Hunter District Water and Sewerage (Amendment).*

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

Amendment  
of ss. 9 and  
10 of H.D.  
Act, 1897.

5 (3) Section ten of the same Act is amended in paragraph (I) by inserting after "may" the words "in each year"; and in paragraph (III) by omitting "municipal" where secondly occurring.

*Ibid.* s. 10 of  
H.D. Act,  
1897.

10 (4) Section fourteen of the same Act is repealed and the following section is inserted in substitution therefor:—

Insertion of  
new s. 14 of  
H.D. Act,  
1897.

14. The Board shall levy and collect such rates, charges, and sums of money as shall be sufficient to cover the annual sums required for carrying out the provisions of the Hunter District Water and Sewerage Acts, 1892-1924, in respect of the water supply, sewerage, and stormwater drainage services, including the payment of the salaries and remuneration of the president, vice-president, and other members of the Board :

Water and  
sewerage  
rates.

20 Provided that in respect of each such service the deficit or surplus on the preceding year's operations shall be brought forward and added to or deducted from the estimated annual sum required for the carrying out of each such respective service for the next following year.

25 (5) A new section is inserted in the same Act next after section nineteen:—

Insertion of  
new section  
19A.

30 19A. (1) The Board may determine whether for any year the rates to be levied, or any of them, shall be levied—

Rating.

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

40 (2) For the purpose of securing compliance with the provisions of this Act, as to the limitation of rates, the board shall before levying a rate in pursuance



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*Hunter District Water and Sewerage (Amendment).*

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pursuance of paragraph (b) or (c) of the last preceding subsection, furnish the Government Statistician with the details of the proposed rate.

5 (3) No rates shall be levied in pursuance of paragraph (b) or paragraph (c) of subsection one of this section unless and until the Government Statistician furnishes a certificate to the Governor (which shall be published in the Gazette) that the revenue from any such proposed rate will not exceed  
10 an amount approximately equal to—

- (a) in the case of a water rate or a sewerage rate seven and one-half per centum of the assessed annual value of the property ratable;  
15 (b) in the case of a stormwater drainage rate three per centum of the assessed annual value of the property ratable.

(4) No rates shall be levied in pursuance of paragraph (b) or paragraph (c) of subsection one of  
20 this section unless and until the Government Statistician furnishes a certificate to the Governor (which shall be published in the Gazette) that the revenue from such proposed rates, so far as the same are to be levied upon unimproved value, will  
25 not exceed the amount of the capital expenses.

(5) For the purposes of this section the capital expenses shall mean the aggregate of the following sums :—

- 30 (a) the interest charged for the preceding financial year on the total sum debited in the Treasury against the board as at the end of that year in respect of capital expenditure;  
(b) one per centum on such capital expenditure.

35 (6) Any revenue raised from rates levied upon unimproved value shall, so far as that revenue exceeds such interest, be applied in reduction of any sum debited against the board in respect of capital expenditure.

40 (4 7) In levying any rate under this section it shall be lawful for the Board to levy in respect of any property ratable,—

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



*Hunter District Water and Sewerage (Amendment).*

- (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 sixpence per annum.
- 5 (5 8) “Unimproved value” shall in this section mean the unimproved value of the land as stated in a valuation list issued under the Valuation of Land Act, 1916, or in the case of land not
- 10 included in any valuation list the unimproved value as ascertained in accordance with the Local Government Act, 1919, or any Act amending the same.
- 15 (6 9) 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.
- 20 (6) Section thirty-five of the same Act is repealed. Repeal of s. 35 of H. D. Act, 1897.
- (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.” Amendment of s. 45 of H. D. Act, 1897.
- (8) A new section is inserted in the same Act
- 25 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 such case all powers and liabilities exercisable by
- 30 and attaching to the Constructing Authority shall be exercisable by and attach to the Board. Board may carry out improvements or extensions.
15. Section twelve of the Hunter District Water and Sewerage (Amendment) Act, 1906, is amended in subsection two by omitting the words “twenty pounds”
- 35 and inserting in substitution therefor the words “thirty pounds.” Amendment of s. 12 of H. D. Act, 1906.



*Hunter District Water and Sewerage (Amendment).*

## PART IV.

## STORMWATER DRAINS—FINANCE.

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

Repeal of  
Part IV of  
Principal  
Act and  
Part IV of  
H.D. Act,  
1897.

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

## PART IV.

## STORMWATER DRAINS.

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

Stormwater  
drains hereafter  
vested in Board.

15      130. In respect of any drains vested in the Board in pursuance of the next preceding section, the 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 there-  
20      with shall be vested in the Board for an estate in fee-simple without any further conveyance or transfer.

Property in  
stormwater  
drains.

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

Drainage  
areas.

25      (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  
30      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  
35      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 stipendiary or police magistrate,



*Hunter District Water and Sewerage (Amendment).*

- magistrate, appointed by the Governor in that behalf, and sitting in open court within such area or convenient thereto ;
- 5 (c) notice of the day and place of hearing of appeals shall be published by the Board by advertisement in the Gazette and in one or more newspapers circulating in such area ;
- 10 (d) such magistrate shall hear such appeal, and for that purpose shall have the powers of a court of petty sessions, and may confirm 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
- 15 properties within such drainage area from the construction of such works or the actual use thereof, or the right to the use thereof ;
- 20 (e) where the boundaries of such area are confirmed, such magistrate shall attest by his 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 ;
- 25 (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
- 30 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 defined by by-law. Any drainage rate imposed on property may be in addition to any sewerage rate imposed thereon.

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

133A.



*Hunter District Water and Sewerage (Amendment).*

5 133A. The Board shall maintain, repair, and cleanse all stormwater drains transferred to and vested in or constructed or acquired by it, and shall keep the same so as not to be a nuisance or injurious to health. Maintenance of drains.

## PART IVA.

## FINANCE.

10 133B. (1) As soon as practicable after the thirtieth day of June in each year the Minister 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— Yearly statement of expenditure.

15 (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 (2) On receipt of any such statements the Board may report to the Minister, making such recommendations as may be thought fit.

25 (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.

30 133C. All revenue of the Board shall be paid into the Treasury, or into the bank keeping the public account, and all necessary expenditure in management and all working expenses shall be advanced to the Board out of the Consolidated Revenue Fund. Revenue and expenditure.

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

40 17. The Principal Act is further amended by omitting from section ninety-one all words after the words "the same" and by adding the following new subsections :— Amendment of 55 Vic. No. 27, s. 91.

(2) No water rates shall be leviable upon land vested in the Railway Commissioners for New South



*Hunter District Water and Sewerage (Amendment).*

South Wales in use for railway or tramway purposes and not let to any other person.

5 (3) The board may supply the Railway Commissioners for New South Wales with water by measure at a charge to be fixed by the by-laws.

(4) Sewerage rates may be levied upon land which is vested in the Railway Commissioners for New South Wales if—

- 10 (a) the land is let to any other person ; or  
 (b) there are buildings on such land, and the sewage from such buildings is drained into a sewer of the board ; or  
 15 (c) there is a sewer of the board in a road to which such land has frontage, or in the land, and there are buildings on such land, the sewage from which could be drained into such sewer, and such sewer is not distant more than ~~two~~ one hundred and fifty feet from such buildings.

20 The land upon which the rates may be levied, if in use for railway or tramway purposes, is the land in connection with which the buildings aforesaid are used, and such land shall be deemed to be the mean width of frontage of platforms or buildings in  
 25 the case of railway stations, tramway depots, workshops, offices, or other similar buildings used in connection with the operations of the railway or tramway systems, excepting any buildings separately enclosed by fences, which shall be assessed on the  
 30 mean frontage of the enclosed area.

**18.** (1) The Governor may, by proclamation published in the Gazette, proclaim any lands to be a catchment area in connection with the supply of water by the board. <sup>Catchment areas.</sup>

35 (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  
 40 this Act or any Act repealed thereby.

(3)



*Hunter District Water and Sewerage (Amendment).*

(3) After the passing 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) A license granted under section twenty-six of the Forestry Act, 1912, shall not, unless with the consent of the board, apply to land within a catchment area.

10 (5) 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.

15 **19.** (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 thereon so as to avoid any insanitary condition thereon or any interference therefrom with  
20 the purity of the water supply.

Prevention of  
pollution of  
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  
25 the pollution of the catchment area—

- (a) control, regulate, and require privy accommodation in premises and require special treatment or disposal or any faecal or excrementitious matter;
- 30 (b) require premises to be kept free from rubbish or offensive or unwholesome matter;
- (c) require premises to be cleansed, disinfected, and limewashed;
- 35 (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, stock-yards, or stables, and prescribe the distance from any watercourse or reservoir within  
40 which no such structure shall be erected or continued, and require methods to be adopted,  
by



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*Hunter District Water and Sewerage (Amendment).*

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- 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;
- 5 (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
- 10 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;
- 15 (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;
- 20 (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
- 25 the parking of motor or other vehicles;
- (l) require the notification to the board by householder or occupier of any premises within the 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 on any such case;
- 30 (m) and generally to control and regulate or prohibit the doing or continuance of anything likely to cause the pollution of a catchment
- 35 area or the water supply.



1924.

Legislative Council.

HUNTER DISTRICT WATER AND SEWERAGE  
(AMENDMENT) BILL, 1924.

(Amendments to be moved in Committee of the Whole.)

- Page 2, clause 4. *After line 29 insert new definitions:—*  
“Catchment area” means any area as defined from time to time by proclamation from which the supply of water is drawn.  
“Domestic purposes” does not include a supply of water for stables, for manufacturing or trade purposes, for irrigation, for water power, for fountains, for watering cattle or horses, for watering gardens, or for washing motor or other vehicles.
- Page 3, clause 5, line 9. *Omit “thirtieth” insert “thirty-first”*
- Page 6, clause 12, line 16. *Insert after the word “watercourse” the words “or reservoir”*
- Page 6, clause 12, lines 29–30. *Omit paragraph (vii).*
- Page 6, clause 12. *After line 39 insert an additional paragraph:—*  
(ix) Any matter which by this Act the board is authorised to control, regulate, or prohibit.
- Page 7, clause 12, lines 13 to 17. *Omit paragraph (xii) and insert the following new paragraph:—*  
(xii) the determining, making, and levying of the <sup>Special fees.</sup> charges to be paid in addition to the rate, in respect of any property where water is used for other than domestic purposes and the supply is not through a meter.

NEW CLAUSE.

*After clause 18 insert a new clause as follows:—*

**19.** (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 thereon so as to avoid any insanitary condition thereon or any interference therefrom with the purity of the water supply.

Prevention of  
pollution of  
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, stock-yards, or stables, and prescribe the distance from any watercourse or reservoir within which no such structure shall be erected or continued, and 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 householder or occupier of any premises within the 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) 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.



# 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.
- (15) To define the obligations of the Railway Commissioners for payment for water supply and sewerage services.
- (16) To authorise the proclamation of catchment areas and provide machinery for the protection of the water supply from pollution.







*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, 30 July, 1924.*

## **New South Wales.**



ANNO QUINTO DECIMO

## **GEORGII V REGIS.**

\*\*\*\*\*

**Act No. , 1924.**

**An Act 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.**

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

### **PART I.**

#### **PRELIMINARY.**

**1.** This Act may be cited as the "Hunter District Short title. Water and Sewerage (Amendment) Act, 1924."



Hunter District Water and Sewerage (Amendment).

**2.** The Hunter District Water Supply and Sewerage Definition.  
 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  
 5 Hunter District Water and Sewerage Act Amendment  
 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  
 10 under the authority of any such Act, regulations or  
 by-laws, be cited as the "Hunter District Water and  
 Sewerage Acts, 1892-1924."

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

Divisions of  
Act.

PART I.—PRELIMINARY—ss. 1-4.

15 PART II.—CONSTITUTION OF THE BOARD—REGU-  
 LATIONS—BY-LAWS—ss. 5-13.

PART III.—VALUATIONS AND RATES—DEFERRED  
 PAYMENTS—ss. 14, 15.

20 PART IV.—STORMWATER DRAINS—FINANCE—  
 s. 16-18.

**4.** Section two of the Principal Act is amended by Amendment  
of Act 55  
Vic. No. 27,  
s. 2.  
 the insertion in appropriate alphabetical order of  
 definitions as follows :—

25 "Assessed annual value" shall have the meaning  
 defined in section seven of the Valuation of  
 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.

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



*Hunter District Water and Sewerage (Amendment).*

PART II.

CONSTITUTION OF THE BOARD—REGULATIONS—  
BY-LAWS.

5. (1) This Part shall come into force on the first day of December, one thousand nine hundred and twenty-four. Date of commencement of Part.

(2) Members of the board in office at the date of the passing of this Act shall continue to hold office until the thirtieth day of December, one thousand nine hundred and twenty-four. They shall thereupon cease 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. Members at present in office.

(3) If an extraordinary vacancy occurs in the board prior to the thirty-first day of December, 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 and the following section is inserted in lieu thereof — Repeal of s. 5 and Sch. I of H.D. Act of 1892. Insertion of new s. 5.

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

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

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

(4) Each constituency shall include the areas grouped therein respectively as set out in the First 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 Future electorates.



*Hunter District Water and Sewerage (Amendment).*

should be represented on the board, to the names of the areas mentioned in the said Schedule, and may include such area in any of the constituencies 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 grouped therein.

(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 omitted and the following Schedule is inserted in lieu thereof:—

FIRST SCHEDULE.

Sec. 5 (4).

	Constituencies.				Areas.
	First	...	...	...	Newcastle Municipality.
					Stockton "
20					Merewether "
	Second	...	...	...	Carrington "
					Wickham "
					Waratah "
	Third	...	...	...	Hamilton "
25					Adamstown "
					New Lambton "
	Fourth	...	...	...	Lambton "
					Wallsend "
					Lake Macquarie Shire.
					Tarro Shire.
30	Fifth	...	...	...	West Maitland Municipality.
					East Maitland "
					Morpeth "
					Bolwarra Shire.
35	Sixth	...	...	...	Cessnock "

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 the first members elected in December, one thousand nine hundred and twenty-four, three shall hold office for two years only. The determination as to which members are

Amendment  
of s. 7 of  
Principal  
Act.



*Hunter District Water and Sewerage (Amendment).*

are to hold office for two years only shall be made by lot in the manner prescribed. Any member retiring in accordance with this provision shall, if otherwise qualified, be eligible for re-election.

5 **8.** Section eight of the Principal Act is amended by *Ibid.* s. 8. 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. omitting "one hundred" and inserting "one hundred  
10 and fifty."

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

15 14. (1) Elections to fill other than extraordinary Date of elections. vacancies shall be held in the month of December in the year one thousand nine hundred and twenty-four, and in the same month in every second year thereafter.

20 (2) Members elected at the periodical elections in December shall assume office as from the first day of January following.

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

35 17. All elections shall be conducted in the manner Conduct of elections—regulations. prescribed by regulations made by the Governor, 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. Principal Act are repealed.

**12.**



*Hunter District Water and Sewerage (Amendment).*

**12.** (1) Sections thirty-five of the Principal Act, Repeal of s. 35 of Principal Act, ss. 15, 18, 19, 48 of Act No. 14 of 1897, s. 17 of Act No. 33 of 1906. thirteen, fifteen, eighteen, nineteen, and forty-eight of the Hunter District Water Supply and Sewerage Act Amendment Act, 1897, and seventeen of the Hunter District Water and Sewerage (Amendment) Act, 1906, are hereby repealed.

(2) The following sections are inserted in the Insertion of new ss. 35, 36 in Principal Act. Principal Act:—

**10** **35.** (1) Subject to the provisions of this Act the Board may make by-laws. Board may from time to time make, alter, and repeal by-laws in relation to—

*Catchment area.*

- (i) the marking of the boundaries of any catchment area: Boundaries.
- 15** (ii) the protection of any catchment area or any watercourse therein from pollution, and the protection of any property of the board on any catchment area; Protection from pollution.
- 20** (iii) the inspection of land and buildings upon any catchment area; Inspection of land and buildings.
- (iv) the regulation or the prohibition of burials on any catchment area; Prohibition of burials.
- 25** (v) 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; Structural alterations to prevent pollution.
- (vi) requiring the removal of buildings or works on any catchment area; Removal of buildings or works.
- 30** (vii) the regulation or prevention of the keeping of animals on any catchment area; Keeping of animals.
- (viii) preventing the diversion of or taking of water from any natural or artificial water-course, the water of which flows into the board's works, except by or under the authority of the board or of any statute; Diversion of water.
- 35** (ix) the prevention of the destruction of trees or shrubs, and the authorising of measures necessary to preserve or provide arboreal cover; Preservation of arboreal cover.

*Water*



Hunter District Water and Sewerage (Amendment).*Water supply.*

- (x) the determining, making, and levying the Water rate.  
water rate to be paid in respect of property  
ratable for water supply. No such rate  
5 shall exceed the amount of seven and one-  
half pounds per centum on the assessed  
annual value: Provided that a minimum  
rate on each property of fifteen shillings  
may be imposed;
- 10 (xi) the appointment of a scale of charges for Charge by  
water supplied by measure, and the minimum measure.  
charge in any such case;
- (xii) the determining, making, and levying Charge for  
charges for water used for other than water for  
15 domestic purposes. Such charges shall be industrial,  
&c., purposes.  
additional to any rates payable in respect of  
any ratable property;
- (xiii) the determining of the time when rates and Payment of  
charges for water shall be payable, and rates and  
20 whether in advance or otherwise;
- (xiv) the regulation of water service pipes and Water service  
fittings between the water main and the pipes.  
25 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  
required to be performed as a result of  
30 default of the person concerned, and the  
recovery of any expense so incurred;
- (xv) the direction and regulation as to the use, Water  
supply, fixing, maintenance, repair, removal, meters.  
and inspection of meters;
- (xvi) the prevention of the waste or misuse or the Waste or  
35 unlawful taking of water; misuse.
- (xvii) the assessment of the volume of water lost by Leakages.  
leakages upon any property, the determina-  
tion of the volume to be paid for by the  
consumer, and the recovery of payment  
40 therefor;

(xviii)



*Hunter District Water and Sewerage (Amendment).*

- (xviii) the regulation of the method by which water shall be supplied to ratable properties or to any consumer. Methods of supply.

*Sewerage.*

- 5 (xix) The determining, making, and levying the rate to be paid in respect of each property 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 imposed; Sewerage rates.
- 10
- 15 (xx) 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, and the recovery of any expense so incurred; Construction of drains.
- 20
- 25 (xxi) the regulation or prevention of the discharge into any sewer of the Board of roof waters and other surface waters, and for preventing the admission of any dust, soil, rubbish, filth, or garbage; Surface waters.
- 30 (xxii) 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; Liquid wastes.
- 35 (xxiii) 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. W.C.'s and urinals.

*Stormwater*



*Hunter District Water and Sewerage (Amendment).*

*Stormwater drainage.*

- (xxiv) the determining, making, and levying the Drainage drainage rate to be paid in respect of rates.  
 5 each property in a drainage area according to the benefit which, in the opinion of the Board, accrues to such property from the construction of stormwater drainage works. No such rate shall exceed the amount of  
 10 three pounds per centum per annum on the assessed annual value: Provided that a minimum rate on each property of two shillings and sixpence may be imposed ;
- (xxv) regulating and preventing the discharge of Foulings and  
 15 urine, faecal matter, liquid wastes, and obstruction of drains.  
 polluted waters into stormwater drains, and preventing obstruction to the free flow of waters in such drains.

*General.*

- (xxvi) the regulation of the number, design, Design of dimension, level, materials, and form of all pipes, fittings, &c.  
 20 pipes and fittings which the Board may require to be provided and used in connection with any water supply, sewerage, or stormwater drainage service ;
- (xxvii) the regulation of the testing, stamping, and Testing of marking of fittings intended for use in fittings.  
 25 connection with any of the Board's water, sewerage, or drainage services ;
- (xxviii) the conditions upon which licenses or certi- Licenses.  
 30 ficates of competency shall be issued to persons applying therefor, and the amount of fees to be charged ;
- (xxix) the prescribing of the fees to be paid for the Fees.  
 35 connection of any premises with the Board's water or sewerage services, for examining and preparing drainage plans and estimates, and such other fees as may lawfully be imposed ;

(xxx)



*Hunter District Water and Sewerage (Amendment).*

- (xxx) the prescribing of the form of any notice or Notices.  
other document to be prepared, issued, or  
received in accordance with this Act and  
any by-laws thereunder ;
- 5 (xxxi) the protection of the property of the Board Damage to  
from damage and trespass, and the water property.  
supply from pollution ;
- (xxxii) for the governance of the officers and Officers and  
servants of the Board, the regulation of their servants.  
10 conditions of employment, and for their  
guidance in the execution of their duties ;
- (xxxiii) the conduct of the business of the Board ; Conduct of  
business.
- (xxxiv) the carrying into effect the several provisions, General.  
intentions, and objects of this Act.
- 15 (2) In any by-laws made by the Board rates Provision as  
and charges may be uniform or on a differential to rates.  
basis or sliding scale as the Board may determine.
- (3) No by-law or proceedings taken there-  
under shall be deemed to be invalid by reason only  
20 that the estimates made by the Board of expenditure  
or revenue were inaccurate.
- (4) Where any owner or occupier of land  
within a catchment area is prejudicially affected by  
the operation of any by-laws made respecting that  
25 catchment area, he shall be entitled to be paid  
compensation by the board in respect of the damage  
sustained by him.
36. By-laws and regulations made under the Publication  
provisions of this Act shall— of by-laws  
and regula-  
tions.
- 30 (a) be published in the Gazette ;
- (b) take effect from the date of publication  
provided that by-laws determining, making,  
or levying rates shall upon publication,  
unless the contrary intention appears, be  
35 deemed to have been in force from the  
commencement of the then current rating  
year ;
- (c) be laid before both Houses of Parliament  
within fourteen sitting days after publication  
40 if Parliament is in session, and if not then  
within



*Hunter District Water and Sewerage (Amendment).*

within fourteen sitting days after the commencement of the next session. If either House of Parliament pass a resolution 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 shall thereupon cease to have effect.

- 5
- 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 its provisions, and for prescribing the form of any notice or other document under this Act or any Act amending
- 10
- 15 or extending its provisions, and requirements to be observed in the payment of expenditure incurred by the Board."
- Sec. 42 of  
Principal  
Act.

## PART III.

## VALUATIONS AND RATES—DEFERRED PAYMENTS.

- 20 **14.** (1) Section nine of the Hunter District Water and Sewerage Act Amendment Act, 1897, is amended—
- Amendment  
of s. 9 of  
H.D. Act,  
1897.
- (a) in subsection one by omitting the words "by 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 omitting Schedule A to that Act;
- 25
- (b) by omitting subsections two and four;
- 30 (c) in subsection six by omitting "in the form or to the effect of Schedule A hereto."
- (2) Sections nine and ten of the same Act are amended by inserting before "municipal council" in the expression "valuation then in force of any municipal council," wherever occurring, the words "shire or."
- Amendment  
of ss. 9 and  
10 of H.D.  
Act, 1897.

(3)



Hunter District Water and Sewerage (Amendment).

(3) Section ten of the same Act is amended in paragraph (I) by inserting after "may" the words "in each year"; and in paragraph (III) by omitting "municipal" where secondly occurring. *Ibid.* s. 10 of H.D. Act, 1897.

5 (4) Section fourteen of the same Act is repealed and the following section is inserted in substitution thereof :— *Insertion of new s. 14 of H.D. Act, 1897.*

10 14. The Board shall levy and collect such rates, charges, and sums of money as shall be sufficient to cover the annual sums required for carrying out the provisions of the Hunter District Water and Sewerage Acts, 1892-1924, in respect of the water supply, sewerage, and stormwater drainage services, including the payment of the salaries and remuneration of the president, vice-president, and other members of the Board : *Water and sewerage rates.*

15 Provided that in respect of each such service the deficit or surplus on the preceding year's operations shall be brought forward and added to or deducted from the estimated annual sum required for the carrying out of each such respective service for the next following year.

(5) A new section is inserted in the same Act next after section nineteen :— *Insertion of new section 19A.*

25 19A. (1) The Board may determine whether for any year the rates to be levied, or any of them, shall be levied— *Rating.*

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

35 (2) For the purpose of securing compliance with the provisions of this Act, as to the limitation of rates, the board shall before levying a rate in pursuance of paragraph (b) or (c) of the last preceding subsection, furnish the Government Statistician with the details of the proposed rate.  
 40

(3)



*Hunter District Water and Sewerage (Amendment).*

(3) No rates shall be levied in pursuance of paragraph (b) or paragraph (c) of subsection one of this section unless and until the Government Statistician furnishes a certificate to the Governor (which shall be published in the Gazette) that the revenue from any such proposed rate will not exceed an amount approximately equal to—

(a) in the case of a water rate or a sewerage rate seven and one-half per centum of the assessed annual value of the property ratable;

(b) in the case of a stormwater drainage rate 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 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 sixpence per annum.

(5) “Unimproved value” shall in this section mean the unimproved value of the land as 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 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. Repeal of s. 35 of H.D. Act, 1897.

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

(8)



*Hunter District Water and Sewerage (Amendment).*

(8) A new section is inserted in the same Act New s. 45A.  
next after section forty-five as follows :—

5      45A. The Board may, subject to the provisions of Board may  
Public Works Act, 1912, carry out any extensions carry out  
or improvements of any works vested in it, and in improve-  
such case all powers and liabilities exercisable by ments or  
and attaching to the Constructing Authority shall extensions.  
be exercisable by and attach to the Board.

10      15. Section twelve of the Hunter District Water Amendment  
and Sewerage (Amendment) Act, 1906, is amended in of s. 12 of  
subsection two by omitting the words "twenty pounds" H.D. Act,  
and inserting in substitution therefor the words "thirty 1906.  
pounds."

PART IV.

15      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  
Amendment Act, 1897, are hereby repealed. Principal  
Act and

(2) The following new Parts are inserted in Part IV of  
20 the Principal Act :— H.D. Act,  
1897.

PART IV.

STORMWATER DRAINS.

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

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



*Hunter District Water and Sewerage (Amendment).*

131. As soon as practicable, after any such <sup>Drainage</sup> transfer to the Board of any stormwater drain— <sup>areas,</sup>

- 5 (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 ;
- 10 (b) within such thirty days any person interested may appeal against such definition of boundaries to a stipendiary or police magistrate, appointed by the Governor in that behalf, and sitting in open court within such area or convenient thereto ;
- 15 (c) notice of the day and place of hearing of appeals shall be published by the Board by advertisement in the Gazette and in one or more newspapers circulating in such area ;
- 20 (d) such magistrate shall hear such appeal, and for that purpose shall have the powers of a court of petty sessions, and may confirm 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 the construction of such works or the actual use thereof, or the right to the use thereof ;
- 25 (e) where the boundaries of such area are confirmed, such magistrate shall attest by his 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)
- 30
- 35
- 40



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*Hunter District Water and Sewerage (Amendment).*

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(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.

5           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 defined by by-law. Any drainage rate imposed on property may be in addition to any sewerage rate imposed thereon.

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

15           133A. The Board shall maintain, repair, and cleanse all stormwater drains transferred to and 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 IV.

##### FINANCE.

25           133B. (1) As soon as practicable after the thirtieth day of June in each year the Minister 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—

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

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

(2) On receipt of any such statements the Board may report to the Minister, making such recommendations as may be thought fit.

(3)



*Hunter District Water and Sewerage (Amendment).*

(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.

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

10 133c. All revenue of the Board shall be paid into the Treasury, or into the bank keeping the public account, and all necessary expenditure in management and all working expenses shall be advanced to the Board out of the Consolidated Revenue Fund.

15 133d. The provisions of the Audit Act, 1902, shall apply to the Board, and to all officers acting under its authority and control.

**17.** The Principal Act is further amended by omitting from section ninety-one all words after the words "the same" and by adding the following new subsections:—

(2) No water rates shall be leviable upon land vested in the Railway Commissioners for New South Wales in use for railway or tramway purposes and not let to any other person.

25 (3) The board may supply the Railway Commissioners for New South Wales with water by measure at a charge to be fixed by the by-laws.

(4) Sewerage rates may be levied upon land which is vested in the Railway Commissioners for New South Wales if—

30 (a) the land is let to any other person; or  
(b) there are buildings on such land, and the sewage from such buildings is drained into a sewer of the board; or

35 (c) there is a sewer of the board in a road to which such land has frontage, or in the land, and there are buildings on such land, the sewage from which could be drained into such sewer, and such sewer is not distant more than two hundred and fifty feet from such buildings.

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*Hunter District Water and Sewerage (Amendment).*

5 The land upon which the rates may be levied, if  
in use for railway or tramway purposes, is the land  
in connection with which the buildings aforesaid  
are used, and such land shall be deemed to be the  
mean width of frontage of platforms or buildings in  
the case of railway stations, tramway depots, work-  
shops, offices, or other similar buildings used in  
connection with the operations of the railway or  
tramway systems, excepting any buildings separately  
10 enclosed by fences, which shall be assessed on the  
mean frontage of the enclosed area.

18. (1) The Governor may, by proclamation <sup>Catchment</sup> published in the Gazette, proclaim any lands to be a <sup>areas.</sup> catchment area in connection with the supply of water  
15 by the board.

(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  
20 any catchment area previously thereto proclaimed under  
this Act or any Act repealed thereby.

(4) After the passing 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 Consolida-  
25 tion Act, 1913, of any Crown lands within any  
catchment area.

(5) A license granted under section twenty-six  
of the Forestry Act, 1912, shall not, unless with the  
consent of the board, apply to land within a catchment  
30 area.

(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.