New South Wales.



ANNO QUINTO

GEORGII VI REGIS.

Act No. 36, 1941.

An Act to provide for the control and administration of certain works of water supply for the South-west Tablelands District; to validate certain contracts; to amend the Local Government Act, 1919, and certain other Acts; and for purposes connected therewith. [Assented to, 18th September, 1941.]

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 the same, as follows:—

PART I.

PRELIMINARY AND ADMINISTRATION.

1. (1) This Act may be cited as the "South-west Short title Tablelands Water Supply Administration Act, 1941." and division into Parts.

83625—A (2)

(2) This Act is divided into Parts as follows:—PART I.—Preliminary and Administration—ss. 1-5.

PART II.—Supply of Water—ss. 6-10.

PART III.—FINANCIAL—ss. 11-14.

PART IV.—GENERAL—ss. 15-20.

SCHEDULES.

Definitions.

- 2. In this Act, unless the context or subject-matter otherwise indicates or requires,—
 - "Administrator" means the Administrator of the South-west Tablelands Water Supply.
 - "Council" has the meaning given to that expression in the Local Government Act.
 - "Local Government Act" means the Local Government Act, 1919, as amended by subsequent Acts.
 - "Prescribed" means prescribed by this Act or by the regulations.
 - "Regulations" means regulations made under this Act.
 - "Works" means the works referred to in section four of this Act.

Administration. ef. Act No. 59, 1915, s. 3. 3. (1) This Act shall be administered for and on behalf of the Crown by the Administrator, who shall be the permanent head of the Department of Public Works, and who shall have and may exercise and perform the powers, authorities, duties and functions by this Act conferred or imposed on the Administrator.

Deputy Administrator. (2) In case of the illness, suspension, or absence of the Administrator, the person for the time being acting in the office of the permanent head of the Department of Public Works shall have and may exercise and perform the powers, authorities, duties and functions of the Administrator.

Delegation of powers, etc.

(3) The Administrator may, with the consent of the Minister and of the Public Service Board, by writing under his hand delegate to any officer in the Public Service any of the powers, authorities, duties and functions conferred or imposed upon him by this Act other than the power of delegation.

(4) The Administrator shall, for the purposes of Corporation this Act, be a corporation sole with perpetual succession sole. and a seal of office under the name of the "Administrator of the South-west Tablelands Water Supply" and in that name may sue and be sued.

(5) Where any property, real or personal, or any Devolution interest therein or charge thereon is vested in or is of property. acquired by the corporation sole the same shall, unless otherwise disposed of by the corporation sole, pass to and devolve on and vest in its successors.

4. The following works shall be controlled and admin- Works istered by the Administrator, that is to say-

- (a) the works constructed (whether before or after ministrator. the commencement of this Act) pursuant to the cf. Act No. South-west Tablelands Water Supply Act, 1924; 8.5.
- (b) the works described in the Schedules to this Act:
- (c) any additions, amplifications, improvements or extensions of any such works.
- 5. (1) Upon the completion or the partial completion care and of such part of the works as is used for or in con-management nection with the reticulation of the supply to a council, works. or for or in connection with the supply of water to any person upon premises situated within the area of a council, or at any time thereafter, the Governor may by proclamation published in the Gazette charge such council with the care and management of such portion of the works as are described in the proclamation.

- (2) The council of the Municipality of Cootamundra shall, as from the commencement of this Act, be charged with the care and management of the part of the works described in the Third Schedule to this Act.
- (3) The part of the works described in any proclamation published pursuant to subsection one of this section, and the part of the works referred to in subsection two of this section, and the part of the works with the care and management of which the council has become charged under or in pursuance of any contract validated by this Act, shall be deemed to be works with the care and management of which the council is charged

charged under Part XIV of the Local Government Act, and the provisions of that Part of that Act, other than the provisions relating to the repayment of the capital debt, shall mutatis mutandis apply to and in respect of any such part of the works.

- (4) Each such council shall make and levy rates and charges under the Local Government Act, to return an amount sufficient to meet all sums which become due to the Administrator for water supplied or under any contract made between the Administrator and the council, and to meet such of the costs of administration of the council as may be prescribed.
- (5) The limitations contained in sections one hundred and twenty-nine and one hundred and thirty of the Local Government Act, as to the amount of rates shall not apply to or in respect of any water supply local rate made and levied in pursuance of subsection four of this section.
- (6) For the purposes of making and levying any such rate, a water pipe being part of any works with the care and management of which the council is, by or under this Act, charged, shall be deemed to be a water pipe of the council.
- (7) (a) Where before the publication of any proclamation pursuant to subsection one of this section the Administrator had entered into contracts with any persons to supply water from the works to any premises within the area of the council, the Governor may, by the proclamation charging the council with the care and management of the part of the works from which the supply is made, or by a subsequent proclamation published in the Gazette, transfer to the council as from a date specified in the proclamation, all the rights and liabilities of the Administrator under such contracts or any specified contracts or all such contracts other than specified contracts.
- (b) On and from the date so specified the following provisions shall have effect:—
 - (i) all contracts so transferred shall be deemed to be contracts entered into by the council;

(ii)

- (ii) any securities given to or by the Administrator in relation to any contract so transferred and in force immediately before the specified date shall be deemed to be securities given to or by the council:
- (iii) the council may enforce and realise any such security as if such security were existing in favour of the council.
- (8) Subsection seven of this section shall extend to any contracts which under section nineteen of this Act are deemed to be contracts made with the Administrator.

PART II.

SUPPLY OF WATER.

6. The Administrator may supply water from the Adminisworks to any person who enters into a contract with him trator may to accept a supply of water. Any such contract may supply water. contain such terms and conditions as the Administrator thinks fit.

7. For the purpose of supplying the Commissioner Supply for for Railways or any other person with water pursuant railway to this Act, the Administrator may at all times use and repair any portion of the works notwithstanding that a council may be charged with the care and management thereof.

8. Any council may enter into a contract with the Power of Administrator for the supply of water to such council council to upon such terms and conditions as may be agreed upon. contracts.

9. A council which is taking a supply of water from council not to the Administrator shall not, except with the consent of the area without Administrator, supply water to any person upon consent. premises situated outside the area of such council.

10. (1) The Administrator shall not under any No compencircumstances be liable to make any payments in com- sation for pensation or for damages should the water supplied be supply. at any time unfit for dietetic purposes, nor for total or cf. Act No. partial failure or cessation of the supply arising from 59, 1915, s. 15. any cause whatsoever.

(2) The Administrator shall at all times be entitled to discontinue the supply to a council or other person whenever he deems it necessary in the interests of public health or for the purpose of ensuring a proper supply.

PART III.

FINANCIAL.

Capital debt.

11. (1) The capital debt in respect of the South-west Tablelands Water Supply is hereby declared to be the sum of eight hundred and seventeen thousand seven hundred and nineteen pounds three shillings and fourpence as at the thirty-first day of December, one thousand nine hundred and thirty-nine, but may be added to or reduced as in this section provided.

Of such capital debt the sum of eight hundred and four thousand nine hundred and twenty-two pounds five shillings and tenpence shall bear interest and the balance amounting to twelve thousand seven hundred and ninetysix pounds seventeen shillings and sixpence shall not bear interest.

(2) The Minister shall, as soon as practicable after the commencement of this Act, determine the amount by which the capital debt should be increased by reason of expenditure during the period of twelve months ending on the thirty-first day of December, one thousand nine hundred and forty, and thereafter as soon as practicable after the first day of January, one thousand nine hundred and forty-two, and after the same day in each succeeding year, determine the amount by which the capital debt should be increased or decreased by reason of expenditure or receipts during the period of

The Minister shall notify in the Gazette the amount of such increase or decrease, and shall, in such notification, state that the amount is to be added to or taken from that part of the capital debt which bears interest or that part of the capital debt which does not bear interest, or that the amount is to be apportioned between such parts.

twelve months immediately preceding.

Upon

Upon publication of such notification the capital debt shall be deemed to be altered accordingly, and such alteration shall take effect as from the date specified in the notification.

12. (1) An account shall be kept in the Special Allocation Deposits Account in the Treasury to be called the of moneys. "South-west Tablelands Water Supply Working Account," hereinafter referred to as the "Working Account."

- (2) (a) There shall be credited to the Working Account all revenue received by the Administrator in pursuance of this Act and such amounts as may from time to time be appropriated by Parliament for the purpose.
- (b) There shall be debited to the Working Account the following charges, in the order set out hereunder:-
 - Firstly, the cost of administration, operation, repair and minor renewal of the works by the Administrator;
 - Secondly, interest on the interest bearing part of the capital debt referred to in section eleven of this Act for any year at a rate or rates to be determined by the Colonial Treasurer but not exceeding the average rate payable during such year by the Government for loan moneys;

Thirdly, contributions to the South-west Tablelands Supply Renewal Reserve Account referred to in section thirteen;

Fourthly, such contributions to a sinking fund as the Colonial Treasurer may direct.

(c) Any balance shall be applied in reduction of the capital debt or towards the cost of constructing the works or otherwise for any purpose connected with the administration of this Act as the Minister may direct.

The Minister shall notify in the Gazette the amount of any such reduction of the capital debt, and shall, in such notification, state that such reduction is to be made from that part of the capital debt which bears interest or from that part of the capital debt which does not bear interest,

or that such reduction is to be apportioned between such parts. Upon publication of such notification the capital debt shall be deemed to be altered accordingly and such alteration shall take effect as from the date specified in the notification.

South-west Tablelands Water Supply Renewal Reserve Account.

- 13. (1) An account shall be kept in the Special Deposits Account in the Treasury to be called the "South-west Tablelands Water Supply Renewal Reserve Account," hereinafter referred to as the "Renewal Reserve Account."
- (2) There shall be credited to the Renewal Reserve Account as soon as practicable after the first day of January in each year an amount calculated at a rate determined by the Colonial Treasurer on the interest bearing part of the capital debt as at the thirty-first day of December immediately preceding. For the purposes of this subsection the capital debt shall be deemed exclusive of any sinking fund contributions.
- (3) The Renewal Reserve Account shall be credited half-yearly with interest on the daily credit balance at such rate as the Colonial Treasurer may from time to time direct.

cf. Act No. 20, 1938, s. 94 (2).

(4) The Minister may invest the whole or part of the balance at credit of the Renewal Reserve Account in Commonwealth Government securities or on fixed deposit with the Colonial Treasurer.

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

(5) The Renewal Reserve Account shall be drawn upon only for purposes of investment or reinvestment or for renewing or replacing capital assets:

Provided that the Minister may authorise the expenditure of any balance at credit of such account in excess of eighty thousand pounds towards extending the works, but subject to such conditions of repayment as the Colonial Treasurer may direct. Interest on any such expenditure shall be credited to the account at the rate of four per centum per annum.

(6) If the Minister considers the amount at credit of the Working Account insufficient to meet the contribution referred to in subsection two of this section, having regard to the charges referred to in subsection two of section twelve of this Act, such contribution or portion thereof may be allowed to remain a charge on the Working Account.

Interest on the amount of the deferred contribution at a rate to be approved by the Colonial Treasurer shall be credited to the Renewal Reserve Account and debited to the Working Account for the period during which such contribution so remains a charge; provided that if any such contribution be made on or before the thirtyfirst day of August in the year in which it becomes payable in accordance with subsection two of this section no interest shall be credited or debited as aforesaid.

14. When in any year the revenue received by the Payments Administrator is insufficient to meet the charges referred by Colonial Treasurer. to in subsection two of section twelve of this Act, the cf. Act No. Colonial Treasurer may, out of moneys provided by 20, 1938, Parliament, pay to the Working Account the amount of s. 96 (1). such deficiency.

PART IV GENERAL.

15. (1) In the event of a council making default for Default by three months in the payment of any amount due to the council. Administrator or to the Crown pursuant to this Act or under a contract made or deemed to have been made with such council pursuant to this Act, the Governor may by proclamation published in the Gazette divest the council of the care and management of any portion of the works and vest the same in the Administrator.

(2) In the event of a council making default as aforesaid and such default continuing for a period of three months after written notice requiring the council to remedy the same has been given to the council by the Administrator, then and in any such case such default shall be deemed to be a default within the meaning

of

of section three hundred and seventy-six of the Local Government Act, and a receiver may be appointed accordingly by the Supreme Court on the application of the Minister, and such receiver shall have the powers and duties of a receiver appointed by virtue of that section.

Vesting of care and management of works in Administrator.

- 16. (1) The Governor may by proclamation published in the Gazette vest in the Administrator the care and management of any portion of the works.
- (2) The Administrator shall, in respect of any works the care and management of which are vested in him pursuant to this Act, have all the powers of making, levying and collecting rates and charges as are conferred upon a council under the Local Government Act.
- (3) The limitations contained in sections one hundred and twenty-nine and one hundred and thirty of the Local Government Act, as to the amount of rates, shall not apply to or in respect of any water supply local rate made and levied in pursuance of this section.
- (4) For the purpose of making and levying any such rate, a water pipe being portion of the works the care and management of which are vested in the Administrator, shall be deemed to be a water pipe of the Administrator.

Liability of certain councils extinguished.

- 17. (1) The respective liabilities of the councils of the Municipalities of Cootamundra and Temora to the Colonial Treasurer in respect of works of water supply with the care and management of which such councils were charged under the Local Government Act before the commencement of this Act are hereby extinguished.
- (2) The care and management of the works mentioned in the First and Second Schedules to this Act are hereby divested from the councils of the Municipalities of Cootamundra and Temora.

Validation of certain contracts.

18. (1) All contracts made before the commencement of this Act between the Minister for Public Works and any person (including a council) relating to the supply of water from the works are hereby validated.

- (2) The validation of such contracts by subsection one of this section shall be deemed to have taken effect as from the respective dates of execution of the said contracts, and any act, instrument, matter or thing made, done or executed under or in pursuance of any such contract is hereby validated.
- (3) Without prejudice to the generality of subsections one and two of this section, the action of any council in making and levying a water supply local rate in respect of any works with the care and management of which the council has become charged under or in pursuance of any such contract, is hereby validated.
- 19. Where before the commencement of this Act Transfer of the Minister for Public Works had entered into a con-contracts. tract with any person for the supply of water from the works, and such contract was still in force immediately before such commencement, the following provisions shall, as from such commencement, have effect:-

- (a) all such contracts shall be deemed to be contracts entered into by the Administrator pursuant to this Act;
- (b) all suits, actions and proceedings pending immediately before such commencement at the suit of the Minister for Public Works under or in relation to any such contract shall be suits, actions and proceedings of the Administrator;
- (c) all moneys and liquidated or unliquidated claims which immediately before such commencement were payable to or recoverable by the Minister for Public Works under or in relation to any such contract shall be moneys and liquidated or unliquidated claims payable to or recoverable by the Administrator;
- (d) any securities given to or by the Minister for Public Works in relation to any such contract, and in force immediately before such commencement shall be deemed to be securities given to or by the Administrator;

- (e) the Administrator may pursue the like remedies for the recovery of any such moneys and claims and for the prosecution of any such suits, actions and proceedings as the Minister for Public Works might have done but for this Act;
- (f) the Administrator may enforce and realise any such security as if the same were existing in favour of the Administrator;
- (g) all debts due and moneys payable by and all claims liquidated and unliquidated, recoverable against the Minister for Public Works under or in relation to any such contract, shall be debts due and moneys payable by and claims recoverable against the Administrator.

Regula-

- 20. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out the provisions of this Act.
 - (2) The regulations shall—
 - (a) be published in the Gazette;
 - (b) take effect from the date of such publication or from a later date to be specified in the regulations; and
 - (c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.
- (3) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

SCHEDULES.

FIRST SCHEDULE.

Secs. 4, 17 (2).

Works the care and management of which are divested from the Council of the Municipality of Cootamundra.

The following works constructed for purposes of Cootamundra Water Supply:—

- All those works (excepting the town service reservoir and reticulation mains within the Municipality) the completion of which was notified in Gazette No. 814 of 22nd November, 1892.
- All those works (excepting the additions to the said service reservoir and extensions to the said reticulation mains) the completion of which was notified in Gazette No. 44 of 23rd January, 1906.

The submerged weir, the completion of which was notified in Gazette No. 36 of 22nd March, 1911.

All those works the completion of which was notified in Gazette No. 181 of 12th November, 1913.

SECOND SCHEDULE.

Secs. 4, 17 (2).

Works the care and management of which are divested from the Council of the Municipality of Temora.

The following works constructed for the purposes of Temora Water Supply:—

All those works, the completion of which was notified in Gazette No. 54 of 4th May, 1923.

THIRD SCHEDULE.

Secs. 4, 5 (2).

Works with the care and management of which the Council of the Municipality of Cootamundra is charged.

The following works constructed for purposes of Cootamundra Water Supply:—

The town service reservoir and reticulation mains within the Municipality, the completion of which was notified in Gazette No. 814 of 22nd November, 1892.

The additions to the said service reservoir and extensions to the said reticulation mains, the completion of which was notified in Gazette No. 44 of 23rd January, 1906.

The extensions to the said reticulation mains, the completion of which was notified in Gazette No. 120 of 11th August, 1922.

By Authority:

ALFRED HENRY PETTIFER, Acting Government Printer, Sydney, 1941. [6d.]

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A. 141 of 12th November, 1918.

SECOND SCHEDILE.

Secs. 1, 17 (2).

War is the care and management of which are discosted from the Council of the Municipality of Tenora.

The following works constructed for the purposes of Temora Water Supply --

All those works, the completion of which was notified in Onzette
No. 24 of 4th May, 1920.

THED SCHEDULE

Secs. 4,

Alores with the care and menagement of which the Council of the

The following works constructed for purposes of Cootsmundra Wuter Supply: —

Abortown service reservoir and reticulation mains within the Municipality, the completion of which was notified in Gazette No. 514 of 22nd November, 1892.

The additions to the said service reservoir and extensions to the said regionation mains, the completion of which was notified in Gerette Vo. 45 of 22 of County 1970.

The extensions to the said reticulation mains, the completion of which was notified in Gezette No. 120 of 11th August, 1922.

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ARREST HEXET PETRICAL Acting Covernment Printer, Spiner, 1941.

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. R. McCOURT, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 10 September, 1941.

New South Wales.



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Act No. 36, 1941.

An Act to provide for the control and administration of certain works of water supply for the South-west Tablelands District; to validate certain contracts; to amend the Local Government Act, 1919, and certain other Acts; and for purposes connected therewith. [Assented to, 18th September, 1941.]

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 AND ADMINISTRATION.

1. (1) This Act may be cited as the "South-west short title Tablelands Water Supply Administration Act, 1941." and division into Parts.

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

G. BOOTH, Chairman of Committees of the Legislative Assembly.

(2) This Act is divided into Parts as follows:—PART I.—Preliminary and Administration—ss. 1-5.

PART II.—Supply of Water—ss. 6-10.

PART III.—FINANCIAL—ss. 11-14.

PART IV.—GENERAL—ss. 15-20.

SCHEDULES.

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- 2. In this Act, unless the context or subject-matter otherwise indicates or requires,—
 - "Administrator" means the Administrator of the South-west Tablelands Water Supply.

"Council" has the meaning given to that expression in the Local Government Act.

"Local Government Act" means the Local Government Act, 1919, as amended by subsequent Acts.

"Prescribed" means prescribed by this Act or by the regulations.

"Regulations" means regulations made under this Act.

"Works" means the works referred to in section four of this Act.

Administration. cf. Act No. 59, 1915,

s. 3.

3. (1) This Act shall be administered for and on behalf of the Crown by the Administrator, who shall be the permanent head of the Department of Public Works, and who shall have and may exercise and perform the powers, authorities, duties and functions by this Act conferred or imposed on the Administrator.

Deputy Administrator. (2) In case of the illness, suspension, or absence of the Administrator, the person for the time being acting in the office of the permanent head of the Department of Public Works shall have and may exercise and perform the powers, authorities, duties and functions of the Administrator.

Delegation of powers, etc.

(3) The Administrator may, with the consent of the Minister and of the Public Service Board, by writing under his hand delegate to any officer in the Public Service any of the powers, authorities, duties and functions conferred or imposed upon him by this Act other than the power of delegation.

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(4) The Administrator shall, for the purposes of Corporation this Act, be a corporation sole with perpetual succession sole. and a seal of office under the name of the "Administrator of the South-west Tablelands Water Supply" and in that name may sue and be sued.

(5) Where any property, real or personal, or any Devolution interest therein or charge thereon is vested in or is of property. acquired by the corporation sole the same shall, unless otherwise disposed of by the corporation sole, pass to and devolve on and vest in its successors.

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- (b) the works described in the Schedules to this Act;
- (c) any additions, amplifications, improvements or extensions of any such works.
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- (2) The council of the Municipality of Cootamundra shall, as from the commencement of this Act, be charged with the care and management of the part of the works described in the Third Schedule to this Act.
- (3) The part of the works described in any proclamation published pursuant to subsection one of this section, and the part of the works referred to in subsection two of this section, and the part of the works with the care and management of which the council has become charged under or in pursuance of any contract validated by this Act, shall be deemed to be works with the care and management of which the council is

charged under Part XIV of the Local Government Act, and the provisions of that Part of that Act, other than the provisions relating to the repayment of the capital debt, shall mutatis mutandis apply to and in respect of any such part of the works.

- (4) Each such council shall make and levy rates and charges under the Local Government Act, to return an amount sufficient to meet all sums which become due to the Administrator for water supplied or under any contract made between the Administrator and the council, and to meet such of the costs of administration of the council as may be prescribed.
- (5) The limitations contained in sections one hundred and twenty-nine and one hundred and thirty of the Local Government Act, as to the amount of rates shall not apply to or in respect of any water supply local rate made and levied in pursuance of subsection four of this section.
- (6) For the purposes of making and levying any such rate, a water pipe being part of any works with the care and management of which the council is, by or under this Act, charged, shall be deemed to be a water pipe of the council.
- (7) (a) Where before the publication of any proclamation pursuant to subsection one of this section the Administrator had entered into contracts with any persons to supply water from the works to any premises within the area of the council, the Governor may, by the proclamation charging the council with the care and management of the part of the works from which the supply is made, or by a subsequent proclamation published in the Gazette, transfer to the council as from a date specified in the proclamation, all the rights and liabilities of the Administrator under such contracts or any specified contracts or all such contracts other than specified contracts.
- (b) On and from the date so specified the following provisions shall have effect:—
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- (iii) the council may enforce and realise any such security as if such security were existing in favour of the council.
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PART II.

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10. (1) The Administrator shall not under any No compencircumstances be liable to make any payments in com- sation for pensation or for damages should the water supplied be supply. at any time unfit for dietetic purposes, nor for total or cf. Act No. partial failure or cessation of the supply arising from 59, 1915, any cause whatsoever.

(2) The Administrator shall at all times be entitled to discontinue the supply to a council or other person whenever he deems it necessary in the interests of public health or for the purpose of ensuring a proper supply.

PART III.

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11. (1) The capital debt in respect of the South-west Tablelands Water Supply is hereby declared to be the sum of eight hundred and seventeen thousand seven hundred and nineteen pounds three shillings and fourpence as at the thirty-first day of December, one thousand nine hundred and thirty-nine, but may be added to or reduced as in this section provided.

Of such capital debt the sum of eight hundred and four thousand nine hundred and twenty-two pounds five shillings and tenpence shall bear interest and the balance amounting to twelve thousand seven hundred and ninetysix pounds seventeen shillings and sixpence shall not bear interest.

(2) The Minister shall, as soon as practicable after the commencement of this Act, determine the amount by which the capital debt should be increased by reason of expenditure during the period of twelve months ending on the thirty-first day of December, one thousand nine hundred and forty, and thereafter as soon as practicable after the first day of January, one thousand nine hundred and forty-two, and after the same day in each succeeding year, determine the amount by which the capital debt should be increased or decreased by reason of expenditure or receipts during the period of twelve months immediately preceding.

The Minister shall notify in the Gazette the amount of such increase or decrease, and shall, in such notification, state that the amount is to be added to or taken from that part of the capital debt which bears interest or that part of the capital debt which does not bear interest, or that the amount is to be apportioned between such parts.

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Upon publication of such notification the capital debt shall be deemed to be altered accordingly, and such alteration shall take effect as from the date specified in the notification.

- 12. (1) An account shall be kept in the Special Allocation Deposits Account in the Treasury to be called the "South-west Tablelands Water Supply Working Account," hereinafter referred to as the "Working Account."
- (2) (a) There shall be credited to the Working Account all revenue received by the Administrator in pursuance of this Act and such amounts as may from time to time be appropriated by Parliament for the purpose.
- (b) There shall be debited to the Working Account the following charges, in the order set out here-under:—

Firstly, the cost of administration, operation, repair and minor renewal of the works by the Administrator;

Secondly, interest on the interest bearing part of the capital debt referred to in section eleven of this Act for any year at a rate or rates to be determined by the Colonial Treasurer but not exceeding the average rate payable during such year by the Government for loan moneys;

Thirdly, contributions to the South-west Tablelands Water Supply Renewal Reserve Account referred to in section thirteen;

Fourthly, such contributions to a sinking fund as the Colonial Treasurer may direct.

(c) Any balance shall be applied in reduction of the capital debt or towards the cost of constructing the works or otherwise for any purpose connected with the administration of this Act as the Minister may direct.

The Minister shall notify in the Gazette the amount of any such reduction of the capital debt, and shall, in such notification, state that such reduction is to be made from that part of the capital debt which bears interest or from that part of the capital debt which does not bear interest,

or that such reduction is to be apportioned between such parts. Upon publication of such notification the capital debt shall be deemed to be altered accordingly and such alteration shall take effect as from the date specified in the notification.

South-west Tablelands Water Supply Renewal Reserve Account.

- 13. (1) An account shall be kept in the Special Deposits Account in the Treasury to be called the "South-west Tablelands Water Supply Renewal Reserve Account," hereinafter referred to as the "Renewal Reserve Account."
- (2) There shall be credited to the Renewal Reserve Account as soon as practicable after the first day of January in each year an amount calculated at a rate determined by the Colonial Treasurer on the interest bearing part of the capital debt as at the thirty-first day of December immediately preceding. For the purposes of this subsection the capital debt shall be deemed exclusive of any sinking fund contributions.
- (3) The Renewal Reserve Account shall be credited half-yearly with interest on the daily credit balance at such rate as the Colonial Treasurer may from time to time direct.

ef. Act No. 20, 1938, s. 94 (2).

(4) The Minister may invest the whole or part of the balance at credit of the Renewal Reserve Account in Commonwealth Government securities or on fixed deposit with the Colonial Treasurer.

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

(5) The Renewal Reserve Account shall be drawn upon only for purposes of investment or reinvestment or for renewing or replacing capital assets:

Provided that the Minister may authorise the expenditure of any balance at credit of such account in excess of eighty thousand pounds towards extending the works, but subject to such conditions of repayment as the Colonial Treasurer may direct. Interest on any such expenditure shall be credited to the account at the rate of four per centum per annum.

(6) If the Minister considers the amount at credit of the Working Account insufficient to meet the contribution referred to in subsection two of this section, having regard to the charges referred to in subsection two of section twelve of this Act, such contribution or portion thereof may be allowed to remain a charge on the Working Account.

Interest on the amount of the deferred contribution at a rate to be approved by the Colonial Treasurer shall be credited to the Renewal Reserve Account and debited to the Working Account for the period during which such contribution so remains a charge; provided that if any such contribution be made on or before the thirtyfirst day of August in the year in which it becomes payable in accordance with subsection two of this section no interest shall be credited or debited as aforesaid.

14. When in any year the revenue received by the Payments Administrator is insufficient to meet the charges referred by Colonial Treasurer. to in subsection two of section twelve of this Act, the cf. Act No. Colonial Treasurer may, out of moneys provided by 20, 1938, Parliament, pay to the Working Account the amount of s. 96 (1). such deficiency.

PART IV. GENERAL.

- 15. (1) In the event of a council making default for Default by three months in the payment of any amount due to the council. Administrator or to the Crown pursuant to this Act or under a contract made or deemed to have been made with such council pursuant to this Act, the Governor may by proclamation published in the Gazette divest the council of the care and management of any portion of the works and vest the same in the Administrator.
- (2) In the event of a council making default as aforesaid and such default continuing for a period of three months after written notice requiring the council to remedy the same has been given to the council by the Administrator, then and in any such case such default shall be deemed to be a default within the meaning

of section three hundred and seventy-six of the Local Government Act, and a receiver may be appointed accordingly by the Supreme Court on the application of the Minister, and such receiver shall have the powers and duties of a receiver appointed by virtue of that section.

Vesting of care and management of works in Administrator.

- 16. (1) The Governor may by proclamation published in the Gazette vest in the Administrator the care and management of any portion of the works.
- (2) The Administrator shall, in respect of any works the care and management of which are vested in him pursuant to this Act, have all the powers of making, levying and collecting rates and charges as are conferred upon a council under the Local Government Act.
- (3) The limitations contained in sections one hundred and twenty-nine and one hundred and thirty of the Local Government Act, as to the amount of rates, shall not apply to or in respect of any water supply local rate made and levied in pursuance of this section.
- (4) For the purpose of making and levying any such rate, a water pipe being portion of the works the care and management of which are vested in the Administrator, shall be deemed to be a water pipe of the Administrator.

Liability of certain councils extinguished.

- 17. (1) The respective liabilities of the councils of the Municipalities of Cootamundra and Temora to the Colonial Treasurer in respect of works of water supply with the care and management of which such councils were charged under the Local Government Act before the commencement of this Act are hereby extinguished.
- (2) The care and management of the works mentioned in the First and Second Schedules to this Act are hereby divested from the councils of the Municipalities of Cootamundra and Temora.

Validation of certain contracts.

18. (1) All contracts made before the commencement of this Act between the Minister for Public Works and any person (including a council) relating to the supply of water from the works are hereby validated.

- (2) The validation of such contracts by subsection one of this section shall be deemed to have taken effect as from the respective dates of execution of the said contracts, and any act, instrument, matter or thing made, done or executed under or in pursuance of any such contract is hereby validated.
- (3) Without prejudice to the generality of subsections one and two of this section, the action of any council in making and levying a water supply local rate in respect of any works with the care and management of which the council has become charged under or in pursuance of any such contract, is hereby validated.
- 19. Where before the commencement of this Act Transfer of the Minister for Public Works had entered into a contract with any person for the supply of water from the works, and such contract was still in force immediately before such commencement, the following provisions shall, as from such commencement, have effect:-

- (a) all such contracts shall be deemed to be contracts entered into by the Administrator pursuant to this Act;
- (b) all suits, actions and proceedings pending immediately before such commencement at the suit of the Minister for Public Works under or in relation to any such contract shall be suits, actions and proceedings of the Administrator;
- (c) all moneys and liquidated or unliquidated claims which immediately before such commencement were payable to or recoverable by the Minister for Public Works under or in relation to any such contract shall be moneys and liquidated or unliquidated claims payable to or recoverable by the Administrator;
- (d) any securities given to or by the Minister for Public Works in relation to any such contract, and in force immediately before such commencement shall be deemed to be securities given to or by the Administrator;

- (e) the Administrator may pursue the like remedies for the recovery of any such moneys and claims and for the prosecution of any such suits, actions and proceedings as the Minister for Public Works might have done but for this Act;
- (f) the Administrator may enforce and realise any such security as if the same were existing in favour of the Administrator;
- (g) all debts due and moneys payable by and all claims liquidated and unliquidated, recoverable against the Minister for Public Works under or in relation to any such contract, shall be debts due and moneys payable by and claims recoverable against the Administrator.

Regula-

- 20. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out the provisions of this Act.
 - (2) The regulations shall—
 - (a) be published in the Gazette;
 - (b) take effect from the date of such publication or from a later date to be specified in the regulations; and
 - (c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.
- (3) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

SCHEDULES.

FIRST SCHEDULE.

Secs. 4,

Works the care and management of which are divested from the ¹⁷ (2).

Council of the Municipality of Cootamundra.

The following works constructed for purposes of Cootamundra Water Supply:—

- All those works (excepting the town service reservoir and reticulation mains within the Municipality) the completion of which was notified in Gazette No. 814 of 22nd November, 1892.
- All those works (excepting the additions to the said service reservoir and extensions to the said reticulation mains) the completion of which was notified in Gazette No. 44 of 23rd January, 1906.

The submerged weir, the completion of which was notified in Gazette No. 36 of 22nd March, 1911.

All those works the completion of which was notified in Gazette No. 181 of 12th November, 1913.

SECOND SCHEDULE.

Secs. 4, 17 (2).

Works the care and management of which are divested from the Council of the Municipality of Temora.

The following works constructed for the purposes of Temora Water Supply:—

All those works, the completion of which was notified in Gazette No. 54 of 4th May, 1923.

THIRD SCHEDULE.

Secs. 4, 5 (2).

Works with the care and management of which the Council of the Municipality of Cootamundra is charged.

The following works constructed for purposes of Cootamundra Water Supply:—

The town service reservoir and reticulation mains within the Municipality, the completion of which was notified in Gazette No. 814 of 22nd November, 1892.

The additions to the said service reservoir and extensions to the said reticulation mains, the completion of which was notified in Gazette No. 44 of 23rd January, 1906.

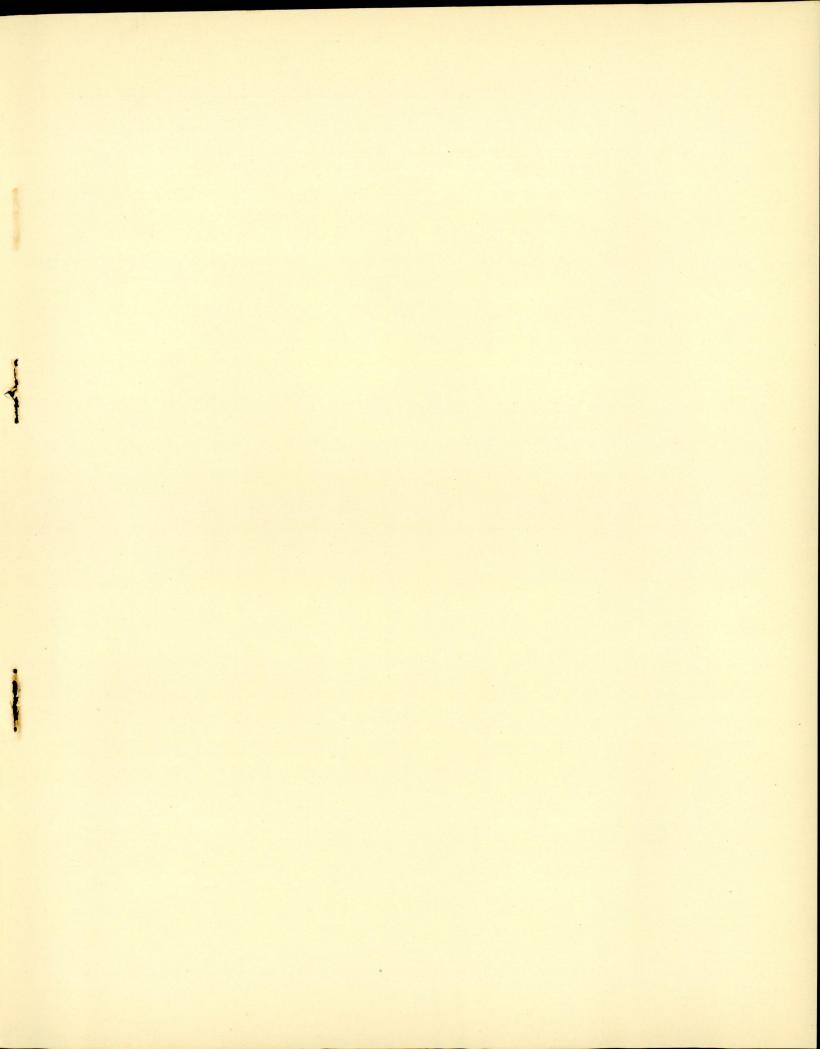
The extensions to the said reticulation mains, the completion of which was notified in Gazette No. 120 of 11th August, 1922.

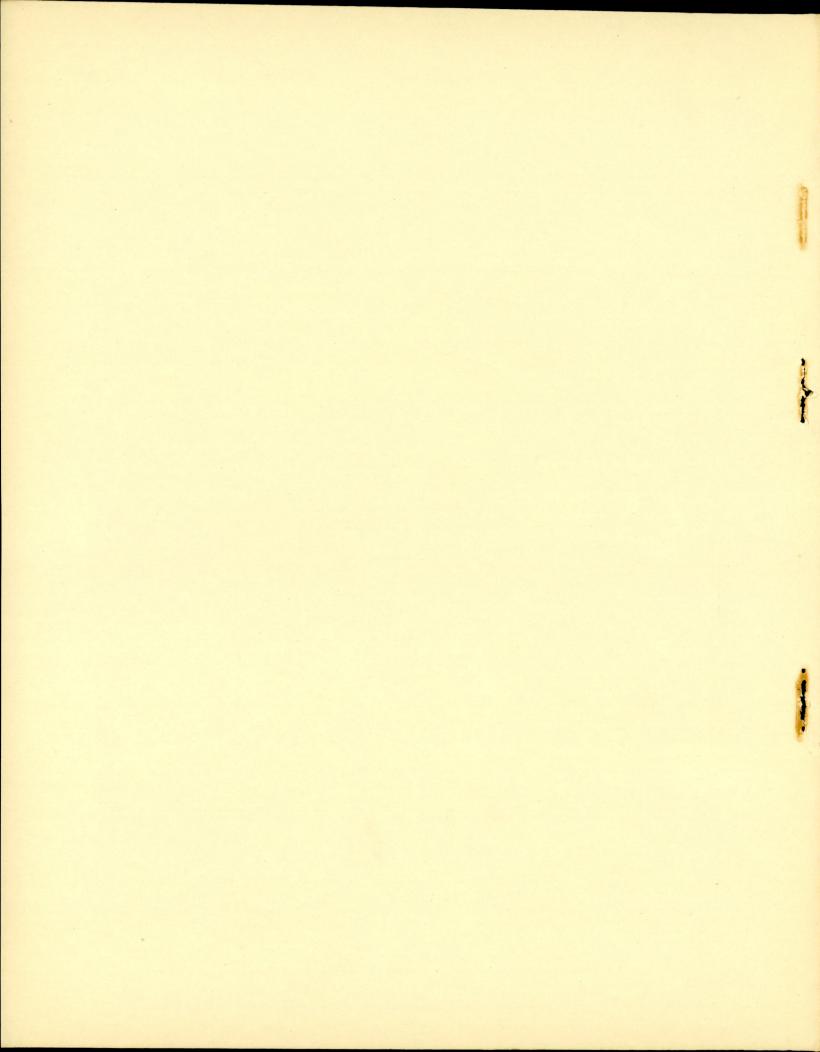
In the name and on behalf of His Majesty I assent to this Act.

WAKEHURST,

Governor.

Government House, Sydney, 18th September, 1941. A But " Villa Stranger of Period





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. R. McCOURT,

Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 10 September, 1941.

New South Wales.



ANNO QUINTO

GEORGII VI REGIS.

Act No. 36, 1941.

An Act to provide for the control and administration of certain works of water supply for the South-west Tablelands District; to validate certain contracts; to amend the Local Government Act, 1919, and certain other Acts; and for purposes connected therewith. [Assented to, 18th September, 1941.]

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 the same, as follows:—

PART I.

PRELIMINARY AND ADMINISTRATION.

1. (1) This Act may be cited as the "South-west Short title Tablelands Water Supply Administration Act, 1941." and division into Parts.

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

G. BOOTH.

Chairman of Committees of the Legislative Assembly.

(2) This Act is divided into Parts as follows:—PART I.—Preliminary and Administration—ss. 1-5.

PART II.—Supply of Water—ss. 6-10.

PART III.—FINANCIAL—ss. 11-14.

PART IV.—GENERAL—ss. 15-20.

SCHEDULES.

Definitions.

- 2. In this Act, unless the context or subject-matter otherwise indicates or requires,—
 - "Administrator" means the Administrator of the South-west Tablelands Water Supply.

"Council" has the meaning given to that expression in the Local Government Act.

"Local Government Act" means the Local Government Act, 1919, as amended by subsequent Acts.

"Prescribed" means prescribed by this Act or by the regulations.

"Regulations" means regulations made under this Act.

"Works" means the works referred to in section four of this Act.

Administration. cf. Act No. 59, 1915, 3. (1) This Act shall be administered for and on behalf of the Crown by the Administrator, who shall be the permanent head of the Department of Public Works, and who shall have and may exercise and perform the powers, authorities, duties and functions by this Act conferred or imposed on the Administrator.

Deputy Administrator.

s. 3.

(2) In case of the illness, suspension, or absence of the Administrator, the person for the time being acting in the office of the permanent head of the Department of Public Works shall have and may exercise and perform the powers, authorities, duties and functions of the Administrator.

Delegation of powers, etc.

(3) The Administrator may, with the consent of the Minister and of the Public Service Board, by writing under his hand delegate to any officer in the Public Service any of the powers, authorities, duties and functions conferred or imposed upon him by this Act other than the power of delegation.

(4)

(4) The Administrator shall, for the purposes of Corporation this Act, be a corporation sole with perpetual succession sole. and a seal of office under the name of the "Administrator of the South-west Tablelands Water Supply" and in that name may sue and be sued.

(5) Where any property, real or personal, or any Devolution interest therein or charge thereon is vested in or is of property. acquired by the corporation sole the same shall, unless otherwise disposed of by the corporation sole, pass to and devolve on and vest in its successors.

4. The following works shall be controlled and admin- Works istered by the Administrator, that is to say—

- (a) the works constructed (whether before or after ministrator. the commencement of this Act) pursuant to the cf. Act No. 59, 1915, South-west Tablelands Water Supply Act, 1924; s.5.
- (b) the works described in the Schedules to this
- (c) any additions, amplifications, improvements or extensions of any such works.
- 5. (1) Upon the completion of the partial completion Care and of such part of the works as is used for or in con-management nection with the reticulation of the supply to a council, works. or for or in connection with the supply of water to any person upon premises situated within the area of a council, or at any time thereafter, the Governor may by proclamation published in the Gazette charge such council with the care and management of such portion of the works as are described in the proclamation.

- (2) The council of the Municipality of Cootamundra shall, as from the commencement of this Act, be charged with the care and management of the part of the works described in the Third Schedule to this Act.
- (3) The part of the works described in any proclamation published pursuant to subsection one of this section, and the part of the works referred to in subsection two of this section, and the part of the works with the care and management of which the council has become charged under or in pursuance of any contract validated by this Act, shall be deemed to be works with the care and management of which the council is charged

charged under Part XIV of the Local Government Act, and the provisions of that Part of that Act, other than the provisions relating to the repayment of the capital debt, shall mutatis mutandis apply to and in respect of any such part of the works.

- (4) Each such council shall make and levy rates and charges under the Local Government Act, to return an amount sufficient to meet all sums which become due to the Administrator for water supplied or under any contract made between the Administrator and the council, and to meet such of the costs of administration of the council as may be prescribed.
- (5) The limitations contained in sections one hundred and twenty-nine and one hundred and thirty of the Local Government Act, as to the amount of rates shall not apply to or in respect of any water supply local rate made and levied in pursuance of subsection four of this section.
- (6) For the purposes of making and levying any such rate, a water pipe being part of any works with the care and management of which the council is, by or under this Act, charged, shall be deemed to be a water pipe of the council.
- (7) (a) Where before the publication of any proclamation pursuant to subsection one of this section the Administrator had entered into contracts with any persons to supply water from the works to any premises within the area of the council, the Governor may, by the proclamation charging the council with the care and management of the part of the works from which the supply is made, or by a subsequent proclamation published in the Gazette, transfer to the council as from a date specified in the proclamation, all the rights and liabilities of the Administrator under such contracts or any specified contracts or all such contracts other than specified contracts.
- (b) On and from the date so specified the following provisions shall have effect:—
 - (i) all contracts so transferred shall be deemed to be contracts entered into by the council;

- (ii) any securities given to or by the Administrator in relation to any contract so transferred and in force immediately before the specified date shall be deemed to be securities given to or by the
- (iii) the council may enforce and realise any such security as if such security were existing in favour of the council.
- (8) Subsection seven of this section shall extend to any contracts which under section nineteen of this Act are deemed to be contracts made with the Administrator.

PART II.

SUPPLY OF WATER.

6. The Administrator may supply water from the Adminisworks to any person who enters into a contract with him trator may to accept a supply of water. Any such contract may supply water. contain such terms and conditions as the Administrator thinks fit.

7. For the purpose of supplying the Commissioner Supply for for Railways or any other person with water pursuant railway to this Act, the Administrator may at all times use and purposes. repair any portion of the works notwithstanding that a council may be charged with the care and management thereof.

8. Any council may enter into a contract with the Power of Administrator for the supply of water to such council council to upon such terms and conditions as may be agreed upon. contracts.

9. A council which is taking a supply of water from Council not to the Administrator shall not, except with the consent of the area without Administrator, supply water to any person upon consent. premises situated outside the area of such council.

10. (1) The Administrator shall not under any No compencircumstances be liable to make any payments in com- sation for pensation or for damages should the water supplied be supply. at any time unfit for dietetic purposes, nor for total or cf. Act No. partial failure or cessation of the supply arising from 59, 1915, s. 15. any cause whatsoever.

(2) The Administrator shall at all times be entitled to discontinue the supply to a council or other person whenever he deems it necessary in the interests of public health or for the purpose of ensuring a proper supply.

PART III.

FINANCIAL.

Capital debt.

11. (1) The capital debt in respect of the South-west Tablelands Water Supply is hereby declared to be the sum of eight hundred and seventeen thousand seven hundred and nineteen pounds three shillings and fourpence as at the thirty-first day of December, one thousand nine hundred and thirty-nine, but may be added to or reduced as in this section provided.

Of such capital debt the sum of eight hundred and four thousand nine hundred and twenty-two pounds five shillings and tenpence shall bear interest and the balance amounting to twelve thousand seven hundred and ninetysix pounds seventeen shillings and sixpence shall not bear interest.

(2) The Minister shall, as soon as practicable after the commencement of this Act, determine the amount by which the capital debt should be increased by reason of expenditure during the period of twelve months ending on the thirty-first day of December, one thousand nine hundred and forty, and thereafter as soon as practicable after the first day of January, one thousand nine hundred and forty-two, and after the same day in each succeeding year, determine the amount by which the capital debt should be increased or decreased by reason of expenditure or receipts during the period of twelve months immediately preceding.

The Minister shall notify in the Gazette the amount of such increase or decrease, and shall, in such notification, state that the amount is to be added to or taken from that part of the capital debt which bears interest or that part of the capital debt which does not bear interest, or that the amount is to be apportioned between such parts.

Upon

Upon publication of such notification the capital debt shall be deemed to be altered accordingly, and such alteration shall take effect as from the date specified in the notification.

12. (1) An account shall be kept in the Special Allocation Deposits Account in the Treasury to be called the "South-west Tablelands Water Supply Working Account," hereinafter referred to as the "Working Account."

(2) (a) There shall be credited to the Working Account all revenue received by the Administrator in pursuance of this Act and such amounts as may from time to time be appropriated by Parliament for the purpose.

(b) There shall be debited to the Working Account the following charges, in the order set out here-under:—

Firstly, the cost of administration, operation, repair and minor renewal of the works by the Administrator;

Secondly, interest on the interest bearing part of the capital debt referred to in section eleven of this Act for any year at a rate or rates to be determined by the Colonial Treasurer but not exceeding the average rate payable during such year by the Government for loan moneys;

Thirdly, contributions to the South-west Tablelands Water Supply Renewal Reserve Account referred to in section thirteen;

Fourthly, such contributions to a sinking fund as the Colonial Treasurer may direct.

(c) Any balance shall be applied in reduction of the capital debt or towards the cost of constructing the works or otherwise for any purpose connected with the administration of this Act as the Minister may direct.

The Minister shall notify in the Gazette the amount of any such reduction of the capital debt, and shall, in such notification, state that such reduction is to be made from that part of the capital debt which bears interest or from that part of the capital debt which does not bear interest,

or that such reduction is to be apportioned between such parts. Upon publication of such notification the capital debt shall be deemed to be altered accordingly and such alteration shall take effect as from the date specified in the notification.

South-west Tablelands Water Supply Renewal Reserve Account.

- 13. (1) An account shall be kept in the Special Deposits Account in the Treasury to be called the "South-west Tablelands Water Supply Renewal Reserve Account," hereinafter referred to as the "Renewal Reserve Account."
- (2) There shall be credited to the Renewal Reserve Account as soon as practicable after the first day of January in each year an amount calculated at a rate determined by the Colonial Treasurer on the interest bearing part of the capital debt as at the thirty-first day of December immediately preceding. For the purposes of this subsection the capital debt shall be deemed exclusive of any sinking fund contributions.
- (3) The Renewal Reserve Account shall be credited half-yearly with interest on the daily credit balance at such rate as the Colonial Treasurer may from time to time direct.

cf. Act No. 20, 1938, s. 94 (2).

(4) The Minister may invest the whole or part of the balance at credit of the Renewal Reserve Account in Commonwealth Government securities or on fixed deposit with the Colonial Treasurer.

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

(5) The Renewal Reserve Account shall be drawn upon only for purposes of investment or reinvestment or for renewing or replacing capital assets:

Provided that the Minister may authorise the expenditure of any balance at credit of such account in excess of eighty thousand pounds towards extending the works, but subject to such conditions of repayment as the Colonial Treasurer may direct. Interest on any such expenditure shall be credited to the account at the rate of four per centum per annum.

(6) If the Minister considers the amount at credit of the Working Account insufficient to meet the contribution referred to in subsection two of this section, having regard to the charges referred to in subsection two of section twelve of this Act, such contribution or portion thereof may be allowed to remain a charge on the Working Account.

Interest on the amount of the deferred contribution at a rate to be approved by the Colonial Treasurer shall be credited to the Renewal Reserve Account and debited to the Working Account for the period during which such contribution so remains a charge; provided that if any such contribution be made on or before the thirtyfirst day of August in the year in which it becomes payable in accordance with subsection two of this section no interest shall be credited or debited as aforesaid.

14. When in any year the revenue received by the Payments Administrator is insufficient to meet the charges referred by Colonial Treasurer. to in subsection two of section twelve of this Act, the cf. Act No. Colonial Treasurer may, out of moneys provided by 20, 1938, Parliament, pay to the Working Account the amount of s. 96 (1). such deficiency.

PART IV. GENERAL.

- 15. (1) In the event of a council making default for Default by three months in the payment of any amount due to the council. Administrator or to the Crown pursuant to this Act or under a contract made or deemed to have been made with such council pursuant to this Act, the Governor may by proclamation published in the Gazette divest the council of the care and management of any portion of the works and vest the same in the Administrator.
- (2) In the event of a council making default as aforesaid and such default continuing for a period of three months after written notice requiring the council to remedy the same has been given to the council by the Administrator, then and in any such case such default shall be deemed to be a default within the meaning

of section three hundred and seventy-six of the Local Government Act, and a receiver may be appointed accordingly by the Supreme Court on the application of the Minister, and such receiver shall have the powers and duties of a receiver appointed by virtue of that section.

Vesting of care and management of works in Administrator.

- 16. (1) The Governor may by proclamation published in the Gazette vest in the Administrator the care and management of any portion of the works.
- (2) The Administrator shall, in respect of any works the care and management of which are vested in him pursuant to this Act, have all the powers of making, levying and collecting rates and charges as are conferred upon a council under the Local Government Act.
- (3) The limitations contained in sections one hundred and twenty-nine and one hundred and thirty of the Local Government Act, as to the amount of rates, shall not apply to or in respect of any water supply local rate made and levied in pursuance of this section.
- (4) For the purpose of making and levying any such rate, a water pipe being portion of the works the care and management of which are vested in the Administrator, shall be deemed to be a water pipe of the Administrator.

Liability of certain councils extinguished.

- 17. (1) The respective liabilities of the councils of the Municipalities of Cootamundra and Temora to the Colonial Treasurer in respect of works of water supply with the care and management of which such councils were charged under the Local Government Act before the commencement of this Act are hereby extinguished.
- (2) The care and management of the works mentioned in the First and Second Schedules to this Act are hereby divested from the councils of the Municipalities of Cootamundra and Temora.

Validation of certain contracts.

18. (1) All contracts made before the commencement of this Act between the Minister for Public Works and any person (including a council) relating to the supply of water from the works are hereby validated.

- (2) The validation of such contracts by subsection one of this section shall be deemed to have taken effect as from the respective dates of execution of the said contracts, and any act, instrument, matter or thing made, done or executed under or in pursuance of any such contract is hereby validated.
- (3) Without prejudice to the generality of subsections one and two of this section, the action of any council in making and levying a water supply local rate in respect of any works with the care and management of which the council has become charged under or in pursuance of any such contract, is hereby validated.
- 19. Where before the commencement of this Act Transfer of the Minister for Public Works had entered into a contract with any person for the supply of water from the works, and such contract was still in force immediately before such commencement, the following provisions shall, as from such commencement, have effect:

- (a) all such contracts shall be deemed to be contracts entered into by the Administrator pursuant to this Act;
- (b) all suits, actions and proceedings pending immediately before such commencement at the suit of the Minister for Public Works under or in relation to any such contract shall be suits, actions and proceedings of the Administrator;
- (c) all moneys and liquidated or unliquidated claims which immediately before such commencement were payable to or recoverable by the Minister for Public Works under or in relation to any such contract shall be moneys and liquidated or unliquidated claims payable to or recoverable by the Administrator;
- (d) any securities given to or by the Minister for Public Works in relation to any such contract, and in force immediately before such commencement shall be deemed to be securities given to or by the Administrator;

- (e) the Administrator may pursue the like remedies for the recovery of any such moneys and claims and for the prosecution of any such suits, actions and proceedings as the Minister for Public Works might have done but for this Act;
- (f) the Administrator may enforce and realise any such security as if the same were existing in favour of the Administrator;
- (g) all debts due and moneys payable by and all claims liquidated and unliquidated, recoverable against the Minister for Public Works under or in relation to any such contract, shall be debts due and moneys payable by and claims recoverable against the Administrator.

Regulations.

- 20. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out the provisions of this Act.
 - (2) The regulations shall—
 - (a) be published in the Gazette;
 - (b) take effect from the date of such publication or from a later date to be specified in the regulations; and
 - (c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.
- (3) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

SCHEDULES.

FIRST SCHEDULE.

Secs. 4,

Works the care and management of which are divested from the Council of the Municipality of Cootamundra.

The following works constructed for purposes of Cootamundra Water Supply:—

- All those works (excepting the town service reservoir and reticulation mains within the Municipality) the completion of which was notified in Gazette No. 814 of 22nd November, 1892.
- All those works (excepting the additions to the said service reservoir and extensions to the said reticulation mains) the completion of which was notified in Gazette No. 44 of 23rd January, 1906.

The submerged weir, the completion of which was notified in Gazette No. 36 of 22nd March, 1911.

All those works the completion of which was notified in Gazette No. 181 of 12th November, 1913.

SECOND SCHEDULE.

Secs. 4, 17 (2).

Works the care and management of which are divested from the Council of the Municipality of Temora.

The following works constructed for the purposes of Temora Water Supply:—

All those works, the completion of which was notified in Gazette No. 54 of 4th May, 1923.

THIRD SCHEDULE.

Sees. 4,

he 5(2).

Works with the care and management of which the Council of the Municipality of Cootamundra is charged.

The following works constructed for purposes of Cootamundra Water Supply:—

The town service reservoir and reticulation mains within the Municipality, the completion of which was notified in Gazette No. 814 of 22nd November, 1892.

The additions to the said service reservoir and extensions to the said reticulation mains, the completion of which was notified in Gazette No. 44 of 23rd January, 1906.

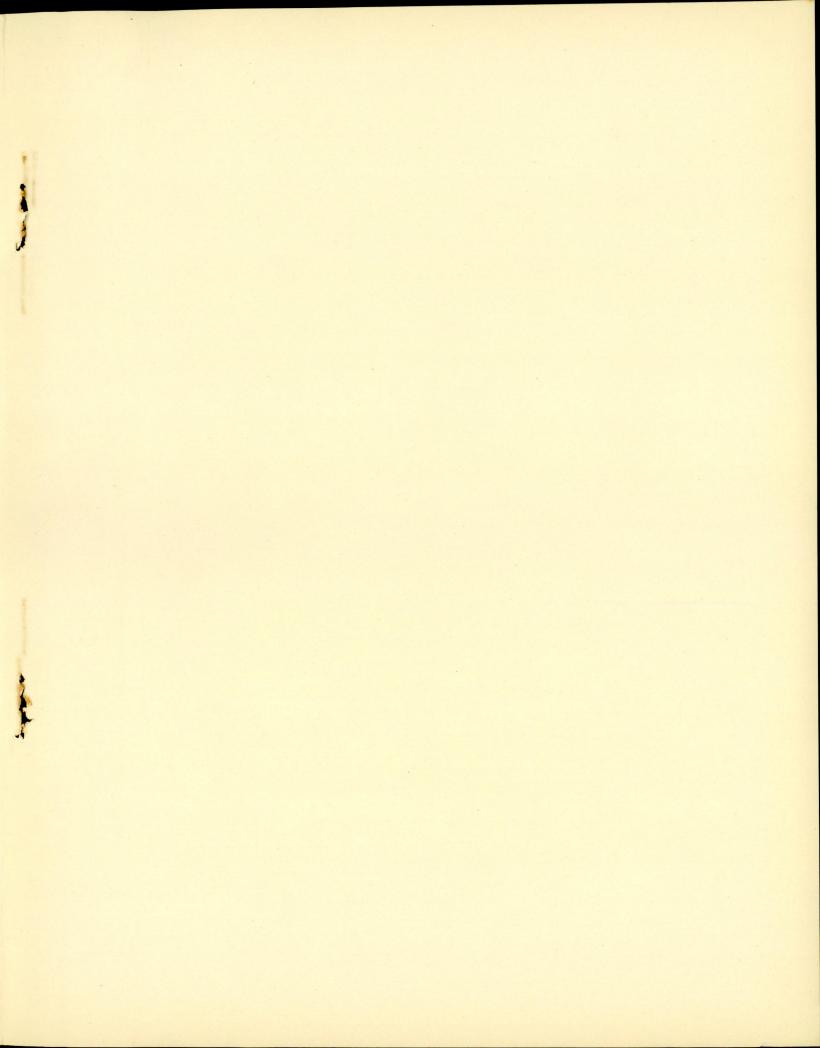
The extensions to the said reticulation mains, the completion of which was notified in Gazette No. 120 of 11th August, 1922.

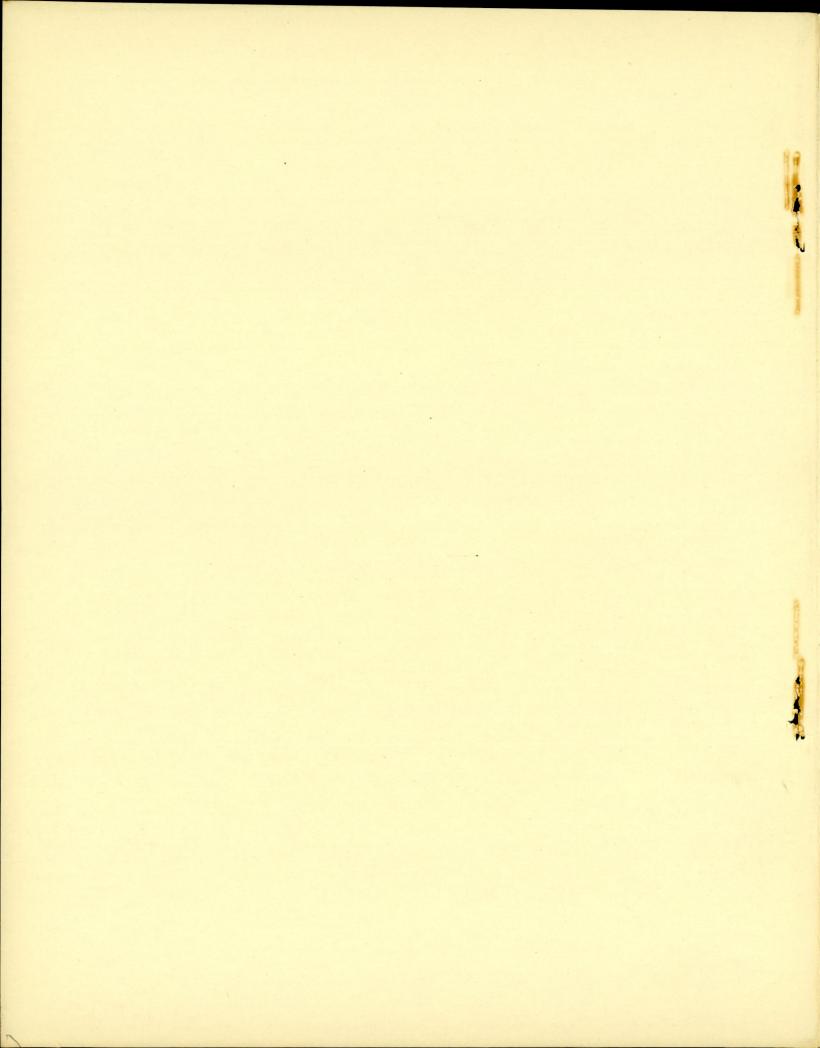
In the name and on behalf of His Majesty I assent to this Act.

WAKEHURST,

Governor.

Government House, Sydney, 18th September, 1941. . Sydney, 1853 Settistion 1851





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. R. McCOURT,

Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 3 September, 1941.

New South Wales.



ANNO QUINTO

GEORGII VI REGIS.

Act No. , 1941.

An Act to provide for the control and administration of certain works of water supply for the South-west Tablelands District; to validate certain contracts; to amend the Local Government Act, 1919, and certain other Acts; and for purposes connected therewith.

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 AND ADMINISTRATION.

1. (1) This Act may be cited as the "South-west Short title Tablelands Water Supply Administration Act, 1941." and division into Parts.

- (2) This Act is divided into Parts as follows:— PART I.—PRELIMINARY AND ADMINISTRATION—SS. 1-5.
- PART II.—Supply of Water—ss. 6-10.
- PART III.—FINANCIAL—88. 11-14. 5 PART IV.—General—ss. 15-20.

SCHEDULES.

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- 2. In this Act, unless the context or subject-matter Definitions. otherwise indicates or requires,-
- "Administrator" means the Administrator of the 10 South-west Tablelands Water Supply.

"Council" has the meaning given to that expression in the Local Government Act.

"Local Government Act" means the Local Government Act, 1919, as amended by subsequent Acts.

"Prescribed" means prescribed by this Act or by the regulations.

"Regulations" means regulations made under this Act.

"Works" means the works referred to in section four 20 of this Act.

3. (1) This Act shall be administered for and on Administrabehalf of the Crown by the Administrator, who shall be tion. the permanent head of the Department of Public Works, cf. Act No. 25 and who shall have and may exercise and perform the s.3. powers, authorities, duties and functions by this Act conferred or imposed on the Administrator.

(2) In case of the illness, suspension, or absence Deputy of the Administrator, the person for the time being act- Adminis-30 ing in the office of the permanent head of the Department of Public Works shall have and may exercise and perform the powers, authorities, duties and functions of the Administrator.

(3) The Administrator may, with the consent of Delegation 35 the Minister and of the Public Service Board, by writing of powers, under his hand delegate to any officer in the Public Service any of the powers, authorities, duties and functions conferred or imposed upon him by this Act other than the power of delegation.

(4) The Administrator shall, for the purposes of Corporation this Act, be a corporation sole with perpetual succession sole. and a seal of office under the name of the "Administrator of the South-west Tablelands Water Supply" and in 5 that name may sue and be sued.

(5) Where any property, real or personal, or any Devolution interest therein or charge thereon is vested in or is of property. acquired by the corporation sole the same shall, unless otherwise disposed of by the corporation sole, pass to 10 and devolve on and vest in its successors.

4. The following works shall be controlled and admin- Works istered by the Administrator, that is to say-

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(a) the works constructed (whether before or after ministrator. the commencement of this Act) pursuant to the cf. Act No. South-west Tablelands Water Supply Act, 1924; s.5.

(b) the works described in the Schedules to this

- (c) any additions, amplifications, improvements or extensions of any such works.
- 5. (1) Upon the completion or the partial completion Care and of such part of the works as is used for or in con-management nection with the reticulation of the supply to a council, works. or for or in connection with the supply of water to any person upon premises situated within the area of a 25 council, or at any time thereafter, the Governor may by proclamation published in the Gazette charge such council with the care and management of such portion of the works as are described in the proclamation.

- (2) The council of the Municipality of Coota-30 mundra shall, as from the commencement of this Act, be charged with the care and management of the part of the works described in the Third Schedule to this Act.
- (3) The part of the works described in any proclamation published pursuant to subsection one of this 35 section, and the part of the works referred to in subsection two of this section, and the part of the works with the care and management of which the council has become charged under or in pursuance of any contract validated by this Act, shall be deemed to be works 40 with the care and management of which the council is

charged under Part XIV of the Local Government Act, and the provisions of that Part of that Act, other than the provisions relating to the repayment of the capital debt, shall mutatis mutandis apply to and in 5 respect of any such part of the works.

- (4) Each such council shall make and levy rates and charges under the Local Government Act, to return an amount sufficient to meet all sums which become due to the Administrator for water supplied or 10 under any contract made between the Administrator and the council, and to meet such of the costs of administration of the council as may be prescribed.
- (5) The limitations contained in sections one hundred and twenty-nine and one hundred and thirty of 15 the Local Government Act, as to the amount of rates shall not apply to or in respect of any water supply local rate made and levied in pursuance of subsection four of this section.
- (6) For the purposes of making and levying any 20 such rate, a water pipe being part of any works with the care and management of which the council is, by or under this Act, charged, shall be deemed to be a water pipe of the council.
- (7) (a) Where before the publication of any pro25 clamation pursuant to subsection one of this section the
 Administrator had entered into contracts with any persons to supply water from the works to any premises
 within the area of the council, the Governor may, by the
 proclamation charging the council with the care and man30 agement of the part of the works from which the supply
 is made, or by a subsequent proclamation published in
 the Gazette, transfer to the council as from a date
 specified in the proclamation, all the rights and liabilities
 of the Administrator under such contracts or any
 35 specified contracts or all such contracts other than
 specified contracts.
 - (b) On and from the date so specified the following provisions shall have effect:—
- (i) all contracts so transferred shall be deemed to be contracts entered into by the council;

(ii)

- (ii) any securities given to or by the Administrator in relation to any contract so transferred and in force immediately before the specified date shall be deemed to be securities given to or by the council;
- (iii) the council may enforce and realise any such security as if such security were existing in favour of the council.
- (8) Subsection seven of this section shall extend 10 to any contracts which under section nineteen of this Act are deemed to be contracts made with the Administrator.

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PART II.

SUPPLY OF WATER.

6. The Administrator may supply water from the Adminisworks to any person who enters into a contract with him trator may to accept a supply of water. Any such contract may supply water. contain such terms and conditions as the Administrator thinks fit.

7. For the purpose of supplying the Commissioner Supply for for Railways or any other person with water pursuant railway to this Act, the Administrator may at all times use and purposes. repair any portion of the works notwithstanding that a council may be charged with the care and management 25 thereof.

8. Any council may enter into a contract with the Power of Administrator for the supply of water to such council council to upon such terms and conditions as may be agreed upon. contracts.

9. A council which is taking a supply of water from council not to 30 the Administrator shall not, except with the consent of the area without Administrator, supply water to any person upon consent. premises situated outside the area of such council.

10. (1) The Administrator shall not under any No compencircumstances be liable to make any payments in com- sation for 35 pensation or for damages should the water supplied be supply. at any time unfit for dietetic purposes, nor for total or cf. Act No. partial failure or cessation of the supply arising from 59, 1915, s. 15. any cause whatsoever.

(2) The Administrator shall at all times be entitled to discontinue the supply to a council or other person whenever he deems it necessary in the interests of public health or for the purpose of ensuring a proper 5 supply.

PART III.

FINANCIAL.

11. (1) The capital debt in respect of the South-west Capital debt. Tablelands Water Supply is hereby declared to be the sum of eight hundred and seventeen thousand seven hundred and nineteen pounds three shillings and fourpence as at the thirty-first day of December, one thousand nine hundred and thirty-nine, but may be added to or reduced as in this section provided.

15 Of such capital debt the sum of eight hundred and four thousand nine hundred and twenty-two pounds five shillings and tenpence shall bear interest and the balance amounting to twelve thousand seven hundred and ninety-six pounds seventeen shillings and sixpence shall not 20 bear interest.

(2) The Minister shall, as soon as practicable after the commencement of this Act, determine the amount by which the capital debt should be increased by reason of expenditure during the period of twelve months 25 ending on the thirty-first day of December, one thousand nine hundred and forty, and thereafter as soon as practicable after the first day of January, one thousand nine hundred and forty-two, and after the same day in each succeeding year, determine the amount by which 30 the capital debt should be increased or decreased by reason of expenditure or receipts during the period of

twelve months immediately preceding.

The Minister shall notify in the Gazette the amount of

such increase or decrease, and shall, in such notification, 35 state that the amount is to be added to or taken from that part of the capital debt which bears interest or that part of the capital debt which does not bear interest, or that the amount is to be apportioned between such parts.

Upon

Upon publication of such notification the capital debt shall be deemed to be altered accordingly, and such alteration shall take effect as from the date specified in the notification.

- 5 12. (1) An account shall be kept in the Special Allocation Deposits Account in the Treasury to be called the of moneys. "South-west Tablelands Water Supply Working Account," hereinafter referred to as the "Working Account."
- 10 (2) (a) There shall be credited to the Working Account all revenue received by the Administrator in pursuance of this Act and such amounts as may from time to time be appropriated by Parliament for the purpose.
- (b) There shall be debited to the Working Account the following charges, in the order set out here-under:—

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Firstly, the cost of administration, operation, repair and minor renewal of the works by the Administrator;

Secondly, interest on the interest bearing part of the capital debt referred to in section eleven of this Act for any year at a rate or rates to be determined by the Colonial Treasurer but not exceeding the average rate payable during such year by the Government for loan moneys;

Thirdly, contributions to the South-west Tablelands Water Supply Renewal Reserve Account referred to in section thirteen;

Fourthly, such contributions to a sinking fund as the Colonial Treasurer may direct.

(c) Any balance shall be applied in reduction of the capital debt or towards the cost of constructing the works or otherwise for any purpose connected 35 with the administration of this Act as the Minister may direct.

The Minister shall notify in the Gazette the amount of any such reduction of the capital debt, and shall, in such notification, state that such reduction is to be made from 40 that part of the capital debt which bears interest or from that part of the capital debt which does not bear interest,

or that such reduction is to be apportioned between such parts. Upon publication of such notification the capital debt shall be deemed to be altered accordingly and such alteration shall take effect as from the date specified in 5 the notification.

13. (1) An account shall be kept in the Special South-west Deposits Account in the Treasury to be called the Tablelands Water "South-west Tablelands Water Supply Renewal Reserve Supply Account," hereinafter referred to as the "Renewal Reserve 10 Reserve Account."

Account.

- (2) There shall be credited to the Renewal Reserve Account as soon as practicable after the first day of January in each year an amount calculated at a rate determined by the Colonial Treasurer on the interest 15 bearing part of the capital debt as at the thirty-first day of December immediately preceding. For the purposes of this subsection the capital debt shall be deemed exclusive of any sinking fund contributions.
- (3) The Renewal Reserve Account shall be 20 credited half-yearly with interest on the daily credit balance at such rate as the Colonial Treasurer may from time to time direct.
- (4) The Minister may invest the whole or part of cf. Act No. the balance at credit of the Renewal Reserve Account in 20, 1938, s. 94 (2). 25 Commonwealth Government securities or on fixed deposit with the Colonial Treasurer.

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

(5) The Renewal Reserve Account shall be drawn upon only for purposes of investment or reinvestment or for renewing or replacing capital assets:

Provided that the Minister may authorise the expenditure of any balance at credit of such account in excess 35 of eighty thousand pounds towards extending the works, but subject to such conditions of repayment as the Colonial Treasurer may direct. Interest on any such expenditure shall be credited to the account at the rate of four per centum per annum.

(6)

(6) If the Minister considers the amount at credit of the Working Account insufficient to meet the contribution referred to in subsection two of this section, having regard to the charges referred to in subsection two 5 of section twelve of this Act, such contribution or portion thereof may be allowed to remain a charge on the Working Account.

Interest on the amount of the deferred contribution at a rate to be approved by the Colonial Treasurer shall 10 be credited to the Renewal Reserve Account and debited to the Working Account for the period during which such contribution so remains a charge; provided that if any such contribution be made on or before the thirtyfirst day of August in the year in which it becomes 15 payable in accordance with subsection two of this section no interest shall be credited or debited as aforesaid.

14. When in any year the revenue received by the Payments Administrator is insufficient to meet the charges referred by Colonia Treasurer. to in subsection two of section twelve of this Act, the cf. Act No. 20 Colonial Treasurer may, out of moneys provided by 20, 1938, Parliament, pay to the Working Account the amount of such deficiency.

PART IV. GENERAL.

- 15. (1) In the event of a council making default for Default by 25 three months in the payment of any amount due to the council. Administrator or to the Crown pursuant to this Act or under a contract made or deemed to have been made with such council pursuant to this Act, the Governor may by 30 proclamation published in the Gazette divest the council of the care and management of any portion of the works and vest the same in the Administrator.
- (2) In the event of a council making default as aforesaid and such default continuing for a period of 35 three months after written notice requiring the council to remedy the same has been given to the council by the Administrator, then and in any such case such default shall be deemed to be a default within the meaning

of section three hundred and seventy-six of the Local Government Act, and a receiver may be appointed accordingly by the Supreme Court on the application of the Minister, and such receiver shall have the powers 5 and duties of a receiver appointed by virtue of that section.

16. (1) The Governor may by proclamation published Vesting of in the Gazette vest in the Administrator the care and care and management management of any portion of the works.

of works in Adminis-

- (2) The Administrator shall, in respect of any trator. 10 works the care and management of which are vested in him pursuant to this Act, have all the powers of making, levying and collecting rates and charges as are conferred upon a council under the Local Government Act.
- (3) The limitations contained in sections one 15 hundred and twenty-nine and one hundred and thirty of the Local Government Act, as to the amount of rates, shall not apply to or in respect of any water supply local rate made and levied in pursuance of this section.
- (4) For the purpose of making and levying any 20 such rate, a water pipe being portion of the works the care and management of which are vested in the Administrator, shall be deemed to be a water pipe of the Administrator.
- 17. (1) The respective liabilities of the councils of Liability the Municipalities of Cootamundra and Temora to the of certain Colonial Treasurer in respect of works of water supply tinguished. with the care and management of which such councils were charged under the Local Government Act before 30 the commencement of this Act are hereby extinguished.

(2) The care and management of the works mentioned in the First and Second Schedules to this Act are hereby divested from the councils of the Municipalities of Cootamundra and Temora.

18. (1) All contracts made before the commencement validation of this Act between the Minister for Public Works and of certain any person (including a council) relating to the supply of water from the works are hereby validated.

- (2) The validation of such contracts by subsection one of this section shall be deemed to have taken effect as from the respective dates of execution of the said contracts, and any act, instrument, matter or thing 5 made, done or executed under or in pursuance of any such contract is hereby validated.
- (3) Without prejudice to the generality of subsections one and two of this section, the action of any council in making and levying a water supply local rate 10 in respect of any works with the care and management of which the council has become charged under or in pursuance of any such contract, is hereby validated.
- 19. Where before the commencement of this Act Transfer of the Minister for Public Works had entered into a con-15 tract with any person for the supply of water from the works, and such contract was still in force immediately before such commencement, the following provisions shall, as from such commencement, have effect:-

- (a) all such contracts shall be deemed to be contracts entered into by the Administrator pur-20 suant to this Act;
- (b) all suits, actions and proceedings pending immediately before such commencement at the suit of the Minister for Public Works under or 25 in relation to any such contract shall be suits, actions and proceedings of the Administrator;
- (c) all moneys and liquidated or unliquidated claims which immediately before such commencement were payable to or recoverable by the Minister for Public Works under or in 30 relation to any such contract shall be moneys and liquidated or unliquidated claims payable to or recoverable by the Administrator;
- (d) any securities given to or by the Minister for Public Works in relation to any such contract. 35 and in force immediately before such commencement shall be deemed to be securities given to or by the Administrator;

- (e) the Administrator may pursue the like remedies for the recovery of any such moneys and claims and for the prosecution of any such suits, actions and proceedings as the Minister for Public Works might have done but for this Act;
- (f) the Administrator may enforce and realise any such security as if the same were existing in favour of the Administrator;
- (g) all debts due and moneys payable by and all claims liquidated and unliquidated, recoverable against the Minister for Public Works under or in relation to any such contract, shall be debts due and moneys payable by and claims recoverable against the Administrator.
- 15 20. (1) The Governor may make regulations not Regulainconsistent with this Act prescribing all matters which tions. by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out the provisions of this Act.

20 (2) The regulations shall—

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- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.
- 30 (3) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to 35 have effect.

SCHEDULES.

FIRST SCHEDULE.

Secs. 4.

17 (2).

Works the care and management of which are divested from the Council of the Municipality of Cootamundra.

- 5 The following works constructed for purposes of Cootamundra Water Supply:-
 - All those works (excepting the town service reservoir and reticulation mains within the Municipality) the completion of which was notified in Gazette No. 814 of 22nd November, 1892.
 - All those works (excepting the additions to the said service reservoir and extensions to the said reticulation mains) the completion of which was notified in Gazette No. 44 of 23rd January, 1906.
- The submerged weir, the completion of which was notified in 15 Gazette No. 36 of 22nd March, 1911.

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All those works the completion of which was notified in Gazette No. 181 of 12th November, 1913.

SECOND SCHEDULE.

Secs. 4, 17 (2).

20 Works the care and management of which are divested from the Council of the Municipality of Temora.

The following works constructed for the purposes of Temora Water Supply:-

All those works, the completion of which was notified in Gazette 25 No. 54 of 4th May, 1923.

THIRD SCHEDULE.

Secs. 4,

5(2)

Works with the care and management of which the Council of the Municipality of Cootamundra is charged.

The following works constructed for purposes of Cootamundra Water 30 Supply:

The town service reservoir and reticulation mains within the Municipality, the completion of which was notified in Gazette No. 814 of 22nd November, 1892.

The additions to the said service reservoir and extensions to the said reticulation mains, the completion of which was notified in Gazette No. 44 of 23rd January, 1906.

The extensions to the said reticulation mains, the completion of which was notified in Gazette No. 120 of 11th August, 1922.

Sydney: Alfred Henry Pettifer, Acting Government Printer-1941. [1s. 1d.]

