

No. , 1955.

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## A BILL

To make provision with respect to the investment by the Hunter District Water Board of moneys in reserves for loan repayment; to increase the remuneration payable to certain members of the Board; for these and other purposes to amend the Hunter District Water, Sewerage and Drainage Act, 1938, as amended by subsequent Acts; to validate certain matters; and for purposes connected therewith.

[Mr. CAHILL;—16 November, 1955.]

*Hunter District Water, Sewerage and Drainage (Amendment).*

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

**1.** (1) This Act may be cited as the "Hunter District Water, Sewerage and Drainage (Amendment) Act, 1955." Short title and citation.

(2) The Hunter District Water, Sewerage and  
10 Drainage Act, 1938, as amended by subsequent Acts and  
by this Act, may be cited as the Hunter District Water,  
Sewerage and Drainage Act, 1938-1955.

**2.** (1) The Hunter District Water, Sewerage and  
Drainage Act, 1938, as amended by subsequent Acts, is  
15 amended— Amendment of Act No. 11, 1938.

(a) (i) by omitting from paragraph (a) of sub-  
section three of section nineteen the words  
"one hundred and fifty pounds" and by  
20 inserting in lieu thereof the words "two  
hundred and forty pounds"; Sec. 19. (Remuneration of members.)

(ii) by omitting from the same paragraph the  
words "of such amount" and by inserting  
in lieu thereof the words "of four pounds  
or of such greater amount";

25 (iii) by inserting at the end of the same para-  
graph the following new subparagraph:—

(ii) The vice-president and each of  
the elected members of the board shall  
30 in addition to the amount he receives  
by virtue of subparagraph (i) of this  
paragraph respectively be entitled to  
receive further remuneration for his  
services at the rate of one hundred  
pounds per annum.

35 (b) by inserting in paragraph (f) of section  
fifty-three after the word "water" where  
firstly occurring the words "commits or"; Sec. 53. (Cutting off supply.)

(c)

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- (c) (i) by omitting from paragraph (a) of section Sec. 66.  
 sixty-six the words “, and if it thinks fit” (Drainage  
 and by inserting in lieu thereof the words areas.)  
 “or, with the approval of the Minister, to  
 5 exclude therefrom any land, and may from  
 time to time if it thinks fit”;
- (ii) by omitting from paragraph (c) of the same  
 section the words “or police”;
- (iii) by omitting paragraph (e) of the same  
 10 section and by inserting in lieu thereof the  
 following paragraph:—
- (e) the board shall serve a notice in or to  
 the effect of the form and containing  
 the particulars prescribed by the  
 15 regulations upon all persons appear-  
 ing by the rate books of the board, or  
 in cases of deficiency therein then by  
 the rate books of the municipality or  
 shire, to be the owners of land within  
 20 the drainage area;
- (iv) by omitting from paragraph (j) of the same  
 section the word “thereafter”;
- (v) by inserting at the end of the same section  
 the following new subsections:—
- 25 (2) Where the boundaries of a drainage  
 area have been defined under this Act, or  
 under any Act repealed by this Act, and  
 the board in pursuance of paragraph (a) of  
 subsection one of this section subsequently  
 30 defines the boundaries of the area so as to  
 include therein additional land (in this  
 subsection referred to as “the additional  
 area”) the provisions of subsection one of  
 this section shall, in their application to  
 35 any such case, be deemed to be modified as  
 follows:—
- (a) the map or plan referred to in para-  
 graph (b) of that subsection showing  
 the boundaries of the drainage area  
 as

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- 5 as defined by the board shall also show the boundaries of the additional area; and the reference in that paragraph to "the drainage area" shall be construed as a reference to the additional area;
- 10 (b) the reference in paragraph (c) of that subsection to "the drainage area, as defined by the board" shall be construed as a reference to the additional area;
- 15 (c) the reference in paragraph (e) of that subsection to "the drainage area" shall be construed as a reference to the additional area.
- 20 (3) Where the boundaries of a drainage area have been defined under this Act, or under any Act repealed by this Act, and the board in pursuance of paragraph (a) of subsection one of this section subsequently defines the boundaries of the area so as to exclude therefrom any land, the provisions of subsection one of this section shall, in their application to any such case, be deemed to be modified as follows:—
- 25 (a) by omitting paragraphs (b), (c), (d), (e), (f), (g) and (h) and by inserting in lieu thereof the following paragraph:—
- 30 (b) a map or plan showing the boundaries of the drainage area so defined shall be kept at the head office in Newcastle of the board; and the board shall cause a description of the boundaries in accordance with that map or plan to be published in the Gazette in the form prescribed by the regulations;
- 35
- 40 (b)

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- (b) by inserting at the end of paragraph (j) the following proviso:—

5                    Provided that in respect of the remainder of the financial year current at the date of such notification, the rate applicable to lands within the drainage area shall be the drainage rate applicable to those lands immediately before the date of such notification.

10                  (4) Where the boundaries of zones of a drainage area have been notified in the Gazette under subsection one of this section, and the board in pursuance of paragraph (a) of that subsection subsequently delimits the boundaries of the zones so as to include in any one or more of them additional land (in this subsection referred to as "the additional area") which was not previously included in the drainage area, the provisions of subsection one of this section shall, in their application to any such case, be deemed to be modified as follows:—

25                  (a) the map or plan referred to in paragraph (b) of that subsection showing the delimitation of the proposed zones shall also show the boundaries of the additional area; and a reference in that paragraph to "the drainage area" shall be construed as a reference to the additional area;

30                  (b) the reference in paragraph (c) of that subsection to "the drainage area, as defined by the board" shall be construed as a reference to the additional area;

35                  (c) the reference in paragraph (e) of that subsection to "the drainage area" shall be construed as a reference to the additional area.

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(5)

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5 (5) Where the boundaries of zones of a  
drainage area have been notified in the  
Gazette under subsection one of this sec-  
tion, and the board in pursuance of para-  
graph (a) of that subsection subsequently  
delimits the boundaries of the zones so as  
to exclude from any one or more of them  
land which is excluded from the drainage  
area the provisions of subsection one of this  
10 section shall, in their application to any such  
case, be deemed to be modified by omitting  
paragraphs (b), (c), (d), (e), (f), (g) and  
(h), and by inserting in lieu thereof the  
following paragraph:—

15 (b) a map or plan showing the delimita-  
tion of the proposed zones shall be  
kept at the head office in Newcastle of  
the board; and the board shall cause  
a description of the boundaries of the  
20 zones in accordance with that map or  
plan to be published in the Gazette  
in the form prescribed by the regula-  
tions;

25 (d) by inserting next after section sixty-six the  
following new sections:— New secs.  
66A, 66B.

30 66A. (1) Without prejudice to the generality  
of subsection one of section sixty-six of this Act, Groups of  
channels. the power conferred on the board by paragraph  
(a) of that subsection shall include the power  
to define the boundaries of a drainage area in  
respect of a number of stormwater channels  
grouped together, in any case where, in the  
opinion of the board if separate drainage areas  
were defined in respect of such stormwater  
35 channels severally, each of such separate  
drainage areas would substantially adjoin one  
or more of the others.

40 (2) Where a drainage area in respect  
of a number of stormwater channels grouped  
together is so defined, and that area includes a  
drainage

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drainage area which was previously defined, it shall not be necessary for the board to serve any notice referred to in paragraph (e) of subsection one of section sixty-six of this Act upon any owner of land situated wholly within the boundaries of the last-mentioned drainage area, unless the board proposes to include that land in a zone.

(3) Paragraph (c) of subsection one of section sixty-six of this Act shall not apply to or in respect of an owner of land upon whom, by reason of this section, it is not necessary to serve such notice, and such owner shall not be entitled to an appeal under that paragraph.

66B. Where the board defines the boundaries of a drainage area and that area includes a drainage area which was previously defined, then upon the notification of such boundaries in the Gazette pursuant to paragraph (h) of subsection one of section sixty-six of this Act the notification, proclamation or other instrument whereby the last-mentioned drainage area was previously defined shall be rescinded; but such rescission shall not prejudice any rights or remedies of the board in relation to any stormwater drainage rates levied before such rescission upon any land situated within the last-mentioned drainage area.

Rescission  
of  
superseded  
drainage  
area.

(e) by omitting subsection four of section seventy-six and by inserting in lieu thereof the following subsection:—

Sec. 76.  
(Reserve for  
loan repay-  
ments.)

(4) Moneys held as a reserve for loan repayment may be invested in Government securities of the Commonwealth of Australia or of the State of New South Wales or in debentures or inscribed stock in any loan of the board (above at or below the face value and whether such debentures or inscribed stock were issued before or after the commencement of the Hunter District Water, Sewerage and Drainage (Amendment) Act, 1955) or in any securities guaranteed

by

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5 by the Government of the said State or in such  
other securities as the Governor may approve  
or as may be prescribed by the regulations. Any  
interests or profits realised on such investments  
shall be added to and form part of the reserve  
for loan repayment. All moneys paid into the  
reserve for loan repayment in any fund may  
be applied in or towards repayment of any  
renewal or other loan raised in respect of the  
10 same fund but except where otherwise provided  
may not be applied for any other purpose.

(f) by omitting section seventy-nine;

Sec. 79.  
(Exchange  
debentures,  
&c.)

(g) by inserting next after paragraph (d) of sub-  
section one of section ninety-one the following  
15 new paragraph:—

Sec. 91.  
(Lands  
exempted  
from  
rates.)

(d1) land which is used or occupied solely  
for purposes of or connected with a  
baby health centre, day nursery or  
kindergarten not conducted for private  
20 gain;

(2) (a) The amendments made by subparagraphs  
(i) and (ii) of paragraph (a) of subsection one of this  
section shall be deemed to have commenced on the first  
day of April, one thousand nine hundred and fifty-three.

25 (b) The amendment made by subparagraph  
(iii) of paragraph (a) of subsection one of this section  
shall be deemed to have commenced on the first day of  
July, one thousand nine hundred and fifty-five.

30 (c) The amendment made by subparagraph  
(iii) of paragraph (c) of subsection one of this section  
shall commence upon a day to be appointed by the  
Governor and notified by proclamation published in the  
Gazette.

35 (d) The amendment made by paragraph (g)  
of subsection one of this section shall be deemed to have  
commenced on the first day of July, one thousand nine  
hundred and fifty-three.