

*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.*

R. E. WARD,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 24 August, 1977.*

## New South Wales



ANNO VICESIMO SEXTO

**ELIZABETHÆ II REGINÆ**

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Act No.           , 1977.

An Act to amend the Metropolitan Water, Sewerage, and Drainage Act, 1924, with respect to penalties for certain offences, hot water plumbing and the power of The Metropolitan Water Sewerage and Drainage Board to inspect land; and to validate the exemption from rating of the University of New South Wales.

**BE**

*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

**BE** it enacted by the Queen'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 :—

5    **1.** This Act may be cited as the "Metropolitan Water, Sewerage, and Drainage (Further Amendment) Act, 1977". Short title.

**2.** (1) This Act, section 5 and Schedules 1–4 excepted, shall commence on the date of assent to this Act. Commencement.

      (2) Section 5 shall, in its application to a provision of Schedules 1–4, commence or be deemed to have commenced on the day on which that provision commences or is deemed to have commenced, as the case may require.

      (3) The several provisions of Schedules 1–3 shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

      (4) Schedule 4 shall be deemed to have commenced on 1st July, 1965.

**3.** The Metropolitan Water, Sewerage, and Drainage Act, 1924, is referred to in this Act as the Principal Act. Principal Act.

**4.** This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INSPECTION OF PROPERTY.

SCHEDULE

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*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

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SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO OFFENCES AND PENALTIES.

SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO CONTROL OF HOT WATER PLUMBING.

SCHEDULE 4.—AMENDMENT TO THE PRINCIPAL ACT RELATING TO EXEMPTION FROM RATING.

5. The Principal Act is amended in the manner set forth in Schedules 1-4. Amendment of Act No. 50, 1924.

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SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INSPECTION OF PROPERTY.

(1) (a) Section 38 (1)—

Omit “may enter upon any land or building at any reasonable hour in the daytime and at any hour during which business is in progress or is usually carried on in the premises”, insert instead :—

may—

- (a) enter land or a building or premises other than a dwelling-house at any time; and
- (b) enter a dwelling-house at any reasonable time during the day,

SCHEDULE

*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO INSPECTION OF PROPERTY—*continued.*

(b) Section 38 (1)—

5 Omit “ascertain the character and condition of  
the land or building and of any pipe, sewer,  
drain, or fitting in connection therewith.”, insert  
instead :—

ascertain—

10 (c) the character and condition of the  
land or any dwelling-house or  
other building or premises on the  
land;

15 (d) the condition or location of any  
pipe, sewer, drain or fitting used  
in connection with the land or  
any dwelling-house or other  
building or premises on the land;

20 (e) whether any waste, misuse or  
undue consumption of water  
supplied by the board is  
occurring; or

25 (f) whether any offence against this  
Act, the regulations or the by-laws  
has been or is being committed.

(2) Section 38 (1A)—(1D)—

After section 38 (1), insert :—

30 (1A) Subject to subsection (1B), where the board  
proposes by its officers or workmen to enter any land  
or a building or premises it shall cause notice in

SCHEDULE

*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO INSPECTION OF PROPERTY—*continued.*

5 writing to that effect to be served on the owner or occupier of the land, building or premises before it attempts to enter the land, building or premises.

10 (1B) Where in the opinion of an officer of the board prescribed by a regulation for the purposes of this subsection undue delay would occur by reason of the serving of a notice referred to in subsection (1A), that officer may authorise the board's officers or workmen to enter the land, building or premises although that notice has not been served.

15 (1C) For the purpose of gaining entry to any land or a building or premises, not being a dwelling-house, the board may, by its officers or workmen, use reasonable force.

(1D) It is the duty of the board, where any land or a building or premises—

20 (a) has or have been entered without the notice referred to in subsection (1A) having been served; or

(b) has or have been forcibly entered under an authority given under subsection (1B),

25 to cause such persons or authorities as appear to it to be appropriate in the circumstances to be promptly informed of the action so taken.

SCHEDULE

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*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO INSPECTION OF PROPERTY—*continued.*

(3) Section 38 (2)—

5 Omit the subsection, insert instead :—

(2) If a pipe, sewer, drain or fitting referred to in  
subsection (1) is found on inspection to be made to  
the satisfaction of the board and in proper order and  
condition, and if no waste, misuse or undue consump-  
10 tion of water supplied by the board is occurring, and if  
no offence against this Act, the regulations or the  
by-laws has been or is being committed, the board shall  
cause the pipe, sewer, drain or fitting and the land,  
building or premises to be reinstated and made good  
15 as soon as practicable and the costs and expenses of the  
inspection, reinstating and making good shall be  
defrayed by the board.

(4) Section 38 (4)—

20 Omit “removal, alteration, or repair”, insert instead  
“any entry and any inspection made under subsection  
(1) following which a direction under this subsection  
is given and of the removal, alteration or repair by the  
board of any pipe, sewer, drain or fitting”.

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*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

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SCHEDULE 2.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO OFFENCES AND PENALTIES.

(1) Section 39—

5 Omit “shall be liable, on summary conviction, to a  
penalty not exceeding twenty dollars”, insert instead  
“is guilty of an offence under this Act and liable, in  
the case of a corporation, to a penalty not exceeding  
10 \$5,000, or, in any other case, to a penalty not  
exceeding \$500”.

(2) Section 46 (4), (4A)—

Omit section 46 (4), insert instead :—

15 (4) A person who acts in contravention of the  
provisions of subsection (3) is guilty of an offence  
under this Act and liable to a penalty not exceeding  
\$200.

20 (4A) A person who knowingly employs another to  
commence or perform work referred to in subsection  
(3) in contravention of this section is guilty of an  
offence under this Act and liable, in the case of a  
corporation, to a penalty not exceeding \$2,000, or,  
in any other case, to a penalty not exceeding \$200.

SCHEDULE

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*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO OFFENCES AND PENALTIES—*continued.*

(3) Section 97 (6), (7)—

5 Omit “shall be liable to a penalty not exceeding ten  
dollars” wherever occurring, insert instead “is guilty  
of an offence under this Act and liable, in the case  
of a corporation, to a penalty not exceeding \$1,000,  
10 or, in any other case, to a penalty not exceeding  
\$100”.

(4) (a) Section 127 (1) (a)—

Omit “but no such penalty shall exceed one  
hundred dollars”, insert instead “in the case of  
a corporation, not exceeding \$10,000, or, in any  
15 other case, not exceeding \$1,000”.

(b) Section 127 (1) (b)—

Omit “not exceeding ten dollars per day”, insert  
instead “, in the case of a corporation, not  
exceeding \$500, or, in any other case, not  
20 exceeding \$50”.

(5) Section 132A—

After section 132, insert—

132A. (1) Proceedings for offences under this Act, Proceedings  
a regulation or a by-law may be taken before a court for offences.  
25 of petty sessions or before the Supreme Court in its  
summary jurisdiction.

SCHEDULE



*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO OFFENCES AND PENALTIES—*continued.*

5 (2) If proceedings in respect of an offence  
under this Act, a regulation or a by-law are brought  
in a court of petty sessions, the maximum penalty  
that the court may impose in respect of the offence  
is, notwithstanding any other provision of this Act,  
10 the regulation or the by-law, as the case may be,  
\$2,000 (including any daily penalty) or the maximum  
penalty provided by this Act, the regulation or the  
by-law in respect of the offence, whichever is the  
lesser.

15 (3) If proceedings in respect of an offence  
against this Act, a regulation or a by-law are brought  
in the Supreme Court in its summary jurisdiction, the  
Supreme Court may impose a penalty not exceeding  
the maximum penalty provided by this Act, the  
20 regulation or the by-law, as the case may be, in  
respect of the offence.

(4) Proceedings in the Supreme Court in its  
summary jurisdiction in respect of an offence against  
this Act, a regulation or a by-law may be commenced  
only within six months after the offence was  
25 committed.

(6) Section 136 (1)—

30 Omit "shall for such offence be liable to a penalty  
not exceeding ten dollars", insert instead "is guilty of  
an offence under this Act and liable, in the case of a  
corporation, to a penalty not exceeding \$1,000, or,  
in any other case, to a penalty not exceeding \$100".

SCHEDULE

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*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO OFFENCES AND PENALTIES—*continued.*

- (7) Section 137—  
5 Omit “to a penalty not exceeding ten dollars”, insert  
instead “, in the case of a corporation, to a penalty  
not exceeding \$5,000, or, in any other case, to a  
penalty not exceeding \$500”.
- (8) (a) Section 138—  
10 Omit “If any person”, insert instead “Any person  
who”.
- (b) Section 138—  
15 Omit “he shall for such offence be liable to a  
penalty not exceeding ten dollars and a further  
penalty not exceeding ten dollars for each day  
(if more than one) that such offence continues”,  
insert instead “is guilty of an offence under this  
20 Act and liable, in the case of a corporation, to a  
penalty not exceeding \$10,000, or, in any other  
case, to a penalty not exceeding \$1,000 and,  
where the offence continues, to a further penalty,  
in the case of a corporation, not exceeding \$5,000  
and, in any other case, not exceeding \$500, for  
each day during which the offence continues”.
- 25 (9) (a) Section 139—  
Omit “shall be liable to a penalty of forty  
dollars”, insert instead “is guilty of an offence  
under this Act and liable, in the case of a  
30 corporation, to a penalty not exceeding \$5,000,  
or, in any other case, to a penalty not exceeding  
\$500.”.

*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO OFFENCES AND PENALTIES—*continued.*

(b) Section 139—

5 Omit "Such penalty may be recovered with full  
costs in any court of competent jurisdiction."

(10) Section 140—

10 Omit "shall, for every such offence, be liable to a  
penalty of not more than forty dollars, and a further  
sum of not more than twenty dollars for each day  
during which the offence continues, after the expiration  
of twenty-four hours from the service on him of notice  
of such offence", insert instead "is guilty of an offence  
under this Act and liable, in the case of a corporation,  
15 to a penalty not exceeding \$10,000, or, in any other  
case, to a penalty not exceeding \$1,000 and, where  
the offence continues after the expiration of 24 hours  
after the service on him of notice of the offence, to a  
further penalty, in the case of a corporation, not  
20 exceeding \$5,000, or, in any other case, not exceeding  
\$500, for each day during which the offence  
continues".

(11) Section 142—

25 Omit "shall be guilty of an offence and be liable to a  
penalty not exceeding ten dollars", insert instead "is  
guilty of an offence under this Act and liable, in the  
case of a corporation, to a penalty not exceeding  
\$2,000, or, in any other case, to a penalty not  
exceeding \$200".

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*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO OFFENCES AND PENALTIES—*continued.*

(12) Section 143—

5 Omit “shall be guilty of an offence and be liable to a  
penalty not exceeding ten dollars”, insert instead “is  
guilty of an offence under this Act and liable, in the  
case of a corporation, to a penalty not exceeding  
10 \$10,000, or, in any other case, to a penalty not  
exceeding \$1,000”.

(13) (a) Section 144 (1)—

15 Omit “shall be guilty of an offence and be liable  
to a penalty of not exceeding one hundred  
dollars”, insert instead “is guilty of an offence  
under this Act and liable, in the case of a  
corporation, to a penalty not exceeding \$2,000,  
or, in any other case, to a penalty not exceeding  
\$200”.

(b) Section 144 (2)—

20 Omit “shall be liable to a penalty not exceeding  
ten dollars”, insert instead “is guilty of an offence  
under this Act and liable, in the case of a  
corporation, to a penalty not exceeding \$200, or,  
25 in any other case, to a penalty not exceeding  
\$20.”.

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*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

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SCHEDULE 3.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO CONTROL OF HOT WATER PLUMBING.

(1) Section 4, definition of "Hot water apparatus"—

5 Before the definitions of "Joint" and "jointly",  
insert :—

10 "Hot water apparatus" means apparatus for heating  
water, for storing hot water, or for both heating  
water and storing hot water, being apparatus  
connected to a water main of the board by a  
water service pipe, but does not include any  
water service pipe connected to the outlet from  
any such apparatus.

(2) Section 126A—

15 After section 126, insert :—

126A. (1) For the purposes of section 125, hot <sup>Hot water</sup> water apparatus shall be deemed not to be an outlet <sup>plumbing.</sup> plumbing from the water service pipes by which the apparatus is connected to a water main of the board, and—

20 (a) a reference in section 125 (1) (j) to water  
service pipes includes a reference to water  
service pipes used or intended to be used  
for hot water and to any safety discharge  
pipe or overflow pipe connected to any hot  
25 water apparatus; and

(b) a reference in section 125 (1) (j) or (u) to  
fittings includes a reference to fittings used  
or intended to be used for hot water and to

SCHEDULE

*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO CONTROL OF HOT WATER PLUMBING—*continued.*

5 fittings by which hot water apparatus may  
be connected to the water service pipes, but  
does not include a reference to hot water  
apparatus.

(2) Section 125 does not authorise the  
making of by-laws—

10 (a) prescribing specifications for hot water  
apparatus; or

(b) authorising or requiring the board to be  
concerned in—

15 (i) testing any hot water apparatus,  
other than fittings connected to  
hot water apparatus; or

20 (ii) the connection of hot water  
apparatus to any source of heat  
energy, unless the source is  
heated water added to or mixed  
with water in the apparatus.

25 (3) Nothing in this section affects any  
power, authority, duty or function conferred or  
imposed on the board (otherwise than by or under  
the by-laws) with respect to the regulation or control  
of the pollution, misuse or wastage of water.

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*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

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SCHEDULE 4.

Sec. 5.

AMENDMENT TO THE PRINCIPAL ACT RELATING  
TO EXEMPTION FROM RATING.

Section 88 (1) (f4)—

5 After section 88 (1) (f3), insert :—

(f4) land which is vested in the University of New  
South Wales or in a college thereof and is  
used or occupied by the University or college,  
as the case may be, solely for the purposes  
10 thereof;

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977  
[16c]

Memorandum of Understanding between the Government of India and the Government of Karnataka

Page 2

1. The Government of Karnataka has agreed to provide the Government of India with the following information:

Section 86 (1) (ii)

2. The Government of Karnataka has agreed to provide the Government of India with the following information:

(4) The Government of Karnataka has agreed to provide the Government of India with the following information:

3. The Government of Karnataka has agreed to provide the Government of India with the following information:

4. The Government of Karnataka has agreed to provide the Government of India with the following information:

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**METROPOLITAN WATER, SEWERAGE, AND  
DRAINAGE (FURTHER AMENDMENT) BILL,  
1977**

Bill introduced by the Queen'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:—

1. This Act may be cited as the Metropolitan Water, Sewerage and Drainage (Further Amendment) Act, 1977.

2. (1) This Act, section 2 and Schedules 1-4 excepted, shall commence on the date of assent to this Act.

(2) Section 2 shall, in its application to a provision of Schedules 1-4, commence or be deemed to have commenced on the day on which the provision is deemed to have commenced, as the case may require.

No. 155, 1977.

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**A BILL FOR**

**An Act to amend the Metropolitan Water, Sewerage, and Drainage Act, 1924, with respect to penalties for certain offences, hot water plumbing and the power of The Metropolitan Water Sewerage and Drainage Board to inspect land; and to validate the exemption from rating of the University of New South Wales.**

[MR FERGUSON—17 August, 1977.]

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**BE**

*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

**BE** it enacted by the Queen'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 :—

5     **1.** This Act may be cited as the "Metropolitan Water, Sewerage, and Drainage (Further Amendment) Act, 1977". Short title.

**2.** (1) This Act, section 5 and Schedules 1-4 excepted, shall commence on the date of assent to this Act. Commencement.

       (2) Section 5 shall, in its application to a provision of Schedules 1-4, commence or be deemed to have commenced on the day on which that provision commences or is deemed to have commenced, as the case may require.

       (3) The several provisions of Schedules 1-3 shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

       (4) Schedule 4 shall be deemed to have commenced on 1st July, 1965.

**3.** The Metropolitan Water, Sewerage, and Drainage Act, 1924, is referred to in this Act as the Principal Act. Principal Act.

**4.** This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INSPECTION OF PROPERTY.

SCHEDULE

*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO OFFENCES AND PENALTIES.

SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO CONTROL OF HOT WATER PLUMBING.

SCHEDULE 4.—AMENDMENT TO THE PRINCIPAL ACT RELATING TO EXEMPTION FROM RATING.

5. The Principal Act is amended in the manner set forth in Schedules 1-4. Amendment of Act No. 50, 1924.

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INSPECTION OF PROPERTY.

(1) (a) Section 38 (1)—

Omit "may enter upon any land or building at any reasonable hour in the daytime and at any hour during which business is in progress or is usually carried on in the premises", insert instead :—

may—

- (a) enter land or a building or premises other than a dwelling-house at any time; and
- (b) enter a dwelling-house at any reasonable time during the day,

SCHEDULE

*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO INSPECTION OF PROPERTY—*continued.*

(b) Section 38 (1)—

5 Omit “ascertain the character and condition of  
the land or building and of any pipe, sewer,  
drain, or fitting in connection therewith.”, insert  
instead :—

ascertain—

10 (c) the character and condition of the  
land or any dwelling-house or  
other building or premises on the  
land;

15 (d) the condition or location of any  
pipe, sewer, drain or fitting used  
in connection with the land or  
any dwelling-house or other  
building or premises on the land;

20 (e) whether any waste, misuse or  
undue consumption of water  
supplied by the board is  
occurring; or

25 (f) whether any offence against this  
Act, the regulations or the by-laws  
has been or is being committed.

(2) Section 38 (1A)—(1D)—

After section 38 (1), insert :—

30 (1A) Subject to subsection (1B), where the board  
proposes by its officers or workmen to enter any land  
or a building or premises it shall cause notice in

SCHEDULE

*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO INSPECTION OF PROPERTY—*continued.*

5 writing to that effect to be served on the owner or occupier of the land, building or premises before it attempts to enter the land, building or premises.

10 (1B) Where in the opinion of an officer of the board prescribed by a regulation for the purposes of this subsection undue delay would occur by reason of the serving of a notice referred to in subsection (1A), that officer may authorise the board's officers or workmen to enter the land, building or premises although that notice has not been served.

15 (1C) For the purpose of gaining entry to any land or a building or premises, not being a dwelling-house, the board may, by its officers or workmen, use reasonable force.

(1D) It is the duty of the board, where any land or a building or premises—

20 (a) has or have been entered without the notice referred to in subsection (1A) having been served; or

(b) has or have been forcibly entered under an authority given under subsection (1B),

25 to cause such persons or authorities as appear to it to be appropriate in the circumstances to be promptly informed of the action so taken.

SCHEDULE

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*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO INSPECTION OF PROPERTY—*continued.*

(3) Section 38 (2)—

5 Omit the subsection, insert instead :—

10 (2) If a pipe, sewer, drain or fitting referred to in  
subsection (1) is found on inspection to be made to  
the satisfaction of the board and in proper order and  
condition, and if no waste, misuse or undue consump-  
15 tion of water supplied by the board is occurring, and if  
no offence against this Act, the regulations or the  
by-laws has been or is being committed, the board shall  
cause the pipe, sewer, drain or fitting and the land,  
building or premises to be reinstated and made good  
as soon as practicable and the costs and expenses of the  
inspection, reinstating and making good shall be  
defrayed by the board.

(4) Section 38 (4)—

20 Omit “removal, alteration, or repair”, insert instead  
“any entry and any inspection made under subsection  
(1) following which a direction under this subsection  
is given and of the removal, alteration or repair by the  
board of any pipe, sewer, drain or fitting”.

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*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

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SCHEDULE 2.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO OFFENCES AND PENALTIES.

(1) Section 39—

5 Omit “shall be liable, on summary conviction, to a  
penalty not exceeding twenty dollars”, insert instead  
“is guilty of an offence under this Act and liable, in  
the case of a corporation, to a penalty not exceeding  
10 \$5,000, or, in any other case, to a penalty not  
exceeding \$500”.

(2) Section 46 (4), (4A)—

Omit section 46 (4), insert instead :—

15 (4) A person who acts in contravention of the  
provisions of subsection (3) is guilty of an offence  
under this Act and liable to a penalty not exceeding  
\$200.

20 (4A) A person who knowingly employs another to  
commence or perform work referred to in subsection  
(3) in contravention of this section is guilty of an  
offence under this Act and liable, in the case of a  
corporation, to a penalty not exceeding \$2,000, or,  
in any other case, to a penalty not exceeding \$200.

SCHEDULE

*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO OFFENCES AND PENALTIES—*continued.*

(3) Section 97 (6), (7)—

5 Omit “shall be liable to a penalty not exceeding ten  
dollars” wherever occurring, insert instead “is guilty  
of an offence under this Act and liable, in the case  
of a corporation, to a penalty not exceeding \$1,000,  
10 or, in any other case, to a penalty not exceeding  
\$100”.

(4) (a) Section 127 (1) (a)—

15 Omit “but no such penalty shall exceed one  
hundred dollars”, insert instead “in the case of  
a corporation, not exceeding \$10,000, or, in any  
other case, not exceeding \$1,000”.

(b) Section 127 (1) (b)—

20 Omit “not exceeding ten dollars per day”, insert  
instead “, in the case of a corporation, not  
exceeding \$500, or, in any other case, not  
exceeding \$50”.

(5) Section 132A—

After section 132, insert—

25 132A. (1) Proceedings for offences under this Act,  
a regulation or a by-law may be taken before a court  
of petty sessions or before the Supreme Court in its  
summary jurisdiction. Proceedings  
for offences.

SCHEDULE



*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

**SCHEDULE 2—continued.**

**AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO OFFENCES AND PENALTIES—continued.**

5 (2) If proceedings in respect of an offence  
under this Act, a regulation or a by-law are brought  
in a court of petty sessions, the maximum penalty  
that the court may impose in respect of the offence  
is, notwithstanding any other provision of this Act,  
10 \$2,000 (including any daily penalty) or the maximum  
penalty provided by this Act, the regulation or the  
by-law in respect of the offence, whichever is the  
lesser.

15 (3) If proceedings in respect of an offence  
against this Act, a regulation or a by-law are brought  
in the Supreme Court in its summary jurisdiction, the  
Supreme Court may impose a penalty not exceeding  
the maximum penalty provided by this Act, the  
20 regulation or the by-law, as the case may be, in  
respect of the offence.

25 (4) Proceedings in the Supreme Court in its  
summary jurisdiction in respect of an offence against  
this Act, a regulation or a by-law may be commenced  
only within six months after the offence was  
committed.

(6) Section 136 (1)—

30 Omit "shall for such offence be liable to a penalty  
not exceeding ten dollars", insert instead "is guilty of  
an offence under this Act and liable, in the case of a  
corporation, to a penalty not exceeding \$1,000, or,  
in any other case, to a penalty not exceeding \$100".

**SCHEDULE**

*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO OFFENCES AND PENALTIES—*continued.*

- 5 (7) Section 137—  
Omit “to a penalty not exceeding ten dollars”, insert  
instead “, in the case of a corporation, to a penalty  
not exceeding \$5,000, or, in any other case, to a  
penalty not exceeding \$500”.
- 10 (8) (a) Section 138—  
Omit “If any person”, insert instead “Any person  
who”.
- 15 (b) Section 138—  
Omit “he shall for such offence be liable to a  
penalty not exceeding ten dollars and a further  
penalty not exceeding ten dollars for each day  
(if more than one) that such offence continues”,  
insert instead “is guilty of an offence under this  
Act and liable, in the case of a corporation, to a  
penalty not exceeding \$10,000, or, in any other  
20 case, to a penalty not exceeding \$1,000 and,  
where the offence continues, to a further penalty,  
in the case of a corporation, not exceeding \$5,000  
and, in any other case, not exceeding \$500, for  
each day during which the offence continues”.
- 25 (9) (a) Section 139—  
Omit “shall be liable to a penalty of forty  
dollars”, insert instead “is guilty of an offence  
under this Act and liable, in the case of a  
corporation, to a penalty not exceeding \$5,000,  
30 or, in any other case, to a penalty not exceeding  
\$500.”.

*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO OFFENCES AND PENALTIES—*continued.*

(b) Section 139—

5 Omit "Such penalty may be recovered with full  
costs in any court of competent jurisdiction."

(10) Section 140—

10 Omit "shall, for every such offence, be liable to a  
penalty of not more than forty dollars, and a further  
sum of not more than twenty dollars for each day  
during which the offence continues, after the expiration  
of twenty-four hours from the service on him of notice  
of such offence", insert instead "is guilty of an offence  
under this Act and liable, in the case of a corporation,  
15 to a penalty not exceeding \$10,000, or, in any other  
case, to a penalty not exceeding \$1,000 and, where  
the offence continues after the expiration of 24 hours  
after the service on him of notice of the offence, to a  
further penalty, in the case of a corporation, not  
20 exceeding \$5,000, or, in any other case, not exceeding  
\$500, for each day during which the offence  
continues".

(11) Section 142—

25 Omit "shall be guilty of an offence and be liable to a  
penalty not exceeding ten dollars", insert instead "is  
guilty of an offence under this Act and liable, in the  
case of a corporation, to a penalty not exceeding  
\$2,000, or, in any other case, to a penalty not  
exceeding \$200".

SCHEDULE

---

*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO OFFENCES AND PENALTIES—*continued.*

(12) Section 143—

5 Omit “shall be guilty of an offence and be liable to a  
penalty not exceeding ten dollars”, insert instead “is  
guilty of an offence under this Act and liable, in the  
case of a corporation, to a penalty not exceeding  
10 \$10,000, or, in any other case, to a penalty not  
exceeding \$1,000”.

(13) (a) Section 144 (1)—

15 Omit “shall be guilty of an offence and be liable  
to a penalty of not exceeding one hundred  
dollars”, insert instead “is guilty of an offence  
under this Act and liable, in the case of a  
corporation, to a penalty not exceeding \$2,000,  
or, in any other case, to a penalty not exceeding  
\$200”.

(b) Section 144 (2)—

20 Omit “shall be liable to a penalty not exceeding  
ten dollars”, insert instead “is guilty of an offence  
under this Act and liable, in the case of a  
corporation, to a penalty not exceeding \$200, or,  
in any other case, to a penalty not exceeding  
25 \$20,”.

*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

SCHEDULE 3.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO CONTROL OF HOT WATER PLUMBING.

(1) Section 4, definition of "Hot water apparatus"—

5 Before the definitions of "Joint" and "jointly",  
insert :—

10 "Hot water apparatus" means apparatus for heating  
water, for storing hot water, or for both heating  
water and storing hot water, being apparatus  
connected to a water main of the board by a  
water service pipe, but does not include any  
water service pipe connected to the outlet from  
any such apparatus.

(2) Section 126A—

15 After section 126, insert :—

126A. (1) For the purposes of section 125, hot Hot water  
water apparatus shall be deemed not to be an outlet plumbing.  
from the water service pipes by which the apparatus  
is connected to a water main of the board, and—

20 (a) a reference in section 125 (1) (j) to water  
service pipes includes a reference to water  
service pipes used or intended to be used  
for hot water and to any safety discharge  
pipe or overflow pipe connected to any hot  
25 water apparatus; and

(b) a reference in section 125 (1) (j) or (u) to  
fittings includes a reference to fittings used  
or intended to be used for hot water and to

SCHEDULE

*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO CONTROL OF HOT WATER PLUMBING—*continued.*

5 fittings by which hot water apparatus may be connected to the water service pipes, but does not include a reference to hot water apparatus.

(2) Section 125 does not authorise the making of by-laws—

10 (a) prescribing specifications for hot water apparatus; or

(b) authorising or requiring the board to be concerned in—

15 (i) testing any hot water apparatus, other than fittings connected to hot water apparatus; or

20 (ii) the connection of hot water apparatus to any source of heat energy, unless the source is heated water added to or mixed with water in the apparatus.

25 (3) Nothing in this section affects any power, authority, duty or function conferred or imposed on the board (otherwise than by or under the by-laws) with respect to the regulation or control of the pollution, misuse or wastage of water.

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*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

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SCHEDULE 4.

Sec. 5.

AMENDMENT TO THE PRINCIPAL ACT RELATING  
TO EXEMPTION FROM RATING.

Section 88 (1) (f4)—

5       After section 88 (1) (f3), insert :—

          (f4) land which is vested in the University of New  
          South Wales or in a college thereof and is  
          used or occupied by the University or college,  
10       as the case may be, solely for the purposes  
          thereof;

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977  
[16c]

Washington State, Science and Business, Further Development

Section 88 (1) (b)

After section 88 (1) (b) is amended to read:

(b) Any person who is a member of the board of directors of a corporation which is a public utility, and who is also a member of the board of directors of another corporation which is a public utility, shall be deemed to be a member of the board of directors of the corporation which is a public utility, as the case may be, for the purposes of this section.

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**METROPOLITAN WATER, SEWERAGE, AND DRAINAGE  
(FURTHER AMENDMENT) BILL, 1977**

**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

THE object of this Bill is to amend the Metropolitan Water, Sewerage, and Drainage Act, 1924—

- (a) to authorise The Metropolitan Water Sewerage and Drainage Board, instead of being authorised to enter any land or a building or premises at any reasonable hour in the daytime or when business is in progress, to enter any land or a building or premises, not being a dwelling-house, at any time and to enter any dwelling-house at any reasonable time during the day, for the purpose of carrying out an inspection, and in connection with that entry—
  - (i) to require the board to give written notice that it proposes to enter the land, building or premises;
  - (ii) to authorise entry in certain circumstances where notice is not given;
  - (iii) to authorise the use of reasonable force to effect entry to land or a building or premises but not to a dwelling-house; and
  - (iv) to require notification to be given to such persons or authorities as appear to the board to be appropriate where forcible entry has been effected,(Schedule 1);
- (b) to—
  - (i) increase penalties for offences under the Metropolitan Water, Sewerage, and Drainage Act, 1924, in accordance with the Table set out at the end of this Explanatory Note (Schedule 2);
  - (ii) authorise the prescribing in a regulation made by the Governor and in a by-law made by the board of a maximum penalty of \$10,000 with a maximum daily penalty of \$500 in the case of a corporation and a maximum penalty of \$1,000 with a maximum daily penalty of \$50 in any other case (Schedule 2 (4)); and
  - (iii) provide that proceedings for offences may be brought before a court of petty sessions or before the Supreme Court in its summary jurisdiction and impose a maximum penalty of \$2,000 when the offence is dealt with in petty sessions (Schedule 2 (5));
- (c) by—
  - (i) defining "hot water apparatus" (Schedule 3 (1));
  - (ii) authorising the board to make by-laws regulating hot water plumbing (Schedule 3 (2));

- (iii) to exclude from the by-law making power matters relating to the specifications for, or testing of, or connection of power sources to, hot water apparatus (Schedule 3 (2)); and
- (d) to validate the exemption from rating, for water, sewerage and drainage purposes, effective from 1st July, 1965, of land used by, occupied by, or vested in the University of New South Wales or a college of the University (Schedule 4).

TABLE

Offence	Present maximum penalty		Proposed maximum penalty			
	Sub-stantive penalty	Daily penalty	Corporation		Person other than corporation	
			Sub-stantive penalty	Daily penalty	Sub-stantive penalty	Daily penalty
S.39.—Obstructing board's officers or persons acting under authority of board.	\$ 20	\$ ..	\$ 5,000	\$ ..	\$ 500	\$ ..
S.46 (4).—Unlicensed plumbing.	20	..	..	..	200	..
S.46 (4A).—Knowingly employing an unlicensed plumber.	20	..	2,000	..	200	..
S.97 (6).—Occupier of land giving false information.	10	..	1,000	..	100	..
S.97 (7).—Owner of land giving false information.	10	..	1,000	..	100	..
S.136 (1).—Misapplication of water.	10	..	1,000	..	100	..
S.137.—Bathing or washing or throwing dirt or filth into waterworks.	10	..	5,000	..	500	..
S.138.—Letting foul water into waterworks.	10	10	10,000	5,000	1,000	500
S.139.—Gasmaker fouling water with substances produced in making gas.	..	40	..	5,000	..	500
S.140.—Gasmaker fouling water with gas.	40	20	10,000	5,000	1,000	500
S.142.—Obstructing construction of works.	10	..	2,000	..	200	..
S.143.—Tampering with works.	10	..	10,000	..	1,000	..
S.144.—Unlawfully taking water.	100	10	2,000	200	200	20

**PROOF**

**METROPOLITAN WATER, SEWERAGE, AND  
DRAINAGE (FURTHER AMENDMENT) BILL,  
1977**

BE it enacted by the Queen'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:—

1. This Act may be cited as the Metropolitan Water, Sewerage, and Drainage (Further Amendment) Act, 1977.

2. (1) This Act, section 2 and Schedules 1-4 (except clause 2) shall commence on the day of assent to this Act.

(2) Section 2 shall, in its application to a provision of Schedule 1, be deemed to have commenced on the day on which it was first published in the Government Gazette, or if it is deemed to have commenced as the case may require.

No. , 1977.

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**A BILL FOR**

**An Act to amend the Metropolitan Water, Sewerage, and Drainage Act, 1924, with respect to penalties for certain offences, hot water plumbing and the power of The Metropolitan Water Sewerage and Drainage Board to inspect land; and to validate the exemption from rating of the University of New South Wales.**

[MR FERGUSON—17 August, 1977.]

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**BE**

*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

**BE** it enacted by the Queen'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 :—

5     **1.** This Act may be cited as the "Metropolitan Water, Sewerage, and Drainage (Further Amendment) Act, 1977".

**2.** (1) This Act, section 5 and Schedules 1-4 excepted, shall commence on the date of assent to this Act.

Commencement.

       (2) Section 5 shall, in its application to a provision  
10 of Schedules 1-4, commence or be deemed to have commenced on the day on which that provision commences or is deemed to have commenced, as the case may require.

       (3) The several provisions of Schedules 1-3 shall  
15 commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

       (4) Schedule 4 shall be deemed to have commenced on 1st July, 1965.

**3.** The Metropolitan Water, Sewerage, and Drainage Act,  
20 1924, is referred to in this Act as the Principal Act.

Principal Act.

**4.** This Act contains the following Schedules :—

Schedules.

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL  
ACT RELATING TO INSPECTION OF PROPERTY.

SCHEDULE

*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO OFFENCES AND PENALTIES.

SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO CONTROL OF HOT WATER PLUMBING.

SCHEDULE 4.—AMENDMENT TO THE PRINCIPAL ACT RELATING TO EXEMPTION FROM RATING.

5. The Principal Act is amended in the manner set forth in Schedules 1-4.

Amendment of Act No. 50, 1924.

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INSPECTION OF PROPERTY.

(1) (a) Section 38 (1)—

Omit “may enter upon any land or building at any reasonable hour in the daytime and at any hour during which business is in progress or is usually carried on in the premises”, insert instead :—

may—

(a) enter land or a building or premises other than a dwelling-house at any time; and

(b) enter a dwelling-house at any reasonable time during the day,

SCHEDULE

*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO INSPECTION OF PROPERTY—*continued.*

(b) Section 38 (1)—

5 Omit “ascertain the character and condition of  
the land or building and of any pipe, sewer,  
drain, or fitting in connection therewith.”, insert  
instead :—

ascertain—

10 (c) the character and condition of the  
land or any dwelling-house or  
other building or premises on the  
land;

15 (d) the condition or location of any  
pipe, sewer, drain or fitting used  
in connection with the land or  
any dwelling-house or other  
building or premises on the land;

20 (e) whether any waste, misuse or  
undue consumption of water  
supplied by the board is  
occurring; or

25 (f) whether any offence against this  
Act, the regulations or the by-laws  
has been or is being committed.

(2) Section 38 (1A)—(1D)—

After section 38 (1), insert :—

30 (1A) Subject to subsection (1B), where the board  
proposes by its officers or workmen to enter any land  
or a building or premises it shall cause notice in

SCHEDULE

*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO INSPECTION OF PROPERTY—*continued.*

5 writing to that effect to be served on the owner or occupier of the land, building or premises before it attempts to enter the land, building or premises.

10 (1B) Where in the opinion of an officer of the board prescribed by a regulation for the purposes of this subsection undue delay would occur by reason of the serving of a notice referred to in subsection (1A), that officer may authorise the board's officers or workmen to enter the land, building or premises although that notice has not been served.

15 (1C) For the purpose of gaining entry to any land or a building or premises, not being a dwelling-house, the board may, by its officers or workmen, use reasonable force.

(1D) It is the duty of the board, where any land or a building or premises—

20 (a) has or have been entered without the notice referred to in subsection (1A) having been served; or

(b) has or have been forcibly entered under an authority given under subsection (1B),

25 to cause such persons or authorities as appear to it to be appropriate in the circumstances to be promptly informed of the action so taken.

SCHEDULE

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*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO INSPECTION OF PROPERTY—*continued.*

(3) Section 38 (2)—

5 Omit the subsection, insert instead :—

10 (2) If a pipe, sewer, drain or fitting referred to in  
subsection (1) is found on inspection to be made to  
the satisfaction of the board and in proper order and  
condition, and if no waste, misuse or undue consump-  
tion of water supplied by the board is occurring, and if  
no offence against this Act, the regulations or the  
by-laws has been or is being committed, the board shall  
cause the pipe, sewer, drain or fitting and the land,  
15 building or premises to be reinstated and made good  
as soon as practicable and the costs and expenses of the  
inspection, reinstating and making good shall be  
defrayed by the board.

(4) Section 38 (4)—

20 Omit “removal, alteration, or repair”, insert instead  
“any entry and any inspection made under subsection  
(1) following which a direction under this subsection  
is given and of the removal, alteration or repair by the  
board of any pipe, sewer, drain or fitting”.



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*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

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SCHEDULE 2.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO OFFENCES AND PENALTIES.

(1) Section 39—

5 Omit “shall be liable, on summary conviction, to a  
penalty not exceeding twenty dollars”, insert instead  
“is guilty of an offence under this Act and liable, in  
the case of a corporation, to a penalty not exceeding  
10 \$5,000, or, in any other case, to a penalty not  
exceeding \$500”.

(2) Section 46 (4), (4A)—

Omit section 46 (4), insert instead :—

15 (4) A person who acts in contravention of the  
provisions of subsection (3) is guilty of an offence  
under this Act and liable to a penalty not exceeding  
\$200.

20 (4A) A person who knowingly employs another to  
commence or perform work referred to in subsection  
(3) in contravention of this section is guilty of an  
offence under this Act and liable, in the case of a  
corporation, to a penalty not exceeding \$2,000, or,  
in any other case, to a penalty not exceeding \$200.

SCHEDULE

*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO OFFENCES AND PENALTIES—*continued.*

(3) Section 97 (6), (7)—

5 Omit “shall be liable to a penalty not exceeding ten  
dollars” wherever occurring, insert instead “is guilty  
of an offence under this Act and liable, in the case  
of a corporation, to a penalty not exceeding \$1,000,  
10 or, in any other case, to a penalty not exceeding  
\$100”.

(4) (a) Section 127 (1) (a)—

Omit “but no such penalty shall exceed one  
hundred dollars”, insert instead “in the case of  
a corporation, not exceeding \$10,000, or, in any  
15 other case, not exceeding \$1,000”.

(b) Section 127 (1) (b)—

Omit “not exceeding ten dollars per day”, insert  
instead “, in the case of a corporation, not  
exceeding \$500, or, in any other case, not  
20 exceeding \$50”.

(5) Section 132A—

After section 132, insert—

132A. (1) Proceedings for offences under this Act, Proceedings  
a regulation or a by-law may be taken before a court for offences.  
of petty sessions or before the Supreme Court in its  
25 summary jurisdiction.

SCHEDULE

*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO OFFENCES AND PENALTIES—*continued.*

5 (2) If proceedings in respect of an offence  
under this Act, a regulation or a by-law are brought  
in a court of petty sessions, the maximum penalty  
that the court may impose in respect of the offence  
is, notwithstanding any other provision of this Act,  
10 the regulation or the by-law, as the case may be,  
\$2,000 (including any daily penalty) or the maximum  
penalty provided by this Act, the regulation or the  
by-law in respect of the offence, whichever is the  
lesser.

15 (3) If proceedings in respect of an offence  
against this Act, a regulation or a by-law are brought  
in the Supreme Court in its summary jurisdiction, the  
Supreme Court may impose a penalty not exceeding  
the maximum penalty provided by this Act, the  
20 regulation or the by-law, as the case may be, in  
respect of the offence.

(4) Proceedings in the Supreme Court in its  
summary jurisdiction in respect of an offence against  
this Act, a regulation or a by-law may be commenced  
25 only within six months after the offence was  
committed.

(6) Section 136 (1)—

30 Omit "shall for such offence be liable to a penalty  
not exceeding ten dollars", insert instead "is guilty of  
an offence under this Act and liable, in the case of a  
corporation, to a penalty not exceeding \$1,000, or,  
in any other case, to a penalty not exceeding \$100".

SCHEDULE

*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO OFFENCES AND PENALTIES—*continued.*

- (7) Section 137—  
5 Omit “to a penalty not exceeding ten dollars”, insert  
instead “, in the case of a corporation, to a penalty  
not exceeding \$5,000, or, in any other case, to a  
penalty not exceeding \$500”.
- (8) (a) Section 138—  
10 Omit “If any person”, insert instead “Any person  
who”.
- (b) Section 138—  
15 Omit “he shall for such offence be liable to a  
penalty not exceeding ten dollars and a further  
penalty not exceeding ten dollars for each day  
(if more than one) that such offence continues”,  
insert instead “is guilty of an offence under this  
20 Act and liable, in the case of a corporation, to a  
penalty not exceeding \$10,000, or, in any other  
case, to a penalty not exceeding \$1,000 and,  
where the offence continues, to a further penalty,  
in the case of a corporation, not exceeding \$5,000  
and, in any other case, not exceeding \$500, for  
each day during which the offence continues”.
- (9) (a) Section 139—  
25 Omit “shall be liable to a penalty of forty  
dollars”, insert instead “is guilty of an offence  
under this Act and liable, in the case of a  
corporation, to a penalty not exceeding \$5,000,  
30 or, in any other case, to a penalty not exceeding  
\$500.”.

SCHEDULE

*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO OFFENCES AND PENALTIES—*continued.*

(b) Section 139—

5 Omit "Such penalty may be recovered with full  
costs in any court of competent jurisdiction."

(10) Section 140—

10 Omit "shall, for every such offence, be liable to a  
penalty of not more than forty dollars, and a further  
sum of not more than twenty dollars for each day  
during which the offence continues, after the expiration  
of twenty-four hours from the service on him of notice  
of such offence", insert instead "is guilty of an offence  
under this Act and liable, in the case of a corporation,  
15 to a penalty not exceeding \$10,000, or, in any other  
case, to a penalty not exceeding \$1,000 and, where  
the offence continues after the expiration of 24 hours  
after the service on him of notice of the offence, to a  
further penalty, in the case of a corporation, not  
20 exceeding \$5,000, or, in any other case, not exceeding  
\$500, for each day during which the offence  
continues".

(11) Section 142—

25 Omit "shall be guilty of an offence and be liable to a  
penalty not exceeding ten dollars", insert instead "is  
guilty of an offence under this Act and liable, in the  
case of a corporation, to a penalty not exceeding  
\$2,000, or, in any other case, to a penalty not  
exceeding \$200".

SCHEDULE

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*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO OFFENCES AND PENALTIES—*continued.*

(12) Section 143—

5 Omit “shall be guilty of an offence and be liable to a  
penalty not exceeding ten dollars”, insert instead “is  
guilty of an offence under this Act and liable, in the  
case of a corporation, to a penalty not exceeding  
10 \$10,000, or, in any other case, to a penalty not  
exceeding \$1,000”.

(13) (a) Section 144 (1)—

15 Omit “shall be guilty of an offence and be liable  
to a penalty of not exceeding one hundred  
dollars”, insert instead “is guilty of an offence  
under this Act and liable, in the case of a  
corporation, to a penalty not exceeding \$2,000,  
or, in any other case, to a penalty not exceeding  
\$200”.

(b) Section 144 (2)—

20 Omit “shall be liable to a penalty not exceeding  
ten dollars”, insert instead “is guilty of an offence  
under this Act and liable, in the case of a  
corporation, to a penalty not exceeding \$200, or,  
25 in any other case, to a penalty not exceeding  
\$20”.

*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

SCHEDULE 3.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO CONTROL OF HOT WATER PLUMBING.

(1) Section 4, definition of "Hot water apparatus"—

5 Before the definitions of "Joint" and "jointly",  
insert :—

10 "Hot water apparatus" means apparatus for heating  
water, for storing hot water, or for both heating  
water and storing hot water, being apparatus  
connected to a water main of the board by a  
water service pipe, but does not include any  
water service pipe connected to the outlet from  
any such apparatus.

(2) Section 126A—

15 After section 126, insert :—

126A. (1) For the purposes of section 125, hot <sup>Hot water</sup> water apparatus shall be deemed not to be an outlet <sup>plumbing.</sup> plumbing  
from the water service pipes by which the apparatus  
is connected to a water main of the board, and—

20 (a) a reference in section 125 (1) (j) to water  
service pipes includes a reference to water  
service pipes used or intended to be used  
for hot water and to any safety discharge  
pipe or overflow pipe connected to any hot  
25 water apparatus; and

(b) a reference in section 125 (1) (j) or (u) to  
fittings includes a reference to fittings used  
or intended to be used for hot water and to

SCHEDULE

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*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

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SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO CONTROL OF HOT WATER PLUMBING—*continued.*

5 fittings by which hot water apparatus may  
be connected to the water service pipes, but  
does not include a reference to hot water  
apparatus.

(2) Section 125 does not authorise the  
making of by-laws—

10 (a) prescribing specifications for hot water  
apparatus; or

(b) authorising or requiring the board to be  
concerned in—

15 (i) testing any hot water apparatus,  
other than fittings connected to  
hot water apparatus; or

20 (ii) the connection of hot water  
apparatus to any source of heat  
energy, unless the source is  
heated water added to or mixed  
with water in the apparatus.

25 (3) Nothing in this section affects any  
power, authority, duty or function conferred or  
imposed on the board (otherwise than by or under  
the by-laws) with respect to the regulation or control  
of the pollution, misuse or wastage of water.



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*Metropolitan Water, Sewerage, and Drainage (Further Amendment).*

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SCHEDULE 4.

Sec. 5.

AMENDMENT TO THE PRINCIPAL ACT RELATING  
TO EXEMPTION FROM RATING.

Section 88 (1) (f4)—

5 After section 88 (1) (f3), insert :—

(f4) land which is vested in the University of New  
South Wales or in a college thereof and is  
used or occupied by the University or college,  
as the case may be, solely for the purposes  
10 thereof;

Act No. 111

Approved by the Legislature on the 15th day of March, 1901.

SECTION 1.

That the Board of Education of the City of New Orleans be and they are authorized to purchase for the use of the schools of the City of New Orleans...

Section 2. (1) (2)

That section 2 of Act No. 111 of 1901 be and it is hereby amended...

2

(1) That the Board of Education of the City of New Orleans be and they are authorized to purchase for the use of the schools of the City of New Orleans...

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Approved by the Legislature on the 15th day of March, 1901.