

CONCURRENCE COPY

LOCAL GOVERNMENT (WATER, SEWERAGE AND DRAINAGE) AMENDMENT BILL, 1982

EXPLANATORY NOTE

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

The object of this Bill is to amend the Local Government Act, 1919 ("the Act"), so as—

- (a) to provide that the penalty for the offences of tampering with water meters, damaging waterworks and unlawfully using water (being offences contained in section 392A (1) of the Act) shall be, in the case of a corporation, \$2,000, or, in any other case, \$200 (Schedule 1 (2));
- (b) to enable ordinances made for carrying Part XIV of the Act into effect to adopt certain standard provisions (Schedule 1 (4)—proposed section 407A);
- (c) to clarify the power of the Governor to make ordinances for carrying Part XIV of the Act into effect in relation to pipes and fittings associated with hot water apparatus (Schedule 1 (4)—proposed section 407B);
- (d) to ensure that reasonable force may be used for the purpose of gaining entry to any land or building (other than a dwelling-house) pursuant to a power conferred by section 524 of the Act (Schedule 1 (5)); and
- (e) to make other provisions of a minor, consequential or ancillary nature.

The Bill also contains various amendments by way of statute law revision (Schedule 2).



**LOCAL GOVERNMENT (WATER, SEWERAGE AND
DRAINAGE) AMENDMENT BILL, 1982**

No. , 1982.

A BILL FOR

An Act to amend the Local Government Act, 1919, in relation to penalties and the power to make ordinances under Part XIV of that Act, and in relation to other matters.

[MR BOOTH *on behalf of* MR FERGUSON—30 November, 1982.]

Local Government (Water, Sewerage and Drainage) 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 Short title.

1. This Act may be cited as the "Local Government (Water, Sewerage and Drainage) Amendment Act, 1982".

Principal Act.

2. The Local Government Act, 1919, is referred to in this Act as the
10 Principal Act.

Schedules.

3. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

15 SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION.

Amendment of Act No. 41, 1919.

4. The Principal Act is amended in the manner set forth in Schedules
1 and 2.

SCHEDULE 1.

20

AMENDMENTS TO THE PRINCIPAL ACT.

(Sec. 4.)

(1) Section 3—

From the matter relating to Part XIV, omit "407", insert instead
"407B".

Local Government (Water, Sewerage and Drainage) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (2) Section 392A (1)—
- 5 Omit “on summary conviction be liable to a penalty not exceeding
one hundred dollars or to imprisonment for a term not exceeding
twelve months, and shall (without prejudice to any other right or
remedy for the protection of the council or the punishment of the
offender) for every such offence forfeit and pay to the council a
10 sum not exceeding fifty dollars and the council may in addition
thereto recover the amount of any damage sustained”, insert instead
“be 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”.
- (3) (a) Section 407 (11)—
- After “pipes,”, insert “and fittings”.
- 15 (b) Section 407 (12)—
- After “and all”, insert “fittings and”.
- (4) Sections 407A, 407B—
- After section 407, insert:—
- Adoption of standard provisions, etc.**
- 20 407A. An ordinance made for carrying this Part into effect may
adopt wholly or partially or by reference any codes, rules, specifica-
tions or provisions which relate to any matter with which the
ordinance deals and which are—
- 25 (a) recommended or adopted by the Standards Association of
Australia;
- (b) recommended or adopted by any other standards
organisation or body of any place outside Australia, being
an organisation or body declared by the Minister for Public
Works by order published in the Gazette to be an approved
30 standards organisation or body for the purposes of this
section;

Local Government (Water, Sewerage and Drainage) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- 5 (c) included in any document issued by any Department of the Crown in right of this or any other State or the Commonwealth or issued by any instrumentality of this or any other State or the Commonwealth constituted by an Act of the Parliament thereof; or
- (d) approved by the Minister for Public Works and published in the Gazette.

10 **Hot water apparatus.**

15 407B. (1) In this section, "hot water apparatus" means apparatus for heating water, for storing hot water or for both heating and storing hot water, being apparatus connected to a water main of the council by a water service pipe, but does not include any water service pipe connected to the outlet from any such apparatus.

(2) A reference in section 407—

- 20 (a) to 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 water apparatus; and
- (b) to fittings—includes a reference to fittings used or intended to be used for hot water and to fittings by which hot water apparatus may be connected to water service pipes, but does not include a reference to hot water apparatus.

25 (3) Section 407 does not authorise the making of ordinances—

- (a) prescribing specifications for hot water apparatus; or
- (b) authorising or requiring the council to be concerned in—
- 30 (i) testing any hot water apparatus, other than fittings connected to hot water apparatus; or
- (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.

Local Government (Water, Sewerage and Drainage) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 (4) **Nothing in this section affects any power, authority, duty or function conferred or imposed on a council (otherwise than by or under an ordinance) with respect to the regulation or control of the pollution, misuse or wastage of water.**

(5) Section 524 (2A)—

After section 524 (2), insert:—

10 (2A) **Reasonable force may be used for the purpose of gaining entry to any land or building (other than a dwelling-house) pursuant to a power conferred by this section.**

SCHEDULE 2.

(Sec. 4.)

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

15 (1) (a) Section 368 (2)—

Omit “or by the Hunter District Water Supply and Sewerage Board”, insert instead “the Hunter District Water Board or the Broken Hill Water Board”.

(b) Section 368 (2)—

20 Omit “or the Hunter District Water Supply and Sewerage Act of 1892”, insert instead “the Hunter District Water, Sewerage and Drainage Act, 1938, or the Broken Hill Water and Sewerage Act, 1938, respectively”.

(2) (a) Section 374 (8) (c)—

25 Omit “of this section and subsection (3) of section 377”, insert instead “and section 377 (3)”.

(b) Section 374 (8) (d)—

Omit “paragraph (c) of subsection (7) of this section and paragraph (b) of subsection (4) of section 377”, insert instead “subsection (7) (c) and section 377 (4) (b)”.

Local Government (Water, Sewerage and Drainage) Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION
—*continued.*

- (3) Section 375A (1A) (b)—
5 Omit “subsection (7) of section 374”, insert instead “section 374 (7)”.
- (4) Section 379 (1) (b)—
Omit “(as elsewhere defined in this Act)”.
- (5) Section 392B (1) (a)—
10 Omit “paragraph (b) of subsection (1) of section 379”, insert instead “section 379 (1) (b)”.
- (6) Section 396A (1) (a) (i)—
Omit “subsection (2) of section 379”, insert instead “section 379 (2)”.
- (7) (a) Section 400A (4)—
Omit “1902, or of any Act amending that Act”, insert instead “1979”.
- 15 (b) Section 400A (4)—
Omit “any such”, insert instead “that”.
- (8) (a) Section 400B (1)—
Omit “subsection (2A) of section 539”, insert instead “section 539 (2A)”.
- (b) Section 400B (3) (b)—
20 Omit “subparagraph (iii) of paragraph (a)”, insert instead “paragraph (a) (iii)”.
- (c) Section 400B (3) (b)—
Omit “subparagraph (iv) of the same paragraph”, insert instead “paragraph (a) (iv)”.

Local Government (Water, Sewerage and Drainage) Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION
—*continued.*

(9) Section 405 (1)—

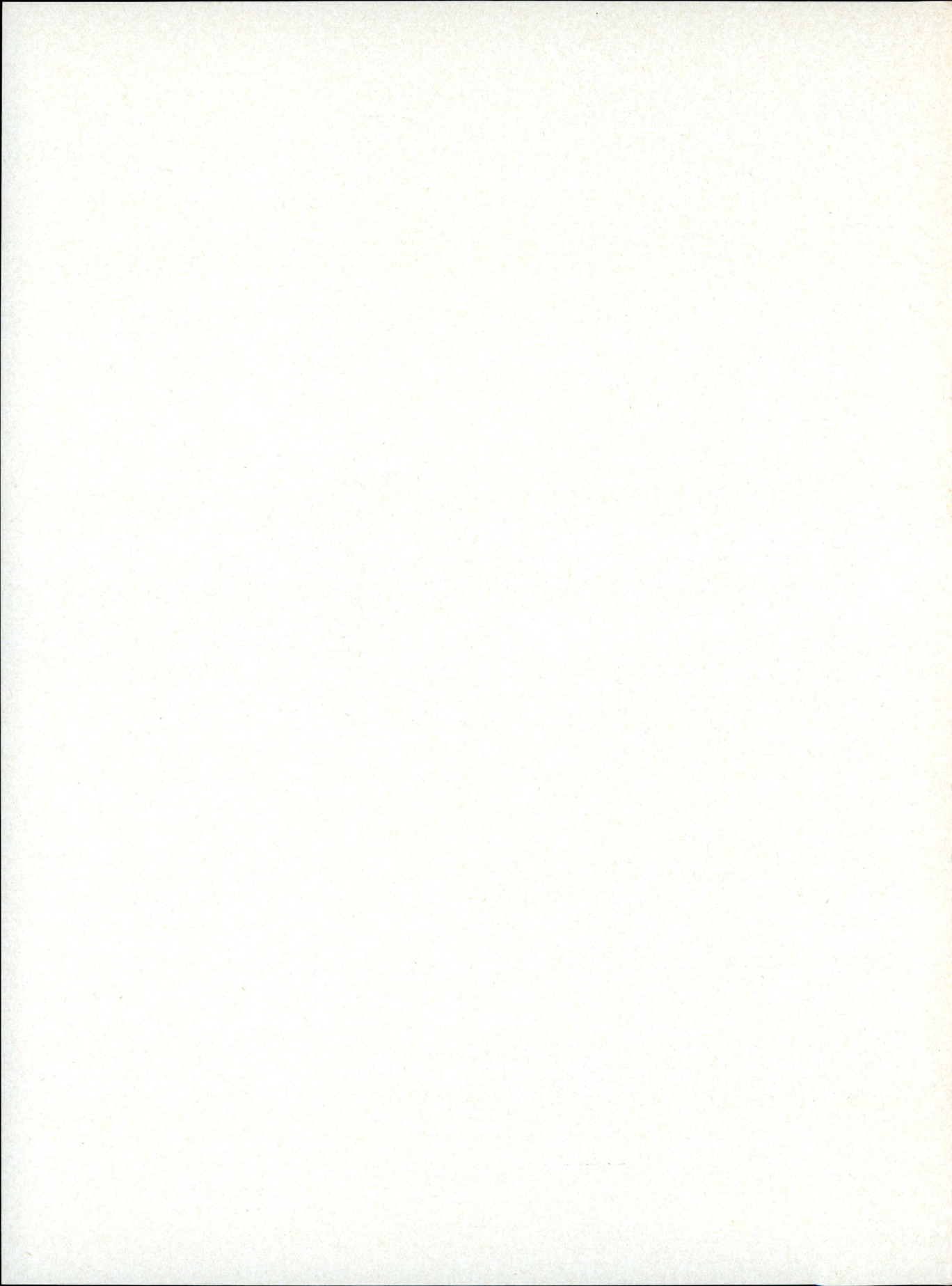
- 5 Omit “Hunter District Water Supply and Sewerage Act of 1892”, insert instead
“Hunter District Water, Sewerage and Drainage Act, 1938”.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1982

(40c)





**LOCAL GOVERNMENT (WATER, SEWERAGE AND
DRAINAGE) AMENDMENT ACT, 1982, No. 157**

New South Wales



ANNO TRICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 157, 1982.

An Act to amend the Local Government Act, 1919, in relation to penalties and the power to make ordinances under Part XIV of that Act, and in relation to other matters. [Assented to, 21st December, 1982.]

Local Government (Water, Sewerage and Drainage) 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:—

Short title.

1. This Act may be cited as the "Local Government (Water, Sewerage and Drainage) Amendment Act, 1982".

Principal Act.

2. The Local Government Act, 1919, is referred to in this Act as the Principal Act.

Schedules.

3. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

Amendment of Act No. 41, 1919.

4. The Principal Act is amended in the manner set forth in Schedules 1 and 2.

SCHEDULE 1.

(Sec. 4.)

AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 3—

From the matter relating to Part XIV, omit "407", insert instead "407B".

Local Government (Water, Sewerage and Drainage) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(2) Section 392A (1)—

Omit “on summary conviction be liable to a penalty not exceeding one hundred dollars or to imprisonment for a term not exceeding twelve months, and shall (without prejudice to any other right or remedy for the protection of the council or the punishment of the offender) for every such offence forfeit and pay to the council a sum not exceeding fifty dollars and the council may in addition thereto recover the amount of any damage sustained”, insert instead “be 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”.

(3) (a) Section 407 (11)—

After “pipes,” insert “and fittings”.

(b) Section 407 (12)—

After “and all”, insert “fittings and”.

(4) Sections 407A, 407B—

After section 407, insert:—

Adoption of standard provisions, etc.

407A. An ordinance made for carrying this Part into effect may adopt wholly or partially or by reference any codes, rules, specifications or provisions which relate to any matter with which the ordinance deals and which are—

- (a) recommended or adopted by the Standards Association of Australia;
- (b) recommended or adopted by any other standards organisation or body of any place outside Australia, being an organisation or body declared by the Minister for Public Works by order published in the Gazette to be an approved standards organisation or body for the purposes of this section;

Local Government (Water, Sewerage and Drainage) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (c) included in any document issued by any Department of the Crown in right of this or any other State or the Commonwealth or issued by any instrumentality of this or any other State or the Commonwealth constituted by an Act of the Parliament thereof; or
- (d) approved by the Minister for Public Works and published in the Gazette.

Hot water apparatus.

407B. (1) In this section, "hot water apparatus" means apparatus for heating water, for storing hot water or for both heating and storing hot water, being apparatus connected to a water main of the council by a water service pipe, but does not include any water service pipe connected to the outlet from any such apparatus.

(2) A reference in section 407—

- (a) to 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 water apparatus; and
- (b) to fittings—includes a reference to fittings used or intended to be used for hot water and to fittings by which hot water apparatus may be connected to water service pipes, but does not include a reference to hot water apparatus.

(3) Section 407 does not authorise the making of ordinances—

- (a) prescribing specifications for hot water apparatus; or
- (b) authorising or requiring the council to be concerned in—
 - (i) testing any hot water apparatus, other than fittings connected to hot water apparatus; or
 - (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.

Local Government (Water, Sewerage and Drainage) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(4) Nothing in this section affects any power, authority, duty or function conferred or imposed on a council (otherwise than by or under an ordinance) with respect to the regulation or control of the pollution, misuse or wastage of water.

(5) Section 524 (2A)—

After section 524 (2), insert:—

(2A) Reasonable force may be used for the purpose of gaining entry to any land or building (other than a dwelling-house) pursuant to a power conferred by this section.

SCHEDULE 2.

(Sec. 4.)

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

(1) (a) Section 368 (2)—

Omit “or by the Hunter District Water Supply and Sewerage Board”, insert instead “the Hunter District Water Board or the Broken Hill Water Board”.

(b) Section 368 (2)—

Omit “or the Hunter District Water Supply and Sewerage Act of 1892”, insert instead “the Hunter District Water, Sewerage and Drainage Act, 1938, or the Broken Hill Water and Sewerage Act, 1938, respectively”.

(2) (a) Section 374 (8) (c)—

Omit “of this section and subsection (3) of section 377”, insert instead “and section 377 (3)”.

(b) Section 374 (8) (d)—

Omit “paragraph (c) of subsection (7) of this section and paragraph (b) of subsection (4) of section 377”, insert instead “subsection (7) (c) and section 377 (4) (b)”.

Local Government (Water, Sewerage and Drainage) Amendment.

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION
—*continued.*

(3) Section 375A (1A) (b)—

Omit “subsection (7) of section 374”, insert instead “section 374 (7)”.

(4) Section 379 (1) (b)—

Omit “(as elsewhere defined in this Act)”.

(5) Section 392B (1) (a)—

Omit “paragraph (b) of subsection (1) of section 379”, insert instead “section 379 (1) (b)”.

(6) Section 396A (1) (a) (i)—

Omit “subsection (2) of section 379”, insert instead “section 379 (2)”.

(7) (a) Section 400A (4)—

Omit “1902, or of any Act amending that Act”, insert instead “1979”.

(b) Section 400A (4)—

Omit “any such”, insert instead “that”.

(8) (a) Section 400B (1)—

Omit “subsection (2A) of section 539”, insert instead “section 539 (2A)”.

(b) Section 400B (3) (b)—

Omit “subparagraph (iii) of paragraph (a)”, insert instead “paragraph (a) (iii)”.

(c) Section 400B (3) (b)—

Omit “subparagraph (iv) of the same paragraph”, insert instead “paragraph (a) (iv)”.

Local Government (Water, Sewerage and Drainage) Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION
—*continued.*

(9) Section 405 (1)—

Omit "Hunter District Water Supply and Sewerage Act of 1892", insert instead "Hunter District Water, Sewerage and Drainage Act, 1938".

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

L. W. STREET,
*By Deputation from
His Excellency the Governor.*

*Government House,
Sydney, 21st December, 1982.*

