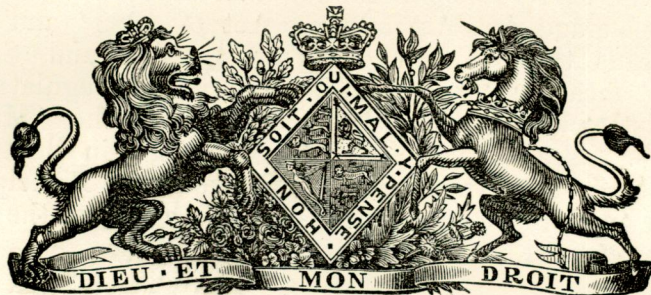


New South Wales.



ANNO QUINQUAGESIMO TERTIO

VICTORIÆ REGINÆ.

No. XVI.

An Act to make further provision for carrying out and completing the Approved Scheme of Sewerage authorized by the "Metropolitan Water and Sewerage Act of 1880"; to provide for the valuation and crediting of Sewerage Works constructed by Municipal Councils in certain cases; to make special provision in the case of the Municipality of Redfern; and to amend the said Act in certain respects for the better carrying out of the approved and other schemes of Water Supply and Sewerage thereby authorized; for the making of fresh assessments, and for providing for appeals therefrom in certain cases; for simplifying the recovery of rates and other moneys by the Board; for increasing the rate of remuneration paid to the Board; and for other purposes. [Assented to, 30th September, 1889.]

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:—

PART I.

Preliminary.

1. This Act may be cited as the "Metropolitan Water and Sewerage Act Amendment Act of 1889." Its provisions are arranged under the following Parts, viz.:—

PART I.—*Preliminary.*

PART II.—*Sewerage.*

PART III.—*Water Supply.*

PART IV.—*General and Miscellaneous Provisions.*

Metropolitan Water and Sewerage Act Amendment (No. 2).

Interpretation of terms.

In this Act the expression "Principal Act" means the "Metropolitan Water and Sewerage Act of 1880"; "Metropolitan Water and Sewerage Acts, 1880-1889," whether used in this or any other Act, or in any by-law or regulation, or in any proceedings in any Court, means and includes the said Principal Act together with the "Metropolitan Water and Sewerage Act Amendment Act of 1888" and this Act; "Board" means the "Board of Water Supply and Sewerage." "Prescribed" means "Prescribed by by-laws or regulations made under due statutory authority; "Minister" means the "Minister for Public Works." And all other expressions used in this Act shall have the respective meanings which they have in the Principal Act.

Repeal of sect. 139 of Principal Act.

2. The one hundred and thirty-ninth section of the Principal Act is hereby repealed.

PART II.

Sewerage.

Governor may make sewerage by-laws.

3. Until the Approved, or any other Scheme of sewerage, or any works connected therewith authorized by the Principal Act or this Act, shall have been reported complete pursuant to the said firstmentioned Act, or shall have been transferred to the Board, the Governor shall, in respect to such Scheme or works, have all the powers of framing by-laws conferred by section thirty-four of the Principal Act, in relation to sewerage, as if he had been expressly empowered thereby; and the provisions of that section shall be read as if the word "Governor" were therein substituted for the word "Board," but only in respect to the framing of by-laws relating to sewerage, as expressed in sub-sections thirteen to sixteen of section thirty-four of the said Act, both inclusive. The powers conferred by this section shall not prejudice the powers of the Board in respect to any sewerage works vested in the Board.

As to ventilators, &c.

4. The Minister may cause any ventilating shaft, pipe, or tube for any sewer or drain to be attached to any wall of any building within any Sewerage District, but the mouth of every such shaft, pipe, or tube shall be at least six feet higher than the highest point of the roof of such building, and be distant in a horizontal direction not less than thirty feet from any door or window of the same or any other building. The Minister shall defray all expenses in the exercise of the powers conferred by this section with regard to main and branch sewers and drains constructed by him under the authority of the Principal or this Act, and in the exercise of such powers the Minister shall do as little damage as possible and shall make full compensation to all persons interested for any damage sustained by them by reason of the exercise of such powers.

Owners and occupiers to make drains to public sewers.

5. As soon as any sewer, in any street or other place within any Sewerage District, shall be completed so as to be ready for receiving sewage, and shall have been transferred to the Board, the Board may demand that the owners or occupiers of any house, tenement, or lands drained or capable in the opinion of the Board of being drained into any such sewer, shall construct such drains, cisterns, and fittings from, and in connection with, such house, tenement, or lands to communicate with such sewer, as the Board may determine; and such demand may be made by giving the prescribed notice thereof to any such owner or occupier, or by leaving or exhibiting the same at or on such house

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house, tenement, or lands; and such drains, cisterns, and fittings shall be made and attached and be supplied with water according to such plans and directions as the Board shall deem proper for effectually carrying off all impurities from the said house, tenement, or lands.

6. (I) The Board may, after giving the prescribed notice to the owners or occupiers of any house, tenement, or lands, require such drains, cisterns, and fittings to be made, constructed, and attached by such owners or occupiers within such time as they may limit in that behalf, and may require ventilating shafts, pipes, or tubes to be attached to the wall of any buildings and to be connected with the parts of such buildings or premises or the drains thereof from which, in the Board's opinion, any impurities ought to be carried off. And if the same shall not be made within such time, or according to such plans and directions as the Board shall deem proper, the Board may make, construct, and attach the same; and for that purpose may enter into or upon the house, tenement, or lands of any such owner or occupier, and excavate the ground, and make, construct, and attach such drains, cisterns, and fittings in, along, over, or against such house, tenement, or lands, and may attach and connect such ventilating shafts, pipes, or tubes as aforesaid.

Board may make drains and attach ventilators in default of compliance with orders, &c.

(II) The Board may in any such case recover from every such owner or occupier by the like proceedings and with the like remedies as if such expenses were a Sewerage Rate, the full amount of the expenses of making such drains, cisterns, or fittings, or attaching or connecting such ventilating shafts, pipes, or tubes; but no proceedings for the recovery of the said amount shall be taken until default shall have been made in payment thereof for twenty-one days after the prescribed demand by the Board for such payment shall have been given to the owner or occupier in default, or shall have been posted on the house, tenement, or lands in respect of which any such drain, cisterns, or fittings, or such ventilating shafts, pipes, or tubes shall have been made, constructed, attached, or connected.

Recovery of expenses, &c.

7. Where any drain has been made or shall hereafter be made to communicate with any sewer constructed by the Minister or with any sewer communicating with such last-mentioned sewer, or with any other sewer whatsoever, any engineer, surveyor, or other person duly authorized by the Minister may, at any time between sunrise and sunset, enter upon any house, tenement, or land and inspect such drain, and in the event of the same being found to be improperly laid, the Minister shall cause the same to be properly laid at the expense of the owner of such drain, such expense to be recoverable in like manner as penalties are recoverable under the Principal Act; but if the said drain shall be found to have been properly laid, the expense of inspection shall be borne by the Minister.

Inspection by Minister.

8. (I) Every person who shall erect, construct, or place any building, wall, bridge, fence, or obstruction, in, upon, over, or under any sewer or drain, so as to interfere with or injuriously affect such sewer or drain in the carrying away of storm water, sewerage, or drainage, and every person who shall obstruct, fill in, close up, or divert, any sewer or drain without the previous consent in writing of the Minister, shall, in addition to any other penalty to which he may be liable, forfeit and pay a sum not exceeding twenty pounds for every such offence; and in case of a continuing offence, a further penalty not exceeding five pounds for each day after notice shall have been given by the Minister to such person, to be recoverable in like manner as penalties are recoverable under the Principal Act.

Penalties on persons encroaching on sewers, &c.

(II) The Minister may demolish and remove any such building, wall, bridge, fence, obstruction, or encroachment, and perform any works necessary for restoring or reinstating such sewer

or

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or drain; and the person erecting such building, wall, bridge, fence, or causing such obstruction, or making such encroachment, or obstructing, filling in, closing up, or diverting such sewer or drain, as the case may be, shall also pay the expense of removing such wall, bridge, fence, or abating such obstruction, or encroachment, or of reopening, restoring, repairing, or reinstating such sewer or drain.

(III) Nothing in this section contained shall prevent or impede the maintenance, repair, or removal of any buildings or works under which a sewer or drain has been or may be constructed, but so, nevertheless, that such buildings or works shall not injure or obstruct such sewer or drain.

Effect of contracts,
&c., of Municipal
Council, &c.

9. All contracts, assessments, rates, and charges heretofore made or struck for or in respect of sewerage by the Municipal Council of the City of Sydney or Redfern, or by the Council of any Municipality situated within the county of Cumberland, shall, to all intents and purposes, be as binding on all parties thereto or affected thereby as if the same had been made by the Board, and all such rates shall be recoverable as Sewerage Rates pursuant to section one hundred and five of the Principal Act. Provided that no such contracts, agreements, or rates shall be binding on the Board after the thirty-first day of December, one thousand eight hundred and eighty-nine.

Saving of powers.
Transfer.

10. Notwithstanding anything in the Principal or this Act, any works for sewerage which the Board are empowered to carry out, pursuant to Part V of the Principal Act, may be carried out by the Minister, or by any authority empowered by statute to carry out any Public Work; but the provisions for the transfer of any such works when complete to a local authority contained in such Part shall not be carried out, unless the Board, by writing addressed to the Governor, recommend such transfer.

Minister may credit
Municipal Councils
on account of works
constructed by them.

11. If, in carrying out the sewerage of any Municipality, other than the City of Sydney, situated within the county of Cumberland, in connection with the Approved or any other scheme, the Minister shall be of opinion that any sewerage works heretofore constructed by the Council of such Municipality may be beneficially worked in and used in connection with such scheme he may direct that the Council of such Municipality shall be credited, on account of the cost of the works to be constructed by him in connection with such scheme, by such amount as he shall consider the works constructed by such Council shall lessen such cost. Any sums so credited may be paid in liquidation of any sum or sums of money borrowed by such Council on security of the sewerage works constructed by them and taken over by the Minister, or may be paid to such person or persons, corporation, or other body, in such manner and subject to such terms and conditions as the Minister shall require.

Special provision in
the case of Redfern
Municipality.

12. In respect to the sum of thirty thousand pounds raised by the Municipal Council of Redfern and agreed to be taken over by the Minister for the purpose of carrying out, under his directions, the sewerage of the Municipality of Redfern in connection with the said Approved Scheme, the liabilities of the said Council for and in respect of all payments for interest and principal due and to become due by such Council to the holders of the debentures or other securities of the said Council upon which the said sum was borrowed, shall be transferred to and be a charge on the Consolidated Revenue Fund, to be discharged from time to time as the same shall accrue by payments to be made by the Colonial Treasurer to the Council of the said Municipality, for which payments the receipts of the proper officer of such Council shall be a sufficient discharge to the said Treasurer, and a sufficient compliance with the requirements of this section, so far as such payments shall extend. But notwithstanding anything in
this

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this section to the contrary, the Governor may authorize the conversion of the debentures or other securities for the payment of the principal and interest of such sum of thirty thousand pounds by the Council of the Municipality of Redfern, into debentures or other public securities of the Government of this Colony, upon such terms and conditions as he may impose, provided that such converted debentures or securities do not bear interest exceeding four per centum per annum. Upon such authorization being published in the *Gazette*, effect shall be given to the same as in the case of a loan for public purposes sanctioned by the Legislature.

13. Whenever the Governor, by proclamation in the *Gazette*, shall declare that the provisions of this section shall come into force in respect of any works in such proclamation mentioned or any portion thereof, which shall have been reported complete to him by the Minister there shall be transferred to and be vested in the Board absolutely, but on behalf of Her Majesty—

Transfer of real and personal property to Board.

- (a) The property in, and control and management of, all sewers, gutters, drains, and storm water connections, including all gulleys heretofore vested in the Municipal Council of the City of Sydney or Redfern or in any Borough or Municipal District or Corporation within the county of Cumberland, together with all buildings, works, material, plant, books of account, documents, and papers, and all other property whatsoever connected therewith and under the control or custody of such Council, Borough, Municipal District, or Corporation, or of any Officer thereof or other person, and used for, with, or in relation to the sewerage of such City, Borough, Municipal District, or Corporation. Provided that nothing herein contained shall prejudice or affect the obligations of the said Municipal Council of the City of Sydney or Redfern, or the Council of any such Borough, Municipal District, or Corporation, with regard to construction, repair, maintenance, renewal, or cleansing any such gutters, drains, storm water connections, or gulleys, but such obligations shall attach to every such Council and be a charge upon its municipal rates and revenues as fully and effectually as if this Act had not been passed.
- (b) All real and personal property, of what kind soever, being within the limits of any Municipality or place other than the City of Sydney or Redfern, and acquired or used for the purposes of sewerage which, before the passing of this Act, was vested in or under the control and management of the Council of such Municipality or of the Municipal Council of the City of Sydney or Redfern.
- (I) All lands acquired, resumed, granted, or dedicated for or in connection with sewerage purposes, together with all works, buildings, drains, pipes, plant, machinery, and all material whatsoever used therewith, and all personal property whatsoever being on any such lands or on any other lands, and used in connection with sewerage purposes (save and except such service-pipes as have been laid at the cost of any owner or occupier of premises); and all the estate or interest of the Municipal Council of the said City of Sydney or Redfern or of any other Council or Authority whatsoever in any such real or personal property shall be transferred to and be absolutely vested in the Board.
- (II) The whole amount of moneys and securities for money being to the credit of, or available for, the Sewerage Fund according to the books of the Municipal Council of the City of Sydney or Redfern or of any other Council or Authority shall, upon such proclamation, be transferred to, and become the property of the Board on behalf of

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of Her Majesty: And all debentures issued by the Council of the said City or of any Municipality for sewerage purposes, together with all obligations annexed thereto, and the burthen and benefit of all lawful contracts entered into by any such Council for or in connection therewith, or with sewerage or drainage, shall, respectively, be a charge on the Consolidated Revenue Fund, and attach to the Board.

Minister to have certain powers.

14. Notwithstanding anything in this or the Principal Act, the Governor may authorize and empower the Minister to carry out any works for the sewerage of any Municipality or place within the county of Cumberland, whether such works shall be connected with the Approved Scheme of sewerage or not. And the Minister, when so authorized shall, for the purposes of this Act, have all powers for purposes of construction or authorizing the construction of works and resumption of land as are vested in him by the Principal Act as amended and extended by this Act.

When certain powers may be exercised by Minister and when by Board.

15. (I) When any work or portion of a work constructed under the authority of the Minister shall be transferred to the Board, all powers of making, collecting, and enforcing sewerage rates and all powers conferred on the Minister by the Principal or this Act in relation to any sewer, drain, building, or work connected with the Approved Scheme or any other Scheme or Work, or any portion thereof, and all other administrative powers in connection with the said work or portion so transferred, save as hereinafter provided, but including the power conferred on the Minister by section ten hereof, shall be exercisable by the Board and not by the Minister. Provided that until the Approved Scheme, or any other Scheme or Work, or any such portion thereof as aforesaid, shall have been reported complete, pursuant to the Principal Act, the Minister shall be empowered to exercise all powers in relation to such work or portion thereof vested in him by the Principal Act as amended and extended by this Act, so far as such powers relate to construction, repair, maintainance, or renewal. Provided, further, that the Minister may authorize and empower the Board to carry out and exercise all such powers as last aforesaid, or any portion or portions thereof which he may think fit, and thereupon all the powers and authorities vested in the Minister in connection with the same shall be vested in and exercisable by the Board as well as by the Minister.

(II) Upon the Approved Scheme, or any other Scheme or Work, or any such portion thereof as aforesaid, being so reported complete, all powers conferred on the Minister by the Principal or this Act in relation to any sewer, drain, building, or work connected with such Scheme, or such other Scheme or Work, or portion thereof as aforesaid, shall cease to be exercised by the Minister, and shall be exercised by the Board.

(III) All transfers authorized by this section shall be notified in the *Gazette*, and the *Gazette* notification containing a description of any work or portion of a work transferred to the Board shall be conclusive evidence of the fact of such work or portion thereof having been lawfully transferred pursuant to this section.

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PART III.

Water Supply.

16. As soon as any water main shall be ready to distribute water to any street or place within any Water District, the Board may demand that the owners or occupiers of any house, tenement, or lands shall construct such connections and fittings from and in connection with such house, tenement, or lands, to communicate with such main, as the Board may determine; and such demand may be made by giving the prescribed notice thereof to such owners or occupiers, or by leaving or exhibiting the same at or on such house, tenement, or lands; and such connections and fittings shall be made and attached according to such plans and directions as the Board shall deem proper.

Owners and occupiers to make connections with water mains.

17. The Board, with the approval of the Governor, may sell, transfer, and convey any lands or other property transferred to or vested in them by or under the "Metropolitan Water and Sewerage Acts, 1880-1889," and any lands now or hereafter to be resumed or acquired by or on behalf of the Crown for or in connection with the Approved Scheme of Water Supply (not being required for such Scheme, nor being lands situated within the Catchment Area) for such sum, upon such terms and conditions, and generally as the Governor may approve. And may, with the like approval, and upon the like terms and conditions as aforesaid, lease any such lands as aforesaid. All moneys, rent, and royalties payable in respect of any land so sold or leased shall be subject to the provisions of the thirty-first section of the Principal Act.

Board may sell or lease superfluous land.

18. The powers to cut off water conferred on the Board by section seventy-three of the Principal Act may, in addition to the cases in such section mentioned, be exercised by the Board in any case where any person shall refuse or neglect to pay to the Board on demand any rate, charge, or sum due to the Board for or in connection with water supply or sewerage.

Water may be cut off for non-payment of rates.

PART IV.

General and Miscellaneous Provisions.

19. Notwithstanding anything in the "Metropolitan Water and Sewerage Acts, 1880-1889," the Governor shall by proclamation, to be published in the *Gazette*, define the boundaries of the Metropolitan Water District for the purpose of carrying out the authorized scheme of water supply for the city of Sydney and its suburbs, and such proclamation shall, when so published, have the same force and effect in all respects as if the same had been made pursuant to the Principal Act. And it shall be lawful for the Governor, from time to time, by a like proclamation, to alter or amend the boundaries of any Water or Sewerage District.

Metropolitan catchment area and water and sewerage district boundaries to be proclaimed by Governor.

20. In addition to the lands and tenements mentioned in the Principal Act, all houses, tenements, or lands vested in the Crown, or in any Corporation, person, body of persons, or other authority on behalf of the Crown, and all houses, tenements, or lands in the occupation of the Crown, or of any such Corporation, person, body of persons, or authority as aforesaid, shall be deemed to be ratable property within the meaning of that Act, and shall be in all other respects subject to the provisions of the "Metropolitan Water and Sewerage

Crown Lands ratable.

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Sewerage Acts, 1880-1889"; and the exemption from rates, taxes, and assessment contained in the seventeenth section of the "Government Railways Act of 1888" shall not apply to water actually supplied by the Board to the Commissioners for Railways for the use of or in connection with the railways and tramways vested in the said Commissioners, or to sewerage rates, under the said Acts.

Water and gas mains to be altered when necessary.

21. If the Minister shall at any time deem it necessary to raise, sink, divert, or otherwise alter the position or level of any water or gas pipes, mains, plugs, or other water-works or gas-works laid in or under any street, he may, by notice in writing, require the person or persons, corporation, or other authority in whom such water-works or gas-works are vested, to raise, sink, divert, or otherwise alter the position or level thereof in such manner, and within such reasonable time as shall be specified in such notice, and the expenses incurred in respect of any such alteration shall be paid by the Minister. If such notice shall not be complied with, the Minister may cause the required alterations to be made, but no such alteration shall be made which will permanently injure such pipes, mains, plugs, or works, or impede or affect the flow of the water or gas.

General power of entry to Minister, &c.

22. For the purpose of carrying out any work authorized by the "Metropolitan Water and Sewerage Acts, 1880-1889," the Minister shall by himself, or any officer or person authorized by him, have power to enter on any house, tenement, or land, at any time between sunrise and sunset for the purpose of inspecting any sewer, drain, or work constructed, or in course of construction, or about to be constructed by the Minister.

Further powers to Minister.

23. In any case where, pursuant to sections one hundred and eighteen, one hundred and nineteen, and one hundred and twenty of the Principal Act, the Board are authorized to enter upon certain lands, the Minister may enter upon any lands whatsoever, whether a garden, orchard, plantation, park, planted walk, avenue, or ground ornamentally planted, and whether such lands be within a distance of one hundred yards of the mansion house of the owner of such lands or not, and may take such lands on lease with or without the right of purchase, for the purpose of constructing or protecting any authorized work. If the Minister and the owner of such lands cannot agree within ninety days from the date of entry by the Minister on such lands as to the term of, or the rent to be reserved upon, such lease, the amount of purchase money to be paid in case a right of purchase is therein stipulated for, and any other terms and conditions to be therein contained, the matter shall be finally determined by the Chief Judge in Equity, upon an application by either party to him, and subject to such conditions as he shall impose, and such determination shall be binding on both parties, and all persons claiming through or under them, and may be enforced in every respect as a judgment of the Supreme Court.

Minister to substitute roads in certain cases.

24. Where any authorized work occupies the site of, or is constructed on or along, any portion of a road or public thoroughfare, it shall be lawful for the Minister to make in sections, as the work proceeds, a road or roads, thoroughfare or thoroughfares sufficient for the traffic, in substitution of any such first-mentioned road or thoroughfare, anything to the contrary in section one hundred and twenty-one of the Principal Act notwithstanding.

Legal proceedings may be taken in the name of the secretary or other officer.

25. All informations, complaints, or other legal proceedings under the "Metropolitan Water and Sewerage Acts 1880-1889," or under any by-law made under any of the said Acts, may be laid, made, and taken in the name of the Board of Water Supply and Sewerage, by the secretary, for the time being, of such Board, or any other duly appointed officer of such Board.

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26. The ninth section of the Principal Act is hereby amended, to the intent and in order that, instead of the yearly sum of One hundred and fifty pounds thereby made payable to every member of the Board other than the President, the sum of Two hundred and fifty pounds shall, after the passing of this Act, be the yearly remuneration authorized to be paid to every such member.

Increase of fees to Board.

27. In addition to the purposes for which by-laws may be made, mentioned in section thirty-four of the Principal Act, the Board may make, alter, and repeal by-laws

Additional power to make by-laws.

- (I) For regulating the purposes for which any pipes, drains, or sewers shall be used or applied—
- (II) For regulating the dimensions, material, form, construction, and arrangement of, and the maintenance or alteration of ventilators for pipes, drains, and sewers—
- (III) For regulating the disinfection and cleansing of, or otherwise dealing with any substance or matter before the discharge thereof into any drain or sewer—
- (IV) For determining, making, and levying the rate or extra rate or scale of charges to be paid in respect of lands or premises on which any one or more head of horses or cattle shall be kept or maintained, whether such lands or premises are actually supplied with water from the main or are otherwise ratable or not—
- (V) For determining, making, and levying, the rate to be paid in respect of lands, tenements, and hereditaments to be supplied with water as provided in section number thirty-four of the Principal Act, where such lands, tenements, or hereditaments are not included in any valuation by the Municipal Council of the City of Sydney, or Redfern, or of any Borough or Municipal District, or where such lands, tenements, or hereditaments have been for the time being valued by the said Municipal Council of the City of Sydney, or Redfern, or by such Borough or Municipal District respectively at a sum less than the true value thereof.
- (VI) For regulating the mode in which water shall be supplied to premises, and whether by meter or not.

28. Notwithstanding anything in the Principal Act to the contrary it shall be lawful to make any conditional or other sales of Crown Lands situated within any Water or Sewerage District, not being portion of any catchment area already proclaimed, or hereafter to be proclaimed under the Principal Act as amended by this Act.

Crown Lands within water or sewerage district may be sold.

29. Notwithstanding anything contained in section thirty-four of the Principal Act, the by-laws of the Board published in the *Gazette* on the twelfth day of October, one thousand eight hundred and eighty-eight, and the twenty-fifth day of July, one thousand eight hundred and eighty-nine, respectively, shall have the same force and effect for the recovery of all rates, charges, and sums thereby imposed and made payable to the Board as if the same had been published in the *Gazette* before the first day of July, one thousand eight hundred and eighty-eight. Provided that nothing herein contained shall prejudice or affect any legal proceedings taken before the passing of this Act.

By-laws of 12th October, 1888, and 25th July, 1889, to be retrospective.

30. Notwithstanding anything contained in the Principal Act or in the "Small Debts Recovery Act," tenth Victoria, number ten, all rates and charges for water or for sewerage and all charges for work done by the Board in accordance with the "Metropolitan Water and Sewerage Acts, 1880-1889," or any by-law made thereunder, and in connection with water supply or sewerage, where the amount sought to be recovered does not exceed the sum of ten pounds may be sued for and recovered under the provisions of the "Small Debts Recovery Act,"

Rates and charges to be recoverable under the "Small Debts Recovery Act."

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tenth Victoria, number ten, in addition to the mode of recovery provided by section one hundred and forty-nine, or any other section of the Principal Act: Provided that for all purposes of prohibition and appeal every decision or judgment given under the authority of this section shall be deemed to be an order made by Justices in their summary jurisdiction.

Board may make valuation, &c., in certain cases.

31. In any case in which any lands, tenements, or hereditaments, which would be liable for the payment of rates under the provisions of the Principal Act, if the same had been included in any valuation by the Municipal Council of the City of Sydney, or Redfern, or of any Borough or Municipal District, are not included in any such valuation, and in any case in which any valuation of such lands or tenements during the same, or the previous year, by the Municipal Council of the City of Sydney, or Redfern, or of the Borough or Municipal District respectively in which such lands or tenements are situated, is not the true value thereof at the time of the valuation thereof by the Board as hereinafter mentioned, by reason of the same having been incomplete, or otherwise of less value at the time of the valuation thereof by such Municipal Council of the City of Sydney, or Redfern, or Borough, or Municipal District, the Board may cause a valuation of such lands, tenements, or hereditaments respectively to be made from time to time and for such time as the same shall be valued at less than the true value thereof as aforesaid, and may from time to time determine, make, and levy the rate to be paid in respect of such lands, tenements, or hereditaments: Provided that such rate and the powers hereby conferred upon the Board shall be in all other respects subject to the provisions of the Principal Act: Provided further, that if in any case a Borough or Municipal District shall be incorporated during any current half-year for which a rate has at such time been determined and made by the Board under this section, the assessment of the Board shall be the rate until the end of such current half-year. The enactments contained in the six following subsections shall be applicable in respect to any such assessment:—

Notice of assessment.

(I) The Board shall, as soon as practicable, cause notice of the amount of any such assessment of the Board to be served upon the respective premises assessed whether occupied or not.

Appeal from assessment.

(II) Any occupier or owner of such premises may, within fourteen days after the service of such notice as aforesaid appeal against such assessment, and shall for such purpose and before the expiration of such fourteen days, serve at the office of the Board a notice in writing of his intention to appeal, stating the grounds of such appeal.

Hearing of such appeal.

(III) Such appeal shall be heard before two or more Justices in Petty Sessions held within the Petty Sessions District in or nearest to which the property is situated on some day to be fixed by the Board. Notice of the day and place of the hearing of which appeal shall be published by advertisement in the *Gazette*, and in one or more Sydney newspapers, and in some newspaper published or circulating in or nearest to such Petty Sessions District at least seven clear days before the hearing of such appeal, and such Justices shall have power to hear and determine the same, and to award such relief in the premises as the justice of the case may require, and such decision shall be final and conclusive as regards the matter of such appeal; and the Assessment Book of the Board shall, if necessary, be amended in accordance with such decision.

No appeal unless notice.

(IV) No appeal shall be entertained unless such notice shall have been given as aforesaid; and, if on the hearing of any such appeal,

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appeal, the Justices shall be of opinion that the same is frivolous or vexatious, they may award such costs, not exceeding two pounds, as they may think fit against the appellant, which may be recovered by the Board in the same manner as costs in any proceedings before Justices.

Costs.

(v) After the expiration of the fourteen days so prescribed as aforesaid without any notice of appeal, or upon the decision of any such appeal, and the necessary alterations (if any) being made in the Assessment Book of the Board, the same shall be confirmed by the Board, and signed by the President or Vice-President for the time being, and shall thereupon be the Assessment Book of the Board until a new rate be made and new Assessment Books be completed and confirmed in manner aforesaid.

Confirmation of Assessment Book.

(vi) Any occupier of property who, on the request of any valuer appointed by the Board to make such valuation as aforesaid (who is hereby authorized to make such inquiries) refuses or wilfully omits to disclose, or wilfully misstates to such valuer the name of the owner of such property, or of the person receiving or authorized to receive the rents of the same, or anything required for or calculated to affect such assessment as aforesaid, or any owner of property who, on the request of such valuers as aforesaid, shall refuse or wilfully omit to disclose, or wilfully misstate, anything required for or calculated to affect such assessment as aforesaid, shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty on occupier for misstatement.

32. The copy of or extracts from any valuation, rate, or assessment for the City of Sydney, or Redfern, or for any Borough or Municipal District within the County of Cumberland, made by any Officer of the Board, as provided by section fifty-two of the Principal Act, shall be entered in the Assessment Book of the Board, and such entry shall, when complete, be signed by the President or Vice-President of the Board, and all entries made in such Assessment Book as herein provided upon production thereof by any Officer authorized in that behalf by the Board shall, without any other evidence that the requirements of the "Metropolitan Water and Sewerage Acts 1880-1889," have been complied with, be received in all Courts as *prima facie* evidence of the facts therein contained.

Assessment Books evidence.

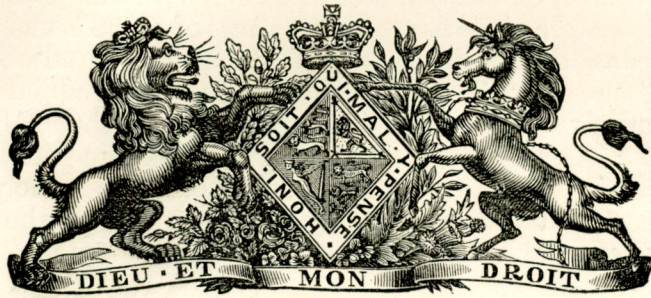
33. Notwithstanding the proviso to the sixty-fourth section of the Principal Act the costs of the fire-plugs and notices therein mentioned, and the expenses of fixing and maintaining the same in repair, shall be defrayed by the Board and not by the Council of the City, Borough, or Municipal District within the boundaries of which such plugs are fixed.

Board to bear expense of fixing fire-plugs in mains.

34. In addition to the officers and other persons mentioned in section twenty-eight of the Principal Act, it shall be lawful for the Board by writing under their common seal to authorize and appoint any Banking Company, Municipal Council, or other corporation, person, or persons whom they may think fit to collect any rates, charges, or sums of money due to the Board, subject to such bonds, guarantees, and other conditions being given or entered into as the Board may prescribe, and to allow such remuneration by a percentage on the amounts collected or otherwise as the Board may think fit and the Minister may approve of.

Board may authorize collection of rates, &c.

New South Wales.



ANNO QUINQUAGESIMO TERTIO

VICTORIÆ REGINÆ.

No. XVI.

An Act to make further provision for carrying out and completing the Approved Scheme of Sewerage authorized by the "Metropolitan Water and Sewerage Act of 1880"; to provide for the valuation and crediting of Sewerage Works constructed by Municipal Councils in certain cases; to make special provision in the case of the Municipality of Redfern; and to amend the said Act in certain respects for the better carrying out of the approved and other schemes of Water Supply and Sewerage thereby authorized; for the making of fresh assessments, and for providing for appeals therefrom in certain cases; for simplifying the recovery of rates and other moneys by the Board; for increasing the rate of remuneration paid to the Board; and for other purposes. [Assented to, 30th September, 1889.]

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:—

PART I.

Preliminary.

1. This Act may be cited as the "Metropolitan Water and Sewerage Act Amendment Act of 1889." Its provisions are arranged under the following Parts, viz.:—

PART I.—*Preliminary.*

PART II.—*Sewerage.*

PART III.—*Water Supply.*

PART IV.—*General and Miscellaneous Provisions.*

Metropolitan Water and Sewerage Act Amendment (No. 2).

Interpretation of terms.

In this Act the expression "Principal Act" means the "Metropolitan Water and Sewerage Act of 1880"; "Metropolitan Water and Sewerage Acts, 1880-1889," whether used in this or any other Act, or in any by-law or regulation, or in any proceedings in any Court, means and includes the said Principal Act together with the "Metropolitan Water and Sewerage Act Amendment Act of 1888" and this Act; "Board" means the "Board of Water Supply and Sewerage." "Prescribed" means "Prescribed by by-laws or regulations made under due statutory authority; "Minister" means the "Minister for Public Works." And all other expressions used in this Act shall have the respective meanings which they have in the Principal Act.

Repeal of sect. 139 of Principal Act.

2. The one hundred and thirty-ninth section of the Principal Act is hereby repealed.

PART II.

Sewerage.

Governor may make sewerage by-laws.

3. Until the Approved, or any other Scheme of sewerage, or any works connected therewith authorized by the Principal Act or this Act, shall have been reported complete pursuant to the said firstmentioned Act, or shall have been transferred to the Board, the Governor shall, in respect to such Scheme or works, have all the powers of framing by-laws conferred by section thirty-four of the Principal Act, in relation to sewerage, as if he had been expressly empowered thereby; and the provisions of that section shall be read as if the word "Governor" were therein substituted for the word "Board," but only in respect to the framing of by-laws relating to sewerage, as expressed in sub-sections thirteen to sixteen of section thirty-four of the said Act, both inclusive. The powers conferred by this section shall not prejudice the powers of the Board in respect to any sewerage works vested in the Board.

As to ventilators, &c.

4. The Minister may cause any ventilating shaft, pipe, or tube for any sewer or drain to be attached to any wall of any building within any Sewerage District, but the mouth of every such shaft, pipe, or tube shall be at least six feet higher than the highest point of the roof of such building, and be distant in a horizontal direction not less than thirty feet from any door or window of the same or any other building. The Minister shall defray all expenses in the exercise of the powers conferred by this section with regard to main and branch sewers and drains constructed by him under the authority of the Principal or this Act, and in the exercise of such powers the Minister shall do as little damage as possible and shall make full compensation to all persons interested for any damage sustained by them by reason of the exercise of such powers.

Owners and occupiers to make drains to public sewers.

5. As soon as any sewer, in any street or other place within any Sewerage District, shall be completed so as to be ready for receiving sewage, and shall have been transferred to the Board, the Board may demand that the owners or occupiers of any house, tenement, or lands drained or capable in the opinion of the Board of being drained into any such sewer, shall construct such drains, cisterns, and fittings from, and in connection with, such house, tenement, or lands to communicate with such sewer, as the Board may determine; and such demand may be made by giving the prescribed notice thereof to any such owner or occupier, or by leaving or exhibiting the same at or on such house

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house, tenement, or lands; and such drains, cisterns, and fittings shall be made and attached and be supplied with water according to such plans and directions as the Board shall deem proper for effectually carrying off all impurities from the said house, tenement, or lands.

6. (I) The Board may, after giving the prescribed notice to the owners or occupiers of any house, tenement, or lands, require such drains, cisterns, and fittings to be made, constructed, and attached by such owners or occupiers within such time as they may limit in that behalf, and may require ventilating shafts, pipes, or tubes to be attached to the wall of any buildings and to be connected with the parts of such buildings or premises or the drains thereof from which, in the Board's opinion, any impurities ought to be carried off. And if the same shall not be made within such time, or according to such plans and directions as the Board shall deem proper, the Board may make, construct, and attach the same; and for that purpose may enter into or upon the house, tenement, or lands of any such owner or occupier, and excavate the ground, and make, construct, and attach such drains, cisterns, and fittings in, along, over, or against such house, tenement, or lands, and may attach and connect such ventilating shafts, pipes, or tubes as aforesaid.

Board may make drains and attach ventilators in default of compliance with orders, &c.

(II) The Board may in any such case recover from every such owner or occupier by the like proceedings and with the like remedies as if such expenses were a Sewerage Rate, the full amount of the expenses of making such drains, cisterns, or fittings, or attaching or connecting such ventilating shafts, pipes, or tubes; but no proceedings for the recovery of the said amount shall be taken until default shall have been made in payment thereof for twenty-one days after the prescribed demand by the Board for such payment shall have been given to the owner or occupier in default, or shall have been posted on the house, tenement, or lands in respect of which any such drain, cisterns, or fittings, or such ventilating shafts, pipes, or tubes shall have been made, constructed, attached, or connected.

Recovery of expenses, &c.

7. Where any drain has been made or shall hereafter be made to communicate with any sewer constructed by the Minister or with any sewer communicating with such last-mentioned sewer, or with any other sewer whatsoever, any engineer, surveyor, or other person duly authorized by the Minister may, at any time between sunrise and sunset, enter upon any house, tenement, or land and inspect such drain, and in the event of the same being found to be improperly laid, the Minister shall cause the same to be properly laid at the expense of the owner of such drain, such expense to be recoverable in like manner as penalties are recoverable under the Principal Act; but if the said drain shall be found to have been properly laid, the expense of inspection shall be borne by the Minister.

Inspection by Minister.

8. (I) Every person who shall erect, construct, or place any building, wall, bridge, fence, or obstruction, in, upon, over, or under any sewer or drain, so as to interfere with or injuriously affect such sewer or drain in the carrying away of storm water, sewerage, or drainage, and every person who shall obstruct, fill in, close up, or divert, any sewer or drain without the previous consent in writing of the Minister, shall, in addition to any other penalty to which he may be liable, forfeit and pay a sum not exceeding twenty pounds for every such offence; and in case of a continuing offence, a further penalty not exceeding five pounds for each day after notice shall have been given by the Minister to such person, to be recoverable in like manner as penalties are recoverable under the Principal Act.

Penalties on persons encroaching on sewers, &c.

(II) The Minister may demolish and remove any such building, wall, bridge, fence, obstruction, or encroachment, and perform any works necessary for restoring or reinstating such sewer

or

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or drain; and the person erecting such building, wall, bridge, fence, or causing such obstruction, or making such encroachment, or obstructing, filling in, closing up, or diverting such sewer or drain, as the case may be, shall also pay the expense of removing such wall, bridge, fence, or abating such obstruction, or encroachment, or of reopening, restoring, repairing, or reinstating such sewer or drain.

(III) Nothing in this section contained shall prevent or impede the maintenance, repair, or removal of any buildings or works under which a sewer or drain has been or may be constructed, but so, nevertheless, that such buildings or works shall not injure or obstruct such sewer or drain.

Effect of contracts,
&c., of Municipal
Council, &c.

9. All contracts, assessments, rates, and charges heretofore made or struck for or in respect of sewerage by the Municipal Council of the City of Sydney or Redfern, or by the Council of any Municipality situated within the county of Cumberland, shall, to all intents and purposes, be as binding on all parties thereto or affected thereby as if the same had been made by the Board, and all such rates shall be recoverable as Sewerage Rates pursuant to section one hundred and five of the Principal Act. Provided that no such contracts, agreements, or rates shall be binding on the Board after the thirty-first day of December, one thousand eight hundred and eighty-nine.

Saving of powers.
Transfer.

10. Notwithstanding anything in the Principal or this Act, any works for sewerage which the Board are empowered to carry out, pursuant to Part V of the Principal Act, may be carried out by the Minister, or by any authority empowered by statute to carry out any Public Work; but the provisions for the transfer of any such works when complete to a local authority contained in such Part shall not be carried out, unless the Board, by writing addressed to the Governor, recommend such transfer.

Minister may credit
Municipal Councils
on account of works
constructed by them.

11. If, in carrying out the sewerage of any Municipality, other than the City of Sydney, situated within the county of Cumberland, in connection with the Approved or any other scheme, the Minister shall be of opinion that any sewerage works heretofore constructed by the Council of such Municipality may be beneficially worked in and used in connection with such scheme he may direct that the Council of such Municipality shall be credited, on account of the cost of the works to be constructed by him in connection with such scheme, by such amount as he shall consider the works constructed by such Council shall lessen such cost. Any sums so credited may be paid in liquidation of any sum or sums of money borrowed by such Council on security of the sewerage works constructed by them and taken over by the Minister, or may be paid to such person or persons, corporation, or other body, in such manner and subject to such terms and conditions as the Minister shall require.

Special provision in
the case of Redfern
Municipality.

12. In respect to the sum of thirty thousand pounds raised by the Municipal Council of Redfern and agreed to be taken over by the Minister for the purpose of carrying out, under his directions, the sewerage of the Municipality of Redfern in connection with the said Approved Scheme, the liabilities of the said Council for and in respect of all payments for interest and principal due and to become due by such Council to the holders of the debentures or other securities of the said Council upon which the said sum was borrowed, shall be transferred to and be a charge on the Consolidated Revenue Fund, to be discharged from time to time as the same shall accrue by payments to be made by the Colonial Treasurer to the Council of the said Municipality, for which payments the receipts of the proper officer of such Council shall be a sufficient discharge to the said Treasurer, and a sufficient compliance with the requirements of this section, so far as such payments shall extend. But notwithstanding anything in
this

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this section to the contrary, the Governor may authorize the conversion of the debentures or other securities for the payment of the principal and interest of such sum of thirty thousand pounds by the Council of the Municipality of Redfern, into debentures or other public securities of the Government of this Colony, upon such terms and conditions as he may impose, provided that such converted debentures or securities do not bear interest exceeding four per centum per annum. Upon such authorization being published in the *Gazette*, effect shall be given to the same as in the case of a loan for public purposes sanctioned by the Legislature.

13. Whenever the Governor, by proclamation in the *Gazette*, shall declare that the provisions of this section shall come into force in respect of any works in such proclamation mentioned or any portion thereof, which shall have been reported complete to him by the Minister there shall be transferred to and be vested in the Board absolutely, but on behalf of Her Majesty—

Transfer of real and personal property to Board.

- (a) The property in, and control and management of, all sewers, gutters, drains, and storm water connections, including all gulleys heretofore vested in the Municipal Council of the City of Sydney or Redfern or in any Borough or Municipal District or Corporation within the county of Cumberland, together with all buildings, works, material, plant, books of account, documents, and papers, and all other property whatsoever connected therewith and under the control or custody of such Council, Borough, Municipal District, or Corporation, or of any Officer thereof or other person, and used for, with, or in relation to the sewerage of such City, Borough, Municipal District, or Corporation. Provided that nothing herein contained shall prejudice or affect the obligations of the said Municipal Council of the City of Sydney or Redfern, or the Council of any such Borough, Municipal District, or Corporation, with regard to construction, repair, maintenance, renewal, or cleansing any such gutters, drains, storm water connections, or gulleys, but such obligations shall attach to every such Council and be a charge upon its municipal rates and revenues as fully and effectually as if this Act had not been passed.
- (b) All real and personal property, of what kind soever, being within the limits of any Municipality or place other than the City of Sydney or Redfern, and acquired or used for the purposes of sewerage which, before the passing of this Act, was vested in or under the control and management of the Council of such Municipality or of the Municipal Council of the City of Sydney or Redfern.
- (i) All lands acquired, resumed, granted, or dedicated for or in connection with sewerage purposes, together with all works, buildings, drains, pipes, plant, machinery, and all material whatsoever used therewith, and all personal property whatsoever being on any such lands or on any other lands, and used in connection with sewerage purposes (save and except such service-pipes as have been laid at the cost of any owner or occupier of premises); and all the estate or interest of the Municipal Council of the said City of Sydney or Redfern or of any other Council or Authority whatsoever in any such real or personal property shall be transferred to and be absolutely vested in the Board.
- (ii) The whole amount of moneys and securities for money being to the credit of, or available for, the Sewerage Fund according to the books of the Municipal Council of the City of Sydney or Redfern or of any other Council or Authority shall, upon such proclamation, be transferred to, and become the property of the Board on behalf of

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of Her Majesty: And all debentures issued by the Council of the said City or of any Municipality for sewerage purposes, together with all obligations annexed thereto, and the burthen and benefit of all lawful contracts entered into by any such Council for or in connection therewith, or with sewerage or drainage, shall, respectively, be a charge on the Consolidated Revenue Fund, and attach to the Board.

Minister to have certain powers.

14. Notwithstanding anything in this or the Principal Act, the Governor may authorize and empower the Minister to carry out any works for the sewerage of any Municipality or place within the county of Cumberland, whether such works shall be connected with the Approved Scheme of sewerage or not. And the Minister, when so authorized shall, for the purposes of this Act, have all powers for purposes of construction or authorizing the construction of works and resumption of land as are vested in him by the Principal Act as amended and extended by this Act.

When certain powers may be exercised by Minister and when by Board.

15. (i) When any work or portion of a work constructed under the authority of the Minister shall be transferred to the Board, all powers of making, collecting, and enforcing sewerage rates and all powers conferred on the Minister by the Principal or this Act in relation to any sewer, drain, building, or work connected with the Approved Scheme or any other Scheme or Work, or any portion thereof, and all other administrative powers in connection with the said work or portion so transferred, save as hereinafter provided, but including the power conferred on the Minister by section ten hereof, shall be exercisable by the Board and not by the Minister. Provided that until the Approved Scheme, or any other Scheme or Work, or any such portion thereof as aforesaid, shall have been reported complete, pursuant to the Principal Act, the Minister shall be empowered to exercise all powers in relation to such work or portion thereof vested in him by the Principal Act as amended and extended by this Act, so far as such powers relate to construction, repair, maintenance, or renewal. Provided, further, that the Minister may authorize and empower the Board to carry out and exercise all such powers as last aforesaid, or any portion or portions thereof which he may think fit, and thereupon all the powers and authorities vested in the Minister in connection with the same shall be vested in and exercisable by the Board as well as by the Minister.

(ii) Upon the Approved Scheme, or any other Scheme or Work, or any such portion thereof as aforesaid, being so reported complete, all powers conferred on the Minister by the Principal or this Act in relation to any sewer, drain, building, or work connected with such Scheme, or such other Scheme or Work, or portion thereof as aforesaid, shall cease to be exercised by the Minister, and shall be exercised by the Board.

(iii) All transfers authorized by this section shall be notified in the *Gazette*, and the *Gazette* notification containing a description of any work or portion of a work transferred to the Board shall be conclusive evidence of the fact of such work or portion thereof having been lawfully transferred pursuant to this section.

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PART III.

Water Supply.

16. As soon as any water main shall be ready to distribute water to any street or place within any Water District, the Board may demand that the owners or occupiers of any house, tenement, or lands shall construct such connections and fittings from and in connection with such house, tenement, or lands, to communicate with such main, as the Board may determine; and such demand may be made by giving the prescribed notice thereof to such owners or occupiers, or by leaving or exhibiting the same at or on such house, tenement, or lands; and such connections and fittings shall be made and attached according to such plans and directions as the Board shall deem proper.

Owners and occupiers to make connections with water mains.

17. The Board, with the approval of the Governor, may sell, transfer, and convey any lands or other property transferred to or vested in them by or under the "Metropolitan Water and Sewerage Acts, 1880-1889," and any lands now or hereafter to be resumed or acquired by or on behalf of the Crown for or in connection with the Approved Scheme of Water Supply (not being required for such Scheme, nor being lands situated within the Catchment Area) for such sum, upon such terms and conditions, and generally as the Governor may approve. And may, with the like approval, and upon the like terms and conditions as aforesaid, lease any such lands as aforesaid. All moneys, rent, and royalties payable in respect of any land so sold or leased shall be subject to the provisions of the thirty-first section of the Principal Act.

Board may sell or lease superfluous land.

18. The powers to cut off water conferred on the Board by section seventy-three of the Principal Act may, in addition to the cases in such section mentioned, be exercised by the Board in any case where any person shall refuse or neglect to pay to the Board on demand any rate, charge, or sum due to the Board for or in connection with water supply or sewerage.

Water may be cut off for non-payment of rates.

PART IV.

General and Miscellaneous Provisions.

19. Notwithstanding anything in the "Metropolitan Water and Sewerage Acts, 1880-1889," the Governor shall by proclamation, to be published in the *Gazette*, define the boundaries of the Metropolitan Water District for the purpose of carrying out the authorized scheme of water supply for the city of Sydney and its suburbs, and such proclamation shall, when so published, have the same force and effect in all respects as if the same had been made pursuant to the Principal Act. And it shall be lawful for the Governor, from time to time, by a like proclamation, to alter or amend the boundaries of any Water or Sewerage District.

Metropolitan catchment area and water and sewerage district boundaries to be proclaimed by Governor.

20. In addition to the lands and tenements mentioned in the Principal Act, all houses, tenements, or lands vested in the Crown, or in any Corporation, person, body of persons, or other authority on behalf of the Crown, and all houses, tenements, or lands in the occupation of the Crown, or of any such Corporation, person, body of persons, or authority as aforesaid, shall be deemed to be ratable property within the meaning of that Act, and shall be in all other respects subject to the provisions of the "Metropolitan Water and Sewerage

Crown Lands ratable.

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Sewerage Acts, 1880-1889"; and the exemption from rates, taxes, and assessment contained in the seventeenth section of the "Government Railways Act of 1888" shall not apply to water actually supplied by the Board to the Commissioners for Railways for the use of or in connection with the railways and tramways vested in the said Commissioners, or to sewerage rates, under the said Acts.

Water and gas mains to be altered when necessary.

21. If the Minister shall at any time deem it necessary to raise, sink, divert, or otherwise alter the position or level of any water or gas pipes, mains, plugs, or other water-works or gas-works laid in or under any street, he may, by notice in writing, require the person or persons, corporation, or other authority in whom such water-works or gas-works are vested, to raise, sink, divert, or otherwise alter the position or level thereof in such manner, and within such reasonable time as shall be specified in such notice, and the expenses incurred in respect of any such alteration shall be paid by the Minister. If such notice shall not be complied with, the Minister may cause the required alterations to be made, but no such alteration shall be made which will permanently injure such pipes, mains, plugs, or works, or impede or affect the flow of the water or gas.

General power of entry to Minister, &c.

22. For the purpose of carrying out any work authorized by the "Metropolitan Water and Sewerage Acts, 1880-1889," the Minister shall by himself, or any officer or person authorized by him, have power to enter on any house, tenement, or land, at any time between sunrise and sunset for the purpose of inspecting any sewer, drain, or work constructed, or in course of construction, or about to be constructed by the Minister.

Further powers to Minister.

23. In any case where, pursuant to sections one hundred and eighteen, one hundred and nineteen, and one hundred and twenty of the Principal Act, the Board are authorized to enter upon certain lands, the Minister may enter upon any lands whatsoever, whether a garden, orchard, plantation, park, planted walk, avenue, or ground ornamentally planted, and whether such lands be within a distance of one hundred yards of the mansion house of the owner of such lands or not, and may take such lands on lease with or without the right of purchase, for the purpose of constructing or protecting any authorized work. If the Minister and the owner of such lands cannot agree within ninety days from the date of entry by the Minister on such lands as to the term of, or the rent to be reserved upon, such lease, the amount of purchase money to be paid in case a right of purchase is therein stipulated for, and any other terms and conditions to be therein contained, the matter shall be finally determined by the Chief Judge in Equity, upon an application by either party to him, and subject to such conditions as he shall impose, and such determination shall be binding on both parties, and all persons claiming through or under them, and may be enforced in every respect as a judgment of the Supreme Court.

Minister to substitute roads in certain cases.

24. Where any authorized work occupies the site of, or is constructed on or along, any portion of a road or public thoroughfare, it shall be lawful for the Minister to make in sections, as the work proceeds, a road or roads, thoroughfare or thoroughfares sufficient for the traffic, in substitution of any such first-mentioned road or thoroughfare, anything to the contrary in section one hundred and twenty-one of the Principal Act notwithstanding.

Legal proceedings may be taken in the name of the secretary or other officer.

25. All informations, complaints, or other legal proceedings under the "Metropolitan Water and Sewerage Acts 1880-1889," or under any by-law made under any of the said Acts, may be laid, made, and taken in the name of the Board of Water Supply and Sewerage, by the secretary, for the time being, of such Board, or any other duly appointed officer of such Board.

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26. The ninth section of the Principal Act is hereby amended, Increase of fees to Board. to the intent and in order that, instead of the yearly sum of One hundred and fifty pounds thereby made payable to every member of the Board other than the President, the sum of Two hundred and fifty pounds shall, after the passing of this Act, be the yearly remuneration authorized to be paid to every such member.

27. In addition to the purposes for which by-laws may be made, Additional power to make by-laws. mentioned in section thirty-four of the Principal Act, the Board may make, alter, and repeal by-laws

- (I) For regulating the purposes for which any pipes, drains, or sewers shall be used or applied—
- (II) For regulating the dimensions, material, form, construction, and arrangement of, and the maintenance or alteration of ventilators for pipes, drains, and sewers—
- (III) For regulating the disinfection and cleansing of, or otherwise dealing with any substance or matter before the discharge thereof into any drain or sewer—
- (IV) For determining, making, and levying the rate or extra rate or scale of charges to be paid in respect of lands or premises on which any one or more head of horses or cattle shall be kept or maintained, whether such lands or premises are actually supplied with water from the main or are otherwise ratable or not—
- (V) For determining, making, and levying, the rate to be paid in respect of lands, tenements, and hereditaments to be supplied with water as provided in section number thirty-four of the Principal Act, where such lands, tenements, or hereditaments are not included in any valuation by the Municipal Council of the City of Sydney, or Redfern, or of any Borough or Municipal District, or where such lands, tenements, or hereditaments have been for the time being valued by the said Municipal Council of the City of Sydney, or Redfern, or by such Borough or Municipal District respectively at a sum less than the true value thereof.
- (VI) For regulating the mode in which water shall be supplied to premises, and whether by meter or not.

28. Notwithstanding anything in the Principal Act to the contrary it shall be lawful to make any conditional or other sales of Crown Lands situated within any Water or Sewerage District, not being Crown Lands within water or sewerage district may be sold. portion of any catchment area already proclaimed, or hereafter to be proclaimed under the Principal Act as amended by this Act.

29. Notwithstanding anything contained in section thirty-four of the Principal Act, the by-laws of the Board published in the *Gazette* on the twelfth day of October, one thousand eight hundred and eighty-eight, and the twenty-fifth day of July, one thousand eight hundred and eighty-nine, respectively, shall have the same force and effect for the recovery of all rates, charges, and sums thereby imposed and made payable to the Board as if the same had been published in the *Gazette* before the first day of July, one thousand eight hundred and eighty-eight. By-laws of 12th October, 1888, and 25th July, 1889, to be retrospective. Provided that nothing herein contained shall prejudice or affect any legal proceedings taken before the passing of this Act.

30. Notwithstanding anything contained in the Principal Act or in the "Small Debts Recovery Act," tenth Victoria, number ten, all rates and charges for water or for sewerage and all charges for work done by the Board in accordance with the "Metropolitan Water and Sewerage Acts, 1880-1889," or any by-law made thereunder, and in connection with water supply or sewerage, where the amount sought to be recovered does not exceed the sum of ten pounds may be sued for and recovered under the provisions of the "Small Debts Recovery Act," Rates and charges to be recoverable under the "Small Debts Recovery Act."

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tenth Victoria, number ten, in addition to the mode of recovery provided by section one hundred and forty-nine, or any other section of the Principal Act: Provided that for all purposes of prohibition and appeal every decision or judgment given under the authority of this section shall be deemed to be an order made by Justices in their summary jurisdiction.

Board may make valuation, &c., in certain cases.

31. In any case in which any lands, tenements, or hereditaments, which would be liable for the payment of rates under the provisions of the Principal Act, if the same had been included in any valuation by the Municipal Council of the City of Sydney, or Redfern, or of any Borough or Municipal District, are not included in any such valuation, and in any case in which any valuation of such lands or tenements during the same, or the previous year, by the Municipal Council of the City of Sydney, or Redfern, or of the Borough or Municipal District respectively in which such lands or tenements are situated, is not the true value thereof at the time of the valuation thereof by the Board as hereinafter mentioned, by reason of the same having been incomplete, or otherwise of less value at the time of the valuation thereof by such Municipal Council of the City of Sydney, or Redfern, or Borough, or Municipal District, the Board may cause a valuation of such lands, tenements, or hereditaments respectively to be made from time to time and for such time as the same shall be valued at less than the true value thereof as aforesaid, and may from time to time determine, make, and levy the rate to be paid in respect of such lands, tenements, or hereditaments: Provided that such rate and the powers hereby conferred upon the Board shall be in all other respects subject to the provisions of the Principal Act: Provided further, that if in any case a Borough or Municipal District shall be incorporated during any current half-year for which a rate has at such time been determined and made by the Board under this section, the assessment of the Board shall be the rate until the end of such current half-year. The enactments contained in the six following subsections shall be applicable in respect to any such assessment:—

Notice of assessment.

(I) The Board shall, as soon as practicable, cause notice of the amount of any such assessment of the Board to be served upon the respective premises assessed whether occupied or not.

Appeal from assessment.

(II) Any occupier or owner of such premises may, within fourteen days after the service of such notice as aforesaid appeal against such assessment, and shall for such purpose and before the expiration of such fourteen days, serve at the office of the Board a notice in writing of his intention to appeal, stating the grounds of such appeal.

Hearing of such appeal.

(III) Such appeal shall be heard before two or more Justices in Petty Sessions held within the Petty Sessions District in or nearest to which the property is situated on some day to be fixed by the Board. Notice of the day and place of the hearing of which appeal shall be published by advertisement in the *Gazette*, and in one or more Sydney newspapers, and in some newspaper published or circulating in or nearest to such Petty Sessions District at least seven clear days before the hearing of such appeal, and such Justices shall have power to hear and determine the same, and to award such relief in the premises as the justice of the case may require, and such decision shall be final and conclusive as regards the matter of such appeal; and the Assessment Book of the Board shall, if necessary, be amended in accordance with such decision.

No appeal unless notice.

(IV) No appeal shall be entertained unless such notice shall have been given as aforesaid; and, if on the hearing of any such appeal,

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appal, the Justices shall be of opinion that the same is frivolous or vexatious, they may award such costs, not exceeding two pounds, as they may think fit against the appellant, which may be recovered by the Board in the same manner as costs in any proceedings before Justices.

- (v) After the expiration of the fourteen days so prescribed as aforesaid without any notice of appeal, or upon the decision of any such appeal, and the necessary alterations (if any) being made in the Assessment Book of the Board, the same shall be confirmed by the Board, and signed by the President or Vice-Président for the time being, and shall thereupon be the Assessment Book of the Board until a new rate be made and new Assessment Books be completed and confirmed in manner aforesaid.
- (vi) Any occupier of property who, on the request of any valuer appointed by the Board to make such valuation as aforesaid (who is hereby authorized to make such inquiries) refuses or wilfully omits to disclose, or wilfully misstates to such valuer the name of the owner of such property, or of the person receiving or authorized to receive the rents of the same, or anything required for or calculated to affect such assessment as aforesaid, or any owner of property who, on the request of such valuers as aforesaid, shall refuse or wilfully omit to disclose, or wilfully misstate, anything required for or calculated to affect such assessment as aforesaid, shall for every such offence be liable to a penalty not exceeding five pounds.

32. The copy of or extracts from any valuation, rate, or assessment for the City of Sydney, or Redfern, or for any Borough or Municipal District within the County of Cumberland, made by any Officer of the Board, as provided by section fifty-two of the Principal Act, shall be entered in the Assessment Book of the Board, and such entry shall, when complete, be signed by the President or Vice-President of the Board, and all entries made in such Assessment Book as herein provided upon production thereof by any Officer authorized in that behalf by the Board shall, without any other evidence that the requirements of the "Metropolitan Water and Sewerage Acts 1880-1889," have been complied with, be received in all Courts as *prima facie* evidence of the facts therein contained.

33. Notwithstanding the proviso to the sixty-fourth section of the Principal Act the costs of the fire-plugs and notices therein mentioned, and the expenses of fixing and maintaining the same in repair, shall be defrayed by the Board and not by the Council of the City, Borough, or Municipal District within the boundaries of which such plugs are fixed.

34. In addition to the officers and other persons mentioned in section twenty-eight of the Principal Act, it shall be lawful for the Board by writing under their common seal to authorize and appoint any Banking Company, Municipal Council, or other corporation, person, or persons whom they may think fit to collect any rates, charges, or sums of money due to the Board, subject to such bonds, guarantees, and other conditions being given or entered into as the Board may prescribe, and to allow such remuneration by a percentage on the amounts collected or otherwise as the Board may think fit and the Minister may approve of.

Section 25. The Board shall be composed of the following members...

...the Governor, the Lieutenant-Governor, the Chief Justice, the Attorney-General, the Treasurer, the Auditor-General, the Secretary of the Board, and such other members as the Board may think fit to appoint.

(v) After the expiration of the term of office of any member of the Board, the Board may re-appoint him for a further term of office.

...the Board may, at any time, remove any member of the Board who is unable to discharge his duties, or who is guilty of any offence against the Board.

(vi) Any member of the Board who is removed from office shall be entitled to a pension or gratuity as if he had retired from office on the day of his removal.

...the Board may, at any time, remove any member of the Board who is unable to discharge his duties, or who is guilty of any offence against the Board.

(vii) The Board may, at any time, remove any member of the Board who is unable to discharge his duties, or who is guilty of any offence against the Board.

...the Board may, at any time, remove any member of the Board who is unable to discharge his duties, or who is guilty of any offence against the Board.

(viii) The Board may, at any time, remove any member of the Board who is unable to discharge his duties, or who is guilty of any offence against the Board.

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(x) The Board may, at any time, remove any member of the Board who is unable to discharge his duties, or who is guilty of any offence against the Board.

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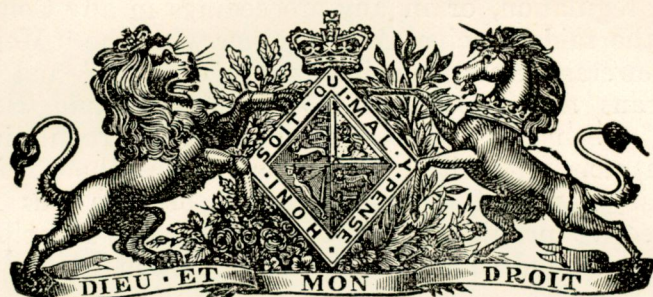
(xii) The Board may, at any time, remove any member of the Board who is unable to discharge his duties, or who is guilty of any offence against the Board.

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.

Legislative Assembly Chamber,
Sydney, 27 September, 1889, A.M. }

F. W. WEBB,
Clerk of Legislative Assembly.

New South Wales.



ANNO QUINQUAGESIMO TERTIO

VICTORIÆ REGINÆ.

No. XVI.

An Act to make further provision for carrying out and completing the Approved Scheme of Sewerage authorized by the "Metropolitan Water and Sewerage Act of 1880"; to provide for the valuation and crediting of Sewerage Works constructed by Municipal Councils in certain cases; to make special provision in the case of the Municipality of Redfern; and to amend the said Act in certain respects for the better carrying out of the approved and other schemes of Water Supply and Sewerage thereby authorized; for the making of fresh assessments, and for providing for appeals therefrom in certain cases; for simplifying the recovery of rates and other moneys by the Board; for increasing the rate of remuneration paid to the Board; and for other purposes. [Assented to, 30th September, 1889.]

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:—

PART I.

Preliminary.

1. This Act may be cited as the "Metropolitan Water and Sewerage Act Amendment Act of 1889." Its provisions are arranged under the following Parts, viz.:—

PART I.—*Preliminary.*

PART II.—*Sewerage.*

PART III.—*Water Supply.*

PART IV.—*General and Miscellaneous Provisions.*

In

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

NINIAN MELVILLE,
Chairman of Committees of the Legislative Assembly.

Metropolitan Water and Sewerage Act Amendment (No. 2).

Interpretation of terms.

In this Act the expression "Principal Act" means the "Metropolitan Water and Sewerage Act of 1880"; "Metropolitan Water and Sewerage Acts, 1880-1889," whether used in this or any other Act, or in any by-law or regulation, or in any proceedings in any Court, means and includes the said Principal Act together with the "Metropolitan Water and Sewerage Act Amendment Act of 1888" and this Act; "Board" means the "Board of Water Supply and Sewerage." "Prescribed" means "Prescribed by by-laws or regulations made under due statutory authority; "Minister" means the "Minister for Public Works." And all other expressions used in this Act shall have the respective meanings which they have in the Principal Act.

Repeal of sect. 139 of Principal Act.

2. The one hundred and thirty-ninth section of the Principal Act is hereby repealed.

PART II.

Sewerage.

Governor may make sewerage by-laws.

3. Until the Approved, or any other Scheme of sewerage, or any works connected therewith authorized by the Principal Act or this Act, shall have been reported complete pursuant to the said firstmentioned Act, or shall have been transferred to the Board, the Governor shall, in respect to such Scheme or works, have all the powers of framing by-laws conferred by section thirty-four of the Principal Act, in relation to sewerage, as if he had been expressly empowered thereby; and the provisions of that section shall be read as if the word "Governor" were therein substituted for the word "Board," but only in respect to the framing of by-laws relating to sewerage, as expressed in sub-sections thirteen to sixteen of section thirty-four of the said Act, both inclusive. The powers conferred by this section shall not prejudice the powers of the Board in respect to any sewerage works vested in the Board.

As to ventilators, &c.

4. The Minister may cause any ventilating shaft, pipe, or tube for any sewer or drain to be attached to any wall of any building within any Sewerage District, but the mouth of every such shaft, pipe, or tube shall be at least six feet higher than the highest point of the roof of such building, and be distant in a horizontal direction not less than thirty feet from any door or window of the same or any other building. The Minister shall defray all expenses in the exercise of the powers conferred by this section with regard to main and branch sewers and drains constructed by him under the authority of the Principal or this Act, and in the exercise of such powers the Minister shall do as little damage as possible and shall make full compensation to all persons interested for any damage sustained by them by reason of the exercise of such powers.

Owners and occupiers to make drains to public sewers.

5. As soon as any sewer, in any street or other place within any Sewerage District, shall be completed so as to be ready for receiving sewage, and shall have been transferred to the Board, the Board may demand that the owners or occupiers of any house, tenement, or lands drained or capable in the opinion of the Board of being drained into any such sewer, shall construct such drains, cisterns, and fittings from, and in connection with, such house, tenement, or lands to communicate with such sewer, as the Board may determine; and such demand may be made by giving the prescribed notice thereof to any such owner or occupier, or by leaving or exhibiting the same at or on such house

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house, tenement, or lands; and such drains, cisterns, and fittings shall be made and attached and be supplied with water according to such plans and directions as the Board shall deem proper for effectually carrying off all impurities from the said house, tenement, or lands.

6. (I) The Board may, after giving the prescribed notice to the owners or occupiers of any house, tenement, or lands, require such drains, cisterns, and fittings to be made, constructed, and attached by such owners or occupiers within such time as they may limit in that behalf, and may require ventilating shafts, pipes, or tubes to be attached to the wall of any buildings and to be connected with the parts of such buildings or premises or the drains thereof from which, in the Board's opinion, any impurities ought to be carried off. And if the same shall not be made within such time, or according to such plans and directions as the Board shall deem proper, the Board may make, construct, and attach the same; and for that purpose may enter into or upon the house, tenement, or lands of any such owner or occupier, and excavate the ground, and make, construct, and attach such drains, cisterns, and fittings in, along, over, or against such house, tenement, or lands, and may attach and connect such ventilating shafts, pipes, or tubes as aforesaid.

Board may make drains and attach ventilators in default of compliance with orders, &c.

(II) The Board may in any such case recover from every such owner or occupier by the like proceedings and with the like remedies as if such expenses were a Sewerage Rate, the full amount of the expenses of making such drains, cisterns, or fittings, or attaching or connecting such ventilating shafts, pipes, or tubes; but no proceedings for the recovery of the said amount shall be taken until default shall have been made in payment thereof for twenty-one days after the prescribed demand by the Board for such payment shall have been given to the owner or occupier in default, or shall have been posted on the house, tenement, or lands in respect of which any such drain, cisterns, or fittings, or such ventilating shafts, pipes, or tubes shall have been made, constructed, attached, or connected.

Recovery of expenses, &c.

7. Where any drain has been made or shall hereafter be made to communicate with any sewer constructed by the Minister or with any sewer communicating with such last-mentioned sewer, or with any other sewer whatsoever, any engineer, surveyor, or other person duly authorized by the Minister may, at any time between sunrise and sunset, enter upon any house, tenement, or land and inspect such drain, and in the event of the same being found to be improperly laid, the Minister shall cause the same to be properly laid at the expense of the owner of such drain, such expense to be recoverable in like manner as penalties are recoverable under the Principal Act; but if the said drain shall be found to have been properly laid, the expense of inspection shall be borne by the Minister.

Inspection by Minister.

8. (I) Every person who shall erect, construct, or place any building, wall, bridge, fence, or obstruction, in, upon, over, or under any sewer or drain, so as to interfere with or injuriously affect such sewer or drain in the carrying away of storm water, sewerage, or drainage, and every person who shall obstruct, fill in, close up, or divert, any sewer or drain without the previous consent in writing of the Minister, shall, in addition to any other penalty to which he may be liable, forfeit and pay a sum not exceeding twenty pounds for every such offence; and in case of a continuing offence, a further penalty not exceeding five pounds for each day after notice shall have been given by the Minister to such person, to be recoverable in like manner as penalties are recoverable under the Principal Act.

Penalties on persons encroaching on sewers, &c.

(II) The Minister may demolish and remove any such building, wall, bridge, fence, obstruction, or encroachment, and perform any works necessary for restoring or reinstating such sewer

or

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or drain; and the person erecting such building, wall, bridge, fence, or causing such obstruction, or making such encroachment, or obstructing, filling in, closing up, or diverting such sewer or drain, as the case may be, shall also pay the expense of removing such wall, bridge, fence, or abating such obstruction, or encroachment, or of reopening, restoring, repairing, or reinstating such sewer or drain.

(III) Nothing in this section contained shall prevent or impede the maintenance, repair, or removal of any buildings or works under which a sewer or drain has been or may be constructed, but so, nevertheless, that such buildings or works shall not injure or obstruct such sewer or drain.

Effect of contracts,
&c., of Municipal
Council, &c.

9. All contracts, assessments, rates, and charges heretofore made or struck for or in respect of sewerage by the Municipal Council of the City of Sydney or Redfern, or by the Council of any Municipality situated within the county of Cumberland, shall, to all intents and purposes, be as binding on all parties thereto or affected thereby as if the same had been made by the Board, and all such rates shall be recoverable as Sewerage Rates pursuant to section one hundred and five of the Principal Act. Provided that no such contracts, agreements, or rates shall be binding on the Board after the thirty-first day of December, one thousand eight hundred and eighty-nine.

Saving of powers.
Transfer.

10. Notwithstanding anything in the Principal or this Act, any works for sewerage which the Board are empowered to carry out, pursuant to Part V of the Principal Act, may be carried out by the Minister, or by any authority empowered by statute to carry out any Public Work; but the provisions for the transfer of any such works when complete to a local authority contained in such Part shall not be carried out, unless the Board, by writing addressed to the Governor, recommend such transfer.

Minister may credit
Municipal Councils
on account of works
constructed by them.

11. If, in carrying out the sewerage of any Municipality, other than the City of Sydney, situated within the county of Cumberland, in connection with the Approved or any other scheme, the Minister shall be of opinion that any sewerage works heretofore constructed by the Council of such Municipality may be beneficially worked in and used in connection with such scheme he may direct that the Council of such Municipality shall be credited, on account of the cost of the works to be constructed by him in connection with such scheme, by such amount as he shall consider the works constructed by such Council shall lessen such cost. Any sums so credited may be paid in liquidation of any sum or sums of money borrowed by such Council on security of the sewerage works constructed by them and taken over by the Minister, or may be paid to such person or persons, corporation, or other body, in such manner and subject to such terms and conditions as the Minister shall require.

Special provision in
the case of Redfern
Municipality.

12. In respect to the sum of thirty thousand pounds raised by the Municipal Council of Redfern and agreed to be taken over by the Minister for the purpose of carrying out, under his directions, the sewerage of the Municipality of Redfern in connection with the said Approved Scheme, the liabilities of the said Council for and in respect of all payments for interest and principal due and to become due by such Council to the holders of the debentures or other securities of the said Council upon which the said sum was borrowed, shall be transferred to and be a charge on the Consolidated Revenue Fund, to be discharged from time to time as the same shall accrue by payments to be made by the Colonial Treasurer to the Council of the said Municipality, for which payments the receipts of the proper officer of such Council shall be a sufficient discharge to the said Treasurer, and a sufficient compliance with the requirements of this section, so far as such payments shall extend. But notwithstanding anything in this

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this section to the contrary, the Governor may authorize the conversion of the debentures or other securities for the payment of the principal and interest of such sum of thirty thousand pounds by the Council of the Municipality of Redfern, into debentures or other public securities of the Government of this Colony, upon such terms and conditions as he may impose, provided that such converted debentures or securities do not bear interest exceeding four per centum per annum. Upon such authorization being published in the *Gazette*, effect shall be given to the same as in the case of a loan for public purposes sanctioned by the Legislature.

13. Whenever the Governor, by proclamation in the *Gazette*, shall declare that the provisions of this section shall come into force in respect of any works in such proclamation mentioned or any portion thereof, which shall have been reported complete to him by the Minister there shall be transferred to and be vested in the Board absolutely, but on behalf of Her Majesty—

Transfer of real and personal property to Board.

- (a) The property in, and control and management of, all sewers, gutters, drains, and storm water connections, including all gulleys heretofore vested in the Municipal Council of the City of Sydney or Redfern or in any Borough or Municipal District or Corporation within the county of Cumberland, together with all buildings, works, material, plant, books of account, documents, and papers, and all other property whatsoever connected therewith and under the control or custody of such Council, Borough, Municipal District, or Corporation, or of any Officer thereof or other person, and used for, with, or in relation to the sewerage of such City, Borough, Municipal District, or Corporation. Provided that nothing herein contained shall prejudice or affect the obligations of the said Municipal Council of the City of Sydney or Redfern, or the Council of any such Borough, Municipal District, or Corporation, with regard to construction, repair, maintenance, renewal, or cleansing any such gutters, drains, storm water connections, or gulleys, but such obligations shall attach to every such Council and be a charge upon its municipal rates and revenues as fully and effectually as if this Act had not been passed.
- (b) All real and personal property, of what kind soever, being within the limits of any Municipality or place other than the City of Sydney or Redfern, and acquired or used for the purposes of sewerage which, before the passing of this Act, was vested in or under the control and management of the Council of such Municipality or of the Municipal Council of the City of Sydney or Redfern.
- (i) All lands acquired, resumed, granted, or dedicated for or in connection with sewerage purposes, together with all works, buildings, drains, pipes, plant, machinery, and all material whatsoever used therewith, and all personal property whatsoever being on any such lands or on any other lands, and used in connection with sewerage purposes (save and except such service-pipes as have been laid at the cost of any owner or occupier of premises); and all the estate or interest of the Municipal Council of the said City of Sydney or Redfern or of any other Council or Authority whatsoever in any such real or personal property shall be transferred to and be absolutely vested in the Board.
- (ii) The whole amount of moneys and securities for money being to the credit of, or available for, the Sewerage Fund according to the books of the Municipal Council of the City of Sydney or Redfern or of any other Council or Authority shall, upon such proclamation, be transferred to, and become the property of the Board on behalf of

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of Her Majesty: And all debentures issued by the Council of the said City or of any Municipality for sewerage purposes, together with all obligations annexed thereto, and the burthen and benefit of all lawful contracts entered into by any such Council for or in connection therewith, or with sewerage or drainage, shall, respectively, be a charge on the Consolidated Revenue Fund, and attach to the Board.

Minister to have certain powers.

14. Notwithstanding anything in this or the Principal Act, the Governor may authorize and empower the Minister to carry out any works for the sewerage of any Municipality or place within the county of Cumberland, whether such works shall be connected with the Approved Scheme of sewerage or not. And the Minister, when so authorized shall, for the purposes of this Act, have all powers for purposes of construction or authorizing the construction of works and resumption of land as are vested in him by the Principal Act as amended and extended by this Act.

When certain powers may be exercised by Minister and when by Board.

15. (i) When any work or portion of a work constructed under the authority of the Minister shall be transferred to the Board, all powers of making, collecting, and enforcing sewerage rates and all powers conferred on the Minister by the Principal or this Act in relation to any sewer, drain, building, or work connected with the Approved Scheme or any other Scheme or Work, or any portion thereof, and all other administrative powers in connection with the said work or portion so transferred, save as hereinafter provided, but including the power conferred on the Minister by section ten hereof, shall be exercisable by the Board and not by the Minister. Provided that until the Approved Scheme, or any other Scheme or Work, or any such portion thereof as aforesaid, shall have been reported complete, pursuant to the Principal Act, the Minister shall be empowered to exercise all powers in relation to such work or portion thereof vested in him by the Principal Act as amended and extended by this Act, so far as such powers relate to construction, repair, maintainance, or renewal. Provided, further, that the Minister may authorize and empower the Board to carry out and exercise all such powers as last aforesaid, or any portion or portions thereof which he may think fit, and thereupon all the powers and authorities vested in the Minister in connection with the same shall be vested in and exercisable by the Board as well as by the Minister.

(ii) Upon the Approved Scheme, or any other Scheme or Work, or any such portion thereof as aforesaid, being so reported complete, all powers conferred on the Minister by the Principal or this Act in relation to any sewer, drain, building, or work connected with such Scheme, or such other Scheme or Work, or portion thereof as aforesaid, shall cease to be exercised by the Minister, and shall be exercised by the Board.

(iii) All transfers authorized by this section shall be notified in the *Gazette*, and the *Gazette* notification containing a description of any work or portion of a work transferred to the Board shall be conclusive evidence of the fact of such work or portion thereof having been lawfully transferred pursuant to this section.

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PART III.

Water Supply.

16. As soon as any water main shall be ready to distribute water to any street or place within any Water District, the Board may demand that the owners or occupiers of any house, tenement, or lands shall construct such connections and fittings from and in connection with such house, tenement, or lands, to communicate with such main, as the Board may determine; and such demand may be made by giving the prescribed notice thereof to such owners or occupiers, or by leaving or exhibiting the same at or on such house, tenement, or lands; and such connections and fittings shall be made and attached according to such plans and directions as the Board shall deem proper.

Owners and occupiers to make connections with water mains.

17. The Board, with the approval of the Governor, may sell, transfer, and convey any lands or other property transferred to or vested in them by or under the "Metropolitan Water and Sewerage Acts, 1880-1889," and any lands now or hereafter to be resumed or acquired by or on behalf of the Crown for or in connection with the Approved Scheme of Water Supply (not being required for such Scheme, nor being lands situated within the Catchment Area) for such sum, upon such terms and conditions, and generally as the Governor may approve. And may, with the like approval, and upon the like terms and conditions as aforesaid, lease any such lands as aforesaid. All moneys, rent, and royalties payable in respect of any land so sold or leased shall be subject to the provisions of the thirty-first section of the Principal Act.

Board may sell or lease superfluous land.

18. The powers to cut off water conferred on the Board by section seventy-three of the Principal Act may, in addition to the cases in such section mentioned, be exercised by the Board in any case where any person shall refuse or neglect to pay to the Board on demand any rate, charge, or sum due to the Board for or in connection with water supply or sewerage.

Water may be cut off for non-payment of rates.

PART IV.

General and Miscellaneous Provisions.

19. Notwithstanding anything in the "Metropolitan Water and Sewerage Acts, 1880-1889," the Governor shall by proclamation, to be published in the *Gazette*, define the boundaries of the Metropolitan Water District for the purpose of carrying out the authorized scheme of water supply for the city of Sydney and its suburbs, and such proclamation shall, when so published, have the same force and effect in all respects as if the same had been made pursuant to the Principal Act. And it shall be lawful for the Governor, from time to time, by a like proclamation, to alter or amend the boundaries of any Water or Sewerage District.

Metropolitan catchment area and water and sewerage district boundaries to be proclaimed by Governor.

20. In addition to the lands and tenements mentioned in the Principal Act, all houses, tenements, or lands vested in the Crown, or in any Corporation, person, body of persons, or other authority on behalf of the Crown, and all houses, tenements, or lands in the occupation of the Crown, or of any such Corporation, person, body of persons, or authority as aforesaid, shall be deemed to be ratable property within the meaning of that Act, and shall be in all other respects subject to the provisions of the "Metropolitan Water and Sewerage

Crown Lands ratable.

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Sewerage Acts, 1880-1889"; and the exemption from rates, taxes, and assessment contained in the seventeenth section of the "Government Railways Act of 1888" shall not apply to water actually supplied by the Board to the Commissioners for Railways for the use of or in connection with the railways and tramways vested in the said Commissioners, or to sewerage rates, under the said Acts.

Water and gas mains to be altered when necessary.

21. If the Minister shall at any time deem it necessary to raise, sink, divert, or otherwise alter the position or level of any water or gas pipes, mains, plugs, or other water-works or gas-works laid in or under any street, he may, by notice in writing, require the person or persons, corporation, or other authority in whom such water-works or gas-works are vested, to raise, sink, divert, or otherwise alter the position or level thereof in such manner, and within such reasonable time as shall be specified in such notice, and the expenses incurred in respect of any such alteration shall be paid by the Minister. If such notice shall not be complied with, the Minister may cause the required alterations to be made, but no such alteration shall be made which will permanently injure such pipes, mains, plugs, or works, or impede or affect the flow of the water or gas.

General power of entry to Minister, &c.

22. For the purpose of carrying out any work authorized by the "Metropolitan Water and Sewerage Acts, 1880-1889," the Minister shall by himself, or any officer or person authorized by him, have power to enter on any house, tenement, or land, at any time between sunrise and sunset for the purpose of inspecting any sewer, drain, or work constructed, or in course of construction, or about to be constructed by the Minister.

Further powers to Minister.

23. In any case where, pursuant to sections one hundred and eighteen, one hundred and nineteen, and one hundred and twenty of the Principal Act, the Board are authorized to enter upon certain lands, the Minister may enter upon any lands whatsoever, whether a garden, orchard, plantation, park, planted walk, avenue, or ground ornamentally planted, and whether such lands be within a distance of one hundred yards of the mansion house of the owner of such lands or not, and may take such lands on lease with or without the right of purchase, for the purpose of constructing or protecting any authorized work. If the Minister and the owner of such lands cannot agree within ninety days from the date of entry by the Minister on such lands as to the term of, or the rent to be reserved upon, such lease, the amount of purchase money to be paid in case a right of purchase is therein stipulated for, and any other terms and conditions to be therein contained, the matter shall be finally determined by the Chief Judge in Equity, upon an application by either party to him, and subject to such conditions as he shall impose, and such determination shall be binding on both parties, and all persons claiming through or under them, and may be enforced in every respect as a judgment of the Supreme Court.

Minister to substitute roads in certain cases.

24. Where any authorized work occupies the site of, or is constructed on or along, any portion of a road or public thoroughfare, it shall be lawful for the Minister to make in sections, as the work proceeds, a road or roads, thoroughfare or thoroughfares sufficient for the traffic, in substitution of any such first-mentioned road or thoroughfare, anything to the contrary in section one hundred and twenty-one of the Principal Act notwithstanding.

Legal proceedings may be taken in the name of the secretary or other officer.

25. All informations, complaints, or other legal proceedings under the "Metropolitan Water and Sewerage Acts 1880-1889," or under any by-law made under any of the said Acts, may be laid, made, and taken in the name of the Board of Water Supply and Sewerage, by the secretary, for the time being, of such Board, or any other duly appointed officer of such Board.

Metropolitan Water and Sewerage Act Amendment (No. 2).

26. The ninth section of the Principal Act is hereby amended, Increase of fees to Board. to the intent and in order that, instead of the yearly sum of One hundred and fifty pounds thereby made payable to every member of the Board other than the President, the sum of Two hundred and fifty pounds shall, after the passing of this Act, be the yearly remuneration authorized to be paid to every such member.

27. In addition to the purposes for which by-laws may be made, Additional power to make by-laws. mentioned in section thirty-four of the Principal Act, the Board may make, alter, and repeal by-laws

- (I) For regulating the purposes for which any pipes, drains, or sewers shall be used or applied—
- (II) For regulating the dimensions, material, form, construction, and arrangement of, and the maintenance or alteration of ventilators for pipes, drains, and sewers—
- (III) For regulating the disinfection and cleansing of, or otherwise dealing with any substance or matter before the discharge thereof into any drain or sewer—
- (IV) For determining, making, and levying the rate or extra rate or scale of charges to be paid in respect of lands or premises on which any one or more head of horses or cattle shall be kept or maintained, whether such lands or premises are actually supplied with water from the main or are otherwise ratable or not—
- (V) For determining, making, and levying, the rate to be paid in respect of lands, tenements, and hereditaments to be supplied with water as provided in section number thirty-four of the Principal Act, where such lands, tenements, or hereditaments are not included in any valuation by the Municipal Council of the City of Sydney, or Redfern, or of any Borough or Municipal District, or where such lands, tenements, or hereditaments have been for the time being valued by the said Municipal Council of the City of Sydney, or Redfern, or by such Borough or Municipal District respectively at a sum less than the true value thereof.
- (VI) For regulating the mode in which water shall be supplied to premises, and whether by meter or not.

28. Notwithstanding anything in the Principal Act to the contrary it shall be lawful to make any conditional or other sales of Crown Lands situated within any Water or Sewerage District, not being portion of any catchment area already proclaimed, or hereafter to be proclaimed under the Principal Act as amended by this Act. Crown Lands within water or sewerage district may be sold.

29. Notwithstanding anything contained in section thirty-four of the Principal Act, the by-laws of the Board published in the *Gazette* on the twelfth day of October, one thousand eight hundred and eighty-eight, and the twenty-fifth day of July, one thousand eight hundred and eighty-nine, respectively, shall have the same force and effect for the recovery of all rates, charges, and sums thereby imposed and made payable to the Board as if the same had been published in the *Gazette* before the first day of July, one thousand eight hundred and eighty-eight. Provided that nothing herein contained shall prejudice or affect any legal proceedings taken before the passing of this Act. By-laws of 12th October, 1888, and 25th July, 1889, to be retrospective.

30. Notwithstanding anything contained in the Principal Act or in the "Small Debts Recovery Act," tenth Victoria, number ten, all rates and charges for water or for sewerage and all charges for work done by the Board in accordance with the "Metropolitan Water and Sewerage Acts, 1880-1889," or any by-law made thereunder, and in connection with water supply or sewerage, where the amount sought to be recovered does not exceed the sum of ten pounds may be sued for and recovered under the provisions of the "Small Debts Recovery Act," Rates and charges to be recoverable under the "Small Debts Recovery Act." tenth

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tenth Victoria, number ten, in addition to the mode of recovery provided by section one hundred and forty-nine, or any other section of the Principal Act: Provided that for all purposes of prohibition and appeal every decision or judgment given under the authority of this section shall be deemed to be an order made by Justices in their summary jurisdiction.

Board may make valuation, &c., in certain cases.

31. In any case in which any lands, tenements, or hereditaments, which would be liable for the payment of rates under the provisions of the Principal Act, if the same had been included in any valuation by the Municipal Council of the City of Sydney, or Redfern, or of any Borough or Municipal District, are not included in any such valuation, and in any case in which any valuation of such lands or tenements during the same, or the previous year, by the Municipal Council of the City of Sydney, or Redfern, or of the Borough or Municipal District respectively in which such lands or tenements are situated, is not the true value thereof at the time of the valuation thereof by the Board as hereinafter mentioned, by reason of the same having been incomplete, or otherwise of less value at the time of the valuation thereof by such Municipal Council of the City of Sydney, or Redfern, or Borough, or Municipal District, the Board may cause a valuation of such lands, tenements, or hereditaments respectively to be made from time to time and for such time as the same shall be valued at less than the true value thereof as aforesaid, and may from time to time determine, make, and levy the rate to be paid in respect of such lands, tenements, or hereditaments: Provided that such rate and the powers hereby conferred upon the Board shall be in all other respects subject to the provisions of the Principal Act: Provided further, that if in any case a Borough or Municipal District shall be incorporated during any current half-year for which a rate has at such time been determined and made by the Board under this section, the assessment of the Board shall be the rate until the end of such current half-year. The enactments contained in the six following subsections shall be applicable in respect to any such assessment:—

Notice of assessment.

(I) The Board shall, as soon as practicable, cause notice of the amount of any such assessment of the Board to be served upon the respective premises assessed whether occupied or not.

Appeal from assessment.

(II) Any occupier or owner of such premises may, within fourteen days after the service of such notice as aforesaid appeal against such assessment, and shall for such purpose and before the expiration of such fourteen days, serve at the office of the Board a notice in writing of his intention to appeal, stating the grounds of such appeal.

Hearing of such appeal.

(III) Such appeal shall be heard before two or more Justices in Petty Sessions held within the Petty Sessions District in or nearest to which the property is situated on some day to be fixed by the Board. Notice of the day and place of the hearing of which appeal shall be published by advertisement in the *Gazette*, and in one or more Sydney newspapers, and in some newspaper published or circulating in or nearest to such Petty Sessions District at least seven clear days before the hearing of such appeal, and such Justices shall have power to hear and determine the same, and to award such relief in the premises as the justice of the case may require, and such decision shall be final and conclusive as regards the matter of such appeal; and the Assessment Book of the Board shall, if necessary, be amended in accordance with such decision.

No appeal unless notice.

(IV) No appeal shall be entertained unless such notice shall have been given as aforesaid; and, if on the hearing of any such appeal,

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appeal, the Justices shall be of opinion that the same is frivolous or vexatious, they may award such costs, not exceeding two pounds, as they may think fit against the appellants, which may be recovered by the Board in the same manner as costs in any proceedings before Justices.

- (v) After the expiration of the fourteen days so prescribed as aforesaid without any notice of appeal, or upon the decision of any such appeal, and the necessary alterations (if any) being made in the Assessment Book of the Board, the same shall be confirmed by the Board, and signed by the President or Vice-President for the time being, and shall thereupon be the Assessment Book of the Board until a new rate be made and new Assessment Books be completed and confirmed in manner aforesaid.
- (vi) Any occupier of property who, on the request of any valuer appointed by the Board to make such valuation as aforesaid (who is hereby authorized to make such inquiries) refuses or wilfully omits to disclose, or wilfully misstates to such valuer the name of the owner of such property, or of the person receiving or authorized to receive the rents of the same, or anything required for or calculated to affect such assessment as aforesaid, or any owner of property who, on the request of such valuers as aforesaid, shall refuse or wilfully omit to disclose, or wilfully misstate, anything required for or calculated to affect such assessment as aforesaid, shall for every such offence be liable to a penalty not exceeding five pounds.

32. The copy of or extracts from any valuation, rate, or assessment for the City of Sydney, or Redfern, or for any Borough or Municipal District within the County of Cumberland, made by any Officer of the Board, as provided by section fifty-two of the Principal Act, shall be entered in the Assessment Book of the Board, and such entry shall, when complete, be signed by the President or Vice-President of the Board, and all entries made in such Assessment Book as herein provided upon production thereof by any Officer authorized in that behalf by the Board shall, without any other evidence that the requirements of the "Metropolitan Water and Sewerage Acts 1880-1889," have been complied with, be received in all Courts as *prima facie* evidence of the facts therein contained.

33. Notwithstanding the proviso to the sixty-fourth section of the Principal Act the costs of the fire-plugs and notices therein mentioned, and the expenses of fixing and maintaining the same in repair, shall be defrayed by the Board and not by the Council of the City, Borough, or Municipal District within the boundaries of which such plugs are fixed.

34. In addition to the officers and other persons mentioned in section twenty-eight of the Principal Act, it shall be lawful for the Board by writing under their common seal to authorize and appoint any Banking Company, Municipal Council, or other corporation, person, or persons whom they may think fit to collect any rates, charges, or sums of money due to the Board, subject to such bonds, guarantees, and other conditions being given or entered into as the Board may prescribe, and to allow such remuneration by a percentage on the amounts collected or otherwise as the Board may think fit and the Minister may approve of.

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

CARRINGTON.

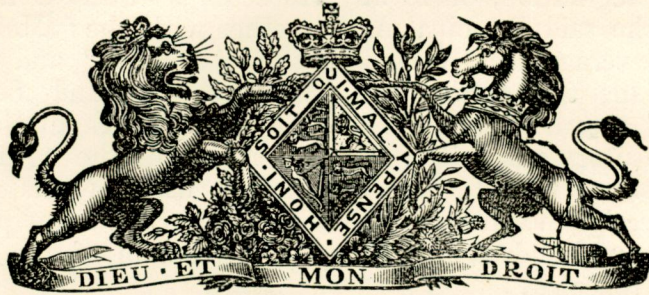
Government House,
Sydney, 30 September, 1889.

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.

Legislative Assembly Chamber,
Sydney, 27 September, 1889, A.M. }

F. W. WEBB,
Clerk of Legislative Assembly.

New South Wales.



ANNO QUINQUAGESIMO TERTIO

VICTORIÆ REGINÆ.

No. XVI.

An Act to make further provision for carrying out and completing the Approved Scheme of Sewerage authorized by the "Metropolitan Water and Sewerage Act of 1880"; to provide for the valuation and crediting of Sewerage Works constructed by Municipal Councils in certain cases; to make special provision in the case of the Municipality of Redfern; and to amend the said Act in certain respects for the better carrying out of the approved and other schemes of Water Supply and Sewerage thereby authorized; for the making of fresh assessments, and for providing for appeals therefrom in certain cases; for simplifying the recovery of rates and other moneys by the Board; for increasing the rate of remuneration paid to the Board; and for other purposes. [Assented to, 30th September, 1889.]

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:—

PART I.

Preliminary.

1. This Act may be cited as the "Metropolitan Water and Sewerage Act Amendment Act of 1889." Its provisions are arranged under the following Parts, viz.:—

PART I.—*Preliminary.*

PART II.—*Sewerage.*

PART III.—*Water Supply.*

PART IV.—*General and Miscellaneous Provisions.*

In

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

NINIAN MELVILLE,
Chairman of Committees of the Legislative Assembly.

Metropolitan Water and Sewerage Act Amendment (No. 2).

Interpretation of terms.

In this Act the expression "Principal Act" means the "Metropolitan Water and Sewerage Act of 1880"; "Metropolitan Water and Sewerage Acts, 1880-1889," whether used in this or any other Act, or in any by-law or regulation, or in any proceedings in any Court, means and includes the said Principal Act together with the "Metropolitan Water and Sewerage Act Amendment Act of 1888" and this Act; "Board" means the "Board of Water Supply and Sewerage." "Prescribed" means "Prescribed by by-laws or regulations made under due statutory authority;" "Minister" means the "Minister for Public Works." And all other expressions used in this Act shall have the respective meanings which they have in the Principal Act.

Repeal of sect. 139 of Principal Act.

2. The one hundred and thirty-ninth section of the Principal Act is hereby repealed.

PART II.

Sewerage.

Governor may make sewerage by-laws.

3. Until the Approved, or any other Scheme of sewerage, or any works connected therewith authorized by the Principal Act or this Act, shall have been reported complete pursuant to the said first-mentioned Act, or shall have been transferred to the Board, the Governor shall, in respect to such Scheme or works, have all the powers of framing by-laws conferred by section thirty-four of the Principal Act, in relation to sewerage, as if he had been expressly empowered thereby; and the provisions of that section shall be read as if the word "Governor" were therein substituted for the word "Board," but only in respect to the framing of by-laws relating to sewerage, as expressed in sub-sections thirteen to sixteen of section thirty-four of the said Act, both inclusive. The powers conferred by this section shall not prejudice the powers of the Board in respect to any sewerage works vested in the Board.

As to ventilators, &c.

4. The Minister may cause any ventilating shaft, pipe, or tube for any sewer or drain to be attached to any wall of any building within any Sewerage District, but the mouth of every such shaft, pipe, or tube shall be at least six feet higher than the highest point of the roof of such building, and be distant in a horizontal direction not less than thirty feet from any door or window of the same or any other building. The Minister shall defray all expenses in the exercise of the powers conferred by this section with regard to main and branch sewers and drains constructed by him under the authority of the Principal or this Act, and in the exercise of such powers the Minister shall do as little damage as possible and shall make full compensation to all persons interested for any damage sustained by them by reason of the exercise of such powers.

Owners and occupiers to make drains to public sewers.

5. As soon as any sewer, in any street or other place within any Sewerage District, shall be completed so as to be ready for receiving sewage, and shall have been transferred to the Board, the Board may demand that the owners or occupiers of any house, tenement, or lands drained or capable in the opinion of the Board of being drained into any such sewer, shall construct such drains, cisterns, and fittings from, and in connection with, such house, tenement, or lands to communicate with such sewer, as the Board may determine; and such demand may be made by giving the prescribed notice thereof to any such owner or occupier, or by leaving or exhibiting the same at or on such house

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house, tenement, or lands; and such drains, cisterns, and fittings shall be made and attached and be supplied with water according to such plans and directions as the Board shall deem proper for effectually carrying off all impurities from the said house, tenement, or lands.

6. (I) The Board may, after giving the prescribed notice to the owners or occupiers of any house, tenement, or lands, require such drains, cisterns, and fittings to be made, constructed, and attached by such owners or occupiers within such time as they may limit in that behalf, and may require ventilating shafts, pipes, or tubes to be attached to the wall of any buildings and to be connected with the parts of such buildings or premises or the drains thereof from which, in the Board's opinion, any impurities ought to be carried off. And if the same shall not be made within such time, or according to such plans and directions as the Board shall deem proper, the Board may make, construct, and attach the same; and for that purpose may enter into or upon the house, tenement, or lands of any such owner or occupier, and excavate the ground, and make, construct, and attach such drains, cisterns, and fittings in, along, over, or against such house, tenement, or lands, and may attach and connect such ventilating shafts, pipes, or tubes as aforesaid.

Board may make drains and attach ventilators in default of compliance with orders, &c.

(II) The Board may in any such case recover from every such owner or occupier by the like proceedings and with the like remedies as if such expenses were a Sewerage Rate, the full amount of the expenses of making such drains, cisterns, or fittings, or attaching or connecting such ventilating shafts, pipes, or tubes; but no proceedings for the recovery of the said amount shall be taken until default shall have been made in payment thereof for twenty-one days after the prescribed demand by the Board for such payment shall have been given to the owner or occupier in default, or shall have been posted on the house, tenement, or lands in respect of which any such drain, cisterns, or fittings, or such ventilating shafts, pipes, or tubes shall have been made, constructed, attached, or connected.

Recovery of expenses, &c.

7. Where any drain has been made or shall hereafter be made to communicate with any sewer constructed by the Minister or with any sewer communicating with such last-mentioned sewer, or with any other sewer whatsoever, any engineer, surveyor, or other person duly authorized by the Minister may, at any time between sunrise and sunset, enter upon any house, tenement, or land and inspect such drain, and in the event of the same being found to be improperly laid, the Minister shall cause the same to be properly laid at the expense of the owner of such drain, such expense to be recoverable in like manner as penalties are recoverable under the Principal Act; but if the said drain shall be found to have been properly laid, the expense of inspection shall be borne by the Minister.

Inspection by Minister.

8. (I) Every person who shall erect, construct, or place any building, wall, bridge, fence, or obstruction, in, upon, over, or under any sewer or drain, so as to interfere with or injuriously affect such sewer or drain in the carrying away of storm water, sewerage, or drainage, and every person who shall obstruct, fill in, close up, or divert, any sewer or drain without the previous consent in writing of the Minister, shall, in addition to any other penalty to which he may be liable, forfeit and pay a sum not exceeding twenty pounds for every such offence; and in case of a continuing offence, a further penalty not exceeding five pounds for each day after notice shall have been given by the Minister to such person, to be recoverable in like manner as penalties are recoverable under the Principal Act.

Penalties on persons encroaching on sewers, &c.

(II) The Minister may demolish and remove any such building, wall, bridge, fence, obstruction, or encroachment, and perform any works necessary for restoring or reinstating such sewer

or

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or drain; and the person erecting such building, wall, bridge, fence, or causing such obstruction, or making such encroachment, or obstructing, filling in, closing up, or diverting such sewer or drain, as the case may be, shall also pay the expense of removing such wall, bridge, fence, or abating such obstruction, or encroachment, or of reopening, restoring, repairing, or reinstating such sewer or drain.

(III) Nothing in this section contained shall prevent or impede the maintenance, repair, or removal of any buildings or works under which a sewer or drain has been or may be constructed, but so, nevertheless, that such buildings or works shall not injure or obstruct such sewer or drain.

Effect of contracts,
&c., of Municipal
Council, &c.

9. All contracts, assessments, rates, and charges heretofore made or struck for or in respect of sewerage by the Municipal Council of the City of Sydney or Redfern, or by the Council of any Municipality situated within the county of Cumberland, shall, to all intents and purposes, be as binding on all parties thereto or affected thereby as if the same had been made by the Board, and all such rates shall be recoverable as Sewerage Rates pursuant to section one hundred and five of the Principal Act. Provided that no such contracts, agreements, or rates shall be binding on the Board after the thirty-first day of December, one thousand eight hundred and eighty-nine.

Saving of powers.
Transfer.

10. Notwithstanding anything in the Principal or this Act, any works for sewerage which the Board are empowered to carry out, pursuant to Part V of the Principal Act, may be carried out by the Minister, or by any authority empowered by statute to carry out any Public Work; but the provisions for the transfer of any such works when complete to a local authority contained in such Part shall not be carried out, unless the Board, by writing addressed to the Governor, recommend such transfer.

Minister may credit
Municipal Councils
on account of works
constructed by them.

11. If, in carrying out the sewerage of any Municipality, other than the City of Sydney, situated within the county of Cumberland, in connection with the Approved or any other scheme, the Minister shall be of opinion that any sewerage works heretofore constructed by the Council of such Municipality may be beneficially worked in and used in connection with such scheme he may direct that the Council of such Municipality shall be credited, on account of the cost of the works to be constructed by him in connection with such scheme, by such amount as he shall consider the works constructed by such Council shall lessen such cost. Any sums so credited may be paid in liquidation of any sum or sums of money borrowed by such Council on security of the sewerage works constructed by them and taken over by the Minister, or may be paid to such person or persons, corporation, or other body, in such manner and subject to such terms and conditions as the Minister shall require.

Special provision in
the case of Redfern
Municipality.

12. In respect to the sum of thirty thousand pounds raised by the Municipal Council of Redfern and agreed to be taken over by the Minister for the purpose of carrying out, under his directions, the sewerage of the Municipality of Redfern in connection with the said Approved Scheme, the liabilities of the said Council for and in respect of all payments for interest and principal due and to become due by such Council to the holders of the debentures or other securities of the said Council upon which the said sum was borrowed, shall be transferred to and be a charge on the Consolidated Revenue Fund, to be discharged from time to time as the same shall accrue by payments to be made by the Colonial Treasurer to the Council of the said Municipality, for which payments the receipts of the proper officer of such Council shall be a sufficient discharge to the said Treasurer, and a sufficient compliance with the requirements of this section, so far as such payments shall extend. But notwithstanding anything in
this

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this section to the contrary, the Governor may authorize the conversion of the debentures or other securities for the payment of the principal and interest of such sum of thirty thousand pounds by the Council of the Municipality of Redfern, into debentures or other public securities of the Government of this Colony, upon such terms and conditions as he may impose, provided that such converted debentures or securities do not bear interest exceeding four per centum per annum. Upon such authorization being published in the *Gazette*, effect shall be given to the same as in the case of a loan for public purposes sanctioned by the Legislature.

13. Whenever the Governor, by proclamation in the *Gazette*, shall declare that the provisions of this section shall come into force in respect of any works in such proclamation mentioned or any portion thereof, which shall have been reported complete to him by the Minister there shall be transferred to and be vested in the Board absolutely, but on behalf of Her Majesty—

Transfer of real and personal property to Board.

- (a) The property in, and control and management of, all sewers, gutters, drains, and storm water connections, including all gulleys heretofore vested in the Municipal Council of the City of Sydney or Redfern or in any Borough or Municipal District or Corporation within the county of Cumberland, together with all buildings, works, material, plant, books of account, documents, and papers, and all other property whatsoever connected therewith and under the control or custody of such Council, Borough, Municipal District, or Corporation, or of any Officer thereof or other person, and used for, with, or in relation to the sewerage of such City, Borough, Municipal District, or Corporation. Provided that nothing herein contained shall prejudice or affect the obligations of the said Municipal Council of the City of Sydney or Redfern, or the Council of any such Borough, Municipal District, or Corporation, with regard to construction, repair, maintenance, renewal, or cleansing any such gutters, drains, storm water connections, or gulleys, but such obligations shall attach to every such Council and be a charge upon its municipal rates and revenues as fully and effectually as if this Act had not been passed.
- (b) All real and personal property, of what kind soever, being within the limits of any Municipality or place other than the City of Sydney or Redfern, and acquired or used for the purposes of sewerage which, before the passing of this Act, was vested in or under the control and management of the Council of such Municipality or of the Municipal Council of the City of Sydney or Redfern.
- (i) All lands acquired, resumed, granted, or dedicated for or in connection with sewerage purposes, together with all works, buildings, drains, pipes, plant, machinery, and all material whatsoever used therewith, and all personal property whatsoever being on any such lands or on any other lands, and used in connection with sewerage purposes (save and except such service-pipes as have been laid at the cost of any owner or occupier of premises); and all the estate or interest of the Municipal Council of the said City of Sydney or Redfern or of any other Council or Authority whatsoever in any such real or personal property shall be transferred to and be absolutely vested in the Board.
- (ii) The whole amount of moneys and securities for money being to the credit of, or available for, the Sewerage Fund according to the books of the Municipal Council of the City of Sydney or Redfern or of any other Council or Authority shall, upon such proclamation, be transferred to, and become the property of the Board on behalf of

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of Her Majesty : And all debentures issued by the Council of the said City or of any Municipality for sewerage purposes, together with all obligations annexed thereto, and the burthen and benefit of all lawful contracts entered into by any such Council for or in connection therewith, or with sewerage or drainage, shall, respectively, be a charge on the Consolidated Revenue Fund, and attach to the Board.

Minister to have certain powers.

14. Notwithstanding anything in this or the Principal Act, the Governor may authorize and empower the Minister to carry out any works for the sewerage of any Municipality or place within the county of Cumberland, whether such works shall be connected with the Approved Scheme of sewerage or not. And the Minister, when so authorized shall, for the purposes of this Act, have all powers for purposes of construction or authorizing the construction of works and resumption of land as are vested in him by the Principal Act as amended and extended by this Act.

When certain powers may be exercised by Minister and when by Board.

15. (I) When any work or portion of a work constructed under the authority of the Minister shall be transferred to the Board, all powers of making, collecting, and enforcing sewerage rates and all powers conferred on the Minister by the Principal or this Act in relation to any sewer, drain, building, or work connected with the Approved Scheme or any other Scheme or Work, or any portion thereof, and all other administrative powers in connection with the said work or portion so transferred, save as hereinafter provided, but including the power conferred on the Minister by section ten hereof, shall be exercisable by the Board and not by the Minister. Provided that until the Approved Scheme, or any other Scheme or Work, or any such portion thereof as aforesaid, shall have been reported complete, pursuant to the Principal Act, the Minister shall be empowered to exercise all powers in relation to such work or portion thereof vested in him by the Principal Act as amended and extended by this Act, so far as such powers relate to construction, repair, maintainance, or renewal. Provided, further, that the Minister may authorize and empower the Board to carry out and exercise all such powers as last aforesaid, or any portion or portions thereof which he may think fit, and thereupon all the powers and authorities vested in the Minister in connection with the same shall be vested in and exercisable by the Board as well as by the Minister.

(II) Upon the Approved Scheme, or any other Scheme or Work, or any such portion thereof as aforesaid, being so reported complete, all powers conferred on the Minister by the Principal or this Act in relation to any sewer, drain, building, or work connected with such Scheme, or such other Scheme or Work, or portion thereof as aforesaid, shall cease to be exercised by the Minister, and shall be exercised by the Board.

(III) All transfers authorized by this section shall be notified in the *Gazette*, and the *Gazette* notification containing a description of any work or portion of a work transferred to the Board shall be conclusive evidence of the fact of such work or portion thereof having been lawfully transferred pursuant to this section.

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PART III.

Water Supply.

16. As soon as any water main shall be ready to distribute water to any street or place within any Water District, the Board may demand that the owners or occupiers of any house, tenement, or lands shall construct such connections and fittings from and in connection with such house, tenement, or lands, to communicate with such main, as the Board may determine; and such demand may be made by giving the prescribed notice thereof to such owners or occupiers, or by leaving or exhibiting the same at or on such house, tenement, or lands; and such connections and fittings shall be made and attached according to such plans and directions as the Board shall deem proper.

Owners and occupiers to make connections with water mains.

17. The Board, with the approval of the Governor, may sell, transfer, and convey any lands or other property transferred to or vested in them by or under the "Metropolitan Water and Sewerage Acts, 1880-1889," and any lands now or hereafter to be resumed or acquired by or on behalf of the Crown for or in connection with the Approved Scheme of Water Supply (not being required for such Scheme, nor being lands situated within the Catchment Area) for such sum, upon such terms and conditions, and generally as the Governor may approve. And may, with the like approval, and upon the like terms and conditions as aforesaid, lease any such lands as aforesaid. All moneys, rent, and royalties payable in respect of any land so sold or leased shall be subject to the provisions of the thirty-first section of the Principal Act.

Board may sell or lease superfluous land.

18. The powers to cut off water conferred on the Board by section seventy-three of the Principal Act may, in addition to the cases in such section mentioned, be exercised by the Board in any case where any person shall refuse or neglect to pay to the Board on demand any rate, charge, or sum due to the Board for or in connection with water supply or sewerage.

Water may be cut off for non-payment of rates.

PART IV.

General and Miscellaneous Provisions.

19. Notwithstanding anything in the "Metropolitan Water and Sewerage Acts, 1880-1889," the Governor shall by proclamation, to be published in the *Gazette*, define the boundaries of the Metropolitan Water District for the purpose of carrying out the authorized scheme of water supply for the city of Sydney and its suburbs, and such proclamation shall, when so published, have the same force and effect in all respects as if the same had been made pursuant to the Principal Act. And it shall be lawful for the Governor, from time to time, by a like proclamation, to alter or amend the boundaries of any Water or Sewerage District.

Metropolitan catchment area and water and sewerage district boundaries to be proclaimed by Governor.

20. In addition to the lands and tenements mentioned in the Principal Act, all houses, tenements, or lands vested in the Crown, or in any Corporation, person, body of persons, or other authority on behalf of the Crown, and all houses, tenements, or lands in the occupation of the Crown, or of any such Corporation, person, body of persons, or authority as aforesaid, shall be deemed to be ratable property within the meaning of that Act, and shall be in all other respects subject to the provisions of the "Metropolitan Water and Sewerage

Crown Lands ratable.

Metropolitan Water and Sewerage Act Amendment (No. 2).

Sewerage Acts, 1880-1889"; and the exemption from rates, taxes, and assessment contained in the seventeenth section of the "Government Railways Act of 1888" shall not apply to water actually supplied by the Board to the Commissioners for Railways for the use of or in connection with the railways and tramways vested in the said Commissioners, or to sewerage rates, under the said Acts.

Water and gas mains to be altered when necessary.

21. If the Minister shall at any time deem it necessary to raise, sink, divert, or otherwise alter the position or level of any water or gas pipes, mains, plugs, or other water-works or gas-works laid in or under any street, he may, by notice in writing, require the person or persons, corporation, or other authority in whom such water-works or gas-works are vested, to raise, sink, divert, or otherwise alter the position or level thereof in such manner, and within such reasonable time as shall be specified in such notice, and the expenses incurred in respect of any such alteration shall be paid by the Minister. If such notice shall not be complied with, the Minister may cause the required alterations to be made, but no such alteration shall be made which will permanently injure such pipes, mains, plugs, or works, or impede or affect the flow of the water or gas.

General power of entry to Minister, &c.

22. For the purpose of carrying out any work authorized by the "Metropolitan Water and Sewerage Acts, 1880-1889," the Minister shall by himself, or any officer or person authorized by him, have power to enter on any house, tenement, or land, at any time between sunrise and sunset for the purpose of inspecting any sewer, drain, or work constructed, or in course of construction, or about to be constructed by the Minister.

Further powers to Minister.

23. In any case where, pursuant to sections one hundred and eighteen, one hundred and nineteen, and one hundred and twenty of the Principal Act, the Board are authorized to enter upon certain lands, the Minister may enter upon any lands whatsoever, whether a garden, orchard, plantation, park, planted walk, avenue, or ground ornamentally planted, and whether such lands be within a distance of one hundred yards of the mansion house of the owner of such lands or not, and may take such lands on lease with or without the right of purchase, for the purpose of constructing or protecting any authorized work. If the Minister and the owner of such lands cannot agree within ninety days from the date of entry by the Minister on such lands as to the term of, or the rent to be reserved upon, such lease, the amount of purchase money to be paid in case a right of purchase is therein stipulated for, and any other terms and conditions to be therein contained, the matter shall be finally determined by the Chief Judge in Equity, upon an application by either party to him, and subject to such conditions as he shall impose, and such determination shall be binding on both parties, and all persons claiming through or under them, and may be enforced in every respect as a judgment of the Supreme Court.

Minister to substitute roads in certain cases.

24. Where any authorized work occupies the site of, or is constructed on or along, any portion of a road or public thoroughfare, it shall be lawful for the Minister to make in sections, as the work proceeds, a road or roads, thoroughfare or thoroughfares sufficient for the traffic, in substitution of any such first-mentioned road or thoroughfare, anything to the contrary in section one hundred and twenty-one of the Principal Act notwithstanding.

Legal proceedings may be taken in the name of the secretary or other officer.

25. All informations, complaints, or other legal proceedings under the "Metropolitan Water and Sewerage Acts 1880-1889," or under any by-law made under any of the said Acts, may be laid, made, and taken in the name of the Board of Water Supply and Sewerage, by the secretary, for the time being, of such Board, or any other duly appointed officer of such Board.

Metropolitan Water and Sewerage Act Amendment (No. 2).

26. The ninth section of the Principal Act is hereby amended, Increase of fees to Board. to the intent and in order that, instead of the yearly sum of One hundred and fifty pounds thereby made payable to every member of the Board other than the President, the sum of Two hundred and fifty pounds shall, after the passing of this Act, be the yearly remuneration authorized to be paid to every such member.

27. In addition to the purposes for which by-laws may be made, Additional power to make by-laws. mentioned in section thirty-four of the Principal Act, the Board may make, alter, and repeal by-laws

- (I) For regulating the purposes for which any pipes, drains, or sewers shall be used or applied—
- (II) For regulating the dimensions, material, form, construction, and arrangement of, and the maintenance or alteration of ventilators for pipes, drains, and sewers—
- (III) For regulating the disinfection and cleansing of, or otherwise dealing with any substance or matter before the discharge thereof into any drain or sewer—
- (IV) For determining, making, and levying the rate or extra rate or scale of charges to be paid in respect of lands or premises on which any one or more head of horses or cattle shall be kept or maintained, whether such lands or premises are actually supplied with water from the main or are otherwise ratable or not—
- (v) For determining, making, and levying, the rate to be paid in respect of lands, tenements, and hereditaments to be supplied with water as provided in section number thirty-four of the Principal Act, where such lands, tenements, or hereditaments are not included in any valuation by the Municipal Council of the City of Sydney, or Redfern, or of any Borough or Municipal District, or where such lands, tenements, or hereditaments have been for the time being valued by the said Municipal Council of the City of Sydney, or Redfern, or by such Borough or Municipal District respectively at a sum less than the true value thereof.
- (vi) For regulating the mode in which water shall be supplied to premises, and whether by meter or not.

28. Notwithstanding anything in the Principal Act to the contrary it shall be lawful to make any conditional or other sales of Crown Lands situated within any Water or Sewerage District, not being Crown Lands within water or sewerage district may be sold. portion of any catchment area already proclaimed, or hereafter to be proclaimed under the Principal Act as amended by this Act.

29. Notwithstanding anything contained in section thirty-four of the Principal Act, the by-laws of the Board published in the *Gazette* By-laws of 12th October, 1888, and 25th July, 1889, to be retrospective. on the twelfth day of October, one thousand eight hundred and eighty-eight, and the twenty-fifth day of July, one thousand eight hundred and eighty-nine, respectively, shall have the same force and effect for the recovery of all rates, charges, and sums thereby imposed and made payable to the Board as if the same had been published in the *Gazette* before the first day of July, one thousand eight hundred and eighty-eight. Provided that nothing herein contained shall prejudice or affect any legal proceedings taken before the passing of this Act.

30. Notwithstanding anything contained in the Principal Act or in the "Small Debts Recovery Act," tenth Victoria, number ten, Rates and charges to be recoverable under the "Small Debts Recovery Act." all rates and charges for water or for sewerage and all charges for work done by the Board in accordance with the "Metropolitan Water and Sewerage Acts, 1880-1889," or any by-law made thereunder, and in connection with water supply or sewerage, where the amount sought to be recovered does not exceed the sum of ten pounds may be sued for and recovered under the provisions of the "Small Debts Recovery Act,"

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Metropolitan Water and Sewerage Act Amendment (No. 2).

tenth Victoria, number ten, in addition to the mode of recovery provided by section one hundred and forty-nine, or any other section of the Principal Act: Provided that for all purposes of prohibition and appeal every decision or judgment given under the authority of this section shall be deemed to be an order made by Justices in their summary jurisdiction.

Board may make valuation, &c., in certain cases.

31. In any case in which any lands, tenements, or hereditaments, which would be liable for the payment of rates under the provisions of the Principal Act, if the same had been included in any valuation by the Municipal Council of the City of Sydney, or Redfern, or of any Borough or Municipal District, are not included in any such valuation, and in any case in which any valuation of such lands or tenements during the same, or the previous year, by the Municipal Council of the City of Sydney, or Redfern, or of the Borough or Municipal District respectively in which such lands or tenements are situated, is not the true value thereof at the time of the valuation thereof by the Board as hereinafter mentioned, by reason of the same having been incomplete, or otherwise of less value at the time of the valuation thereof by such Municipal Council of the City of Sydney, or Redfern, or Borough, or Municipal District, the Board may cause a valuation of such lands, tenements, or hereditaments respectively to be made from time to time and for such time as the same shall be valued at less than the true value thereof as aforesaid, and may from time to time determine, make, and levy the rate to be paid in respect of such lands, tenements, or hereditaments: Provided that such rate and the powers hereby conferred upon the Board shall be in all other respects subject to the provisions of the Principal Act: Provided further, that if in any case a Borough or Municipal District shall be incorporated during any current half-year for which a rate has at such time been determined and made by the Board under this section, the assessment of the Board shall be the rate until the end of such current half-year. The enactments contained in the six following subsections shall be applicable in respect to any such assessment:—

Notice of assessment.

(I) The Board shall, as soon as practicable, cause notice of the amount of any such assessment of the Board to be served upon the respective premises assessed whether occupied or not.

Appeal from assessment.

(II) Any occupier or owner of such premises may, within fourteen days after the service of such notice as aforesaid appeal against such assessment, and shall for such purpose and before the expiration of such fourteen days, serve at the office of the Board a notice in writing of his intention to appeal, stating the grounds of such appeal.

Hearing of such appeal.

(III) Such appeal shall be heard before two or more Justices in Petty Sessions held within the Petty Sessions District in or nearest to which the property is situated on some day to be fixed by the Board. Notice of the day and place of the hearing of which appeal shall be published by advertisement in the *Gazette*, and in one or more Sydney newspapers, and in some newspaper published or circulating in or nearest to such Petty Sessions District at least seven clear days before the hearing of such appeal, and such Justices shall have power to hear and determine the same, and to award such relief in the premises as the justice of the case may require, and such decision shall be final and conclusive as regards the matter of such appeal; and the Assessment Book of the Board shall, if necessary, be amended in accordance with such decision.

No appeal unless notice.

(IV) No appeal shall be entertained unless such notice shall have been given as aforesaid; and, if on the hearing of any such appeal,

Metropolitan Water and Sewerage Act Amendment (No. 2).

- appeal, the Justices shall be of opinion that the same is frivolous or vexatious, they may award such costs, not exceeding two pounds, as they may think fit against the appellant, which may be recovered by the Board in the same manner as costs in any proceedings before Justices. Costs.
- (v) After the expiration of the fourteen days so prescribed as aforesaid without any notice of appeal, or upon the decision of any such appeal, and the necessary alterations (if any) being made in the Assessment Book of the Board, the same shall be confirmed by the Board, and signed by the President or Vice-President for the time being, and shall thereupon be the Assessment Book of the Board until a new rate be made and new Assessment Books be completed and confirmed in manner aforesaid. Confirmation of Assessment Book.
- (vi) Any occupier of property who, on the request of any valuer appointed by the Board to make such valuation as aforesaid (who is hereby authorized to make such inquiries) refuses or wilfully omits to disclose, or wilfully misstates to such valuer the name of the owner of such property, or of the person receiving or authorized to receive the rents of the same, or anything required for or calculated to affect such assessment as aforesaid, or any owner of property who, on the request of such valuers as aforesaid, shall refuse or wilfully omit to disclose, or wilfully misstate, anything required for or calculated to affect such assessment as aforesaid, shall for every such offence be liable to a penalty not exceeding five pounds. Penalty on occupier for misstatement.
32. The copy of or extracts from any valuation, rate, or assessment for the City of Sydney, or Redfern, or for any Borough or Municipal District within the County of Cumberland, made by any Officer of the Board, as provided by section fifty-two of the Principal Act, shall be entered in the Assessment Book of the Board, and such entry shall, when complete, be signed by the President or Vice-President of the Board, and all entries made in such Assessment Book as herein provided upon production thereof by any Officer authorized in that behalf by the Board shall, without any other evidence that the requirements of the "Metropolitan Water and Sewerage Acts 1880-1889," have been complied with, be received in all Courts as *prima facie* evidence of the facts therein contained. Assessment Books evidence.
33. Notwithstanding the proviso to the sixty-fourth section of the Principal Act the costs of the fire-plugs and notices therein mentioned, and the expenses of fixing and maintaining the same in repair, shall be defrayed by the Board and not by the Council of the City, Borough, or Municipal District within the boundaries of which such plugs are fixed. Board to bear expense of fixing fire-plugs in mains.
34. In addition to the officers and other persons mentioned in section twenty-eight of the Principal Act, it shall be lawful for the Board by writing under their common seal to authorize and appoint any Banking Company, Municipal Council, or other corporation, person, or persons whom they may think fit to collect any rates, charges, or sums of money due to the Board, subject to such bonds, guarantees, and other conditions being given or entered into as the Board may prescribe, and to allow such remuneration by a percentage on the amounts collected or otherwise as the Board may think fit and the Minister may approve of. Board may authorize collection of rates, &c.

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

CARRINGTON.

*Government House,
Sydney, 30 September, 1889.*

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF THE HISTORY OF ARTS
1100 SOUTH EAST ASIAN BLVD
CHICAGO, ILLINOIS 60607



VICTORIAN REFINEMENT

THE UNIVERSITY OF CHICAGO
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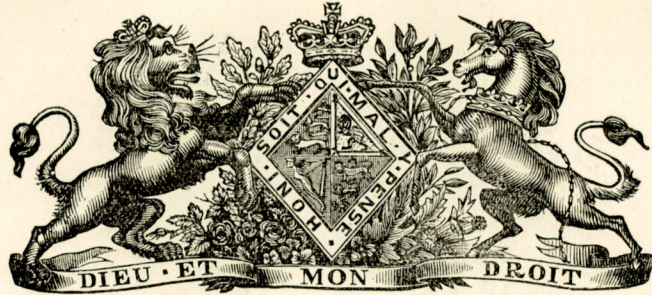
THE UNIVERSITY OF CHICAGO
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CHICAGO, ILLINOIS 60607

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.

Legislative Assembly Chamber,
Sydney, 25 September, 1889. }

F. W. WEBB,
Clerk of Legislative Assembly.

New South Wales.



ANNO QUINQUAGESIMO TERTIO

VICTORIÆ REGINÆ.

No. .

An Act to make further provision for carrying out and completing the Approved Scheme of Sewerage authorized by the "Metropolitan Water and Sewerage Act of 1880"; to provide for the valuation and crediting of Sewerage Works constructed by Municipal Councils in certain cases; to make special provision in the case of the Municipality of Redfern; and to amend the said Act in certain respects for the better carrying out of the approved and other schemes of Water Supply and Sewerage thereby authorized; for the making of fresh assessments, and for providing for appeals therefrom in certain cases; for simplifying the recovery of rates and other moneys by the Board; for increasing the rate of remuneration paid to the Board; and for other purposes.

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:—

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PART I.

Preliminary.

1. This Act may be cited as the "Metropolitan Water and Sewerage Act Amendment Act of 1889." Its provisions are arranged under the following Parts, viz.:—

10

PART I.—*Preliminary.*

PART II.—*Sewerage.*

PART III.—*Water Supply.*

PART IV.—*General and Miscellaneous Provisions.*

613—A

In

Metropolitan Water and Sewerage Act Amendment (No. 2).

In this Act the expression "Principal Act" means the "Metropolitan Water and Sewerage Act of 1880"; "Metropolitan Water and Sewerage Acts, 1880-1889," whether used in this or any other Act, or in any by-law or regulation, or in any proceedings in any Court, means and includes the said Principal Act together with the "Metropolitan Water and Sewerage Act Amendment Act of 1888" and this Act; "Board" means the "Board of Water Supply and Sewerage." "Prescribed" means "Prescribed by by-laws or regulations made under due statutory authority; "Minister" means the "Minister for Public Works." And all other expressions used in this Act shall have the respective meanings which they have in the Principal Act.

Interpretation of terms.

2. The one hundred and thirty-ninth section of the Principal Act is hereby repealed.

Repeal of sect. 139 of Principal Act.

PART II.

Sewerage.

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3. Until the Approved, or any other Scheme of sewerage, or any works connected therewith authorized by the Principal Act or this Act, shall have been reported complete pursuant to the said first-mentioned Act, or shall have been transferred to the Board, the Governor shall, in respect to such Scheme or works, have all the powers of framing by-laws conferred by section thirty-four of the Principal Act, in relation to sewerage, as if he had been expressly empowered thereby; and the provisions of that section shall be read as if the word "Governor" were therein substituted for the word "Board," but only in respect to the framing of by-laws relating to sewerage, as expressed in sub-sections thirteen to sixteen of section thirty-four of the said Act, both inclusive. The powers conferred by this section shall not prejudice the powers of the Board in respect to any sewerage works vested in the Board.

Governor may make sewerage by-laws.

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4. The Minister may cause any ventilating shaft, pipe, or tube for any sewer or drain to be attached to any wall of any building within any Sewerage District, but the mouth of every such shaft, pipe, or tube shall be at least six feet higher than the highest point of the roof of such building, and be distant in a horizontal direction not less than thirty feet from any door or window of the same or any other building. The Minister shall defray all expenses in the exercise of the powers conferred by this section with regard to main and branch sewers and drains constructed by him under the authority of the Principal or this Act, and in the exercise of such powers the Minister shall do as little damage as possible and shall make full compensation to all persons interested for any damage sustained by them by reason of the exercise of such powers.

As to ventilators, &c.

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5. As soon as any sewer, in any street or other place within any Sewerage District, shall be completed so as to be ready for receiving sewage, and shall have been transferred to the Board, the Board may demand that the owners or occupiers of any house, tenement, or lands drained or capable in the opinion of the Board of being drained into any such sewer, shall construct such drains, cisterns, and fittings from, and in connection with, such house, tenement, or lands to communicate with such sewer, as the Board may determine; and such demand may be made by giving the prescribed notice thereof to any such owner or occupier, or by leaving or exhibiting the same at or on such house

Owners and occupiers to make drains to public sewers.

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Metropolitan Water and Sewerage Act Amendment (No. 2).

house, tenement, or lands; and such drains, cisterns, and fittings shall be made and attached and be supplied with water according to such plans and directions as the Board shall deem proper for effectually carrying off all impurities from the said house, tenement, or lands.

5 6. (I) The Board may, after giving the prescribed notice to the owners or occupiers of any house, tenement, or lands, require such drains, cisterns, and fittings to be made, constructed, and attached by such owners or occupiers within such time as they may limit in that behalf, and may require ventilating shafts, pipes, or tubes to be attached
10 to the wall of any buildings and to be connected with the parts of such buildings or premises or the drains thereof from which, in the Board's opinion, any impurities ought to be carried off. And if the same shall not be made within such time, or according to such plans and directions as the Board shall deem proper, the Board
15 may make, construct, and attach the same; and for that purpose may enter into or upon the house, tenement, or lands of any such owner or occupier, and excavate the ground, and make, construct, and attach such drains, cisterns, and fittings in, along, over, or against such house, tenement, or lands, and may attach and connect such ventilating
20 shafts, pipes, or tubes as aforesaid.

Board may make drains and attach ventilators in default of compliance with orders, &c.

(II) The Board may in any such case recover from every such owner or occupier by the like proceedings and with the like remedies as if such expenses were a Sewerage Rate, the full amount of the expenses of making such drains, cisterns, or fittings, or attaching or connecting such ventilating shafts, pipes, or tubes; but no
25 proceedings for the recovery of the said amount shall be taken until default shall have been made in payment thereof for twenty-one days after the prescribed demand by the Board for such payment shall have been given to the owner or occupier in default, or shall have been
30 posted on the house, tenement, or lands in respect of which any such drain, cisterns, or fittings, or such ventilating shafts, pipes, or tubes shall have been made, constructed, attached, or connected.

Recovery of expenses, &c.

7. Where any drain has been made or shall hereafter be made to communicate with any sewer constructed by the Minister or with
35 any sewer communicating with such last-mentioned sewer, or with any other sewer whatsoever, any engineer, surveyor, or other person duly authorized by the Minister may, at any time between sunrise and sunset, enter upon any house, tenement, or land and inspect such drain, and in the event of the same being found to be improperly
40 laid, the Minister shall cause the same to be properly laid at the expense of the owner of such drain, such expense to be recoverable in like manner as penalties are recoverable under the Principal Act; but if the said drain shall be found to have been properly laid, the expense of inspection shall be borne by the Minister.

Inspection by Minister.

45 8. (I) Every person who shall erect, construct, or place any building, wall, bridge, fence, or obstruction, in, upon, over, or under any sewer or drain, so as to interfere with or injuriously affect such sewer or drain in the carrying away of storm water, sewerage, or drainage, and every person who shall obstruct, fill in, close up, or
50 divert, any sewer or drain without the previous consent in writing of the Minister, shall, in addition to any other penalty to which he may be liable, forfeit and pay a sum not exceeding twenty pounds for every such offence; and in case of a continuing offence, a further penalty not exceeding five pounds for each day after notice shall have been
55 given by the Minister to such person, to be recoverable in like manner as penalties are recoverable under the Principal Act.

Penalties on persons encroaching on sewers, &c.

(II) The Minister may demolish and remove any such building, wall, bridge, fence, obstruction, or encroachment, and perform any works necessary for restoring or reinstating such sewer

or

Metropolitan Water and Sewerage Act Amendment (No. 2).

or drain; and the person erecting such building, wall, bridge, fence, or causing such obstruction, or making such encroachment, or obstructing, filling in, closing up, or diverting such sewer or drain, as the case may be, shall also pay the expense of removing such wall,
 5 bridge, fence, or abating such obstruction, or encroachment, or of reopening, restoring, repairing, or reinstating such sewer or drain.

(III) Nothing in this section contained shall prevent or impede the maintenance, repair, or removal of any buildings or works under which a sewer or drain has been or may be constructed,
 10 but so, nevertheless, that such buildings or works shall not injure or obstruct such sewer or drain.

9. All contracts, assessments, rates, and charges heretofore made or struck for or in respect of sewerage by the Municipal Council of the City of Sydney or Redfern, or by the Council of any Municipality situated
 15 within the county of Cumberland, shall, to all intents and purposes, be as binding on all parties thereto or affected thereby as if the same had been made by the Board, and all such rates shall be recoverable as Sewerage Rates pursuant to section one hundred and five of the Principal Act. Provided that no such contracts, agreements, or rates
 20 shall be binding on the Board after the thirty-first day of December, one thousand eight hundred and eighty-nine.

Effect of contracts, &c., of Municipal Council, &c.

10. Notwithstanding anything in the Principal or this Act, any works for sewerage which the Board are empowered to carry out,
 pursuant to Part V of the Principal Act, may be carried out by the
 25 Minister, or by any authority empowered by statute to carry out any Public Work; but the provisions for the transfer of any such works when complete to a local authority contained in such Part shall not be carried out, unless the Board, by writing addressed to the Governor, recommend such transfer.

Saving of powers. Transfer.

30 11. If, in carrying out the sewerage of any Municipality, other than the City of Sydney, situated within the county of Cumberland, in connection with the Approved or any other scheme, the Minister shall be of opinion that any sewerage works heretofore constructed by the Council of such Municipality may be beneficially worked in and used
 35 in connection with such scheme he may direct that the Council of such Municipality shall be credited, on account of the cost of the works to be constructed by him in connection with such scheme, by such amount as he shall consider the works constructed by such Council shall lessen such cost. Any sums so credited may be paid in liquidation of any sum or sums of money borrowed by such Council on
 40 security of the sewerage works constructed by them and taken over by the Minister, or may be paid to such person or persons, corporation, or other body, in such manner and subject to such terms and conditions as the Minister shall require.

Minister may credit Municipal Councils on account of works constructed by them.

45 12. In respect to the sum of thirty thousand pounds raised by the Municipal Council of Redfern and agreed to be taken over by the Minister for the purpose of carrying out, under his directions, the sewerage of the Municipality of Redfern in connection with the said Approved Scheme, the liabilities of the said Council for and in
 50 respect of all payments for interest and principal due and to become due by such Council to the holders of the debentures or other securities of the said Council upon which the said sum was borrowed, shall be transferred to and be a charge on the Consolidated Revenue Fund, to be discharged from time to time as the same shall accrue by payments
 55 to be made by the Colonial Treasurer to the Council of the said Municipality, for which payments the receipts of the proper officer of such Council shall be a sufficient discharge to the said Treasurer, and a sufficient compliance with the requirements of this section, so far as such payments shall extend. But notwithstanding anything in
 this

Special provision in the case of Redfern Municipality.

Metropolitan Water and Sewerage Act Amendment (No. 2).

this section to the contrary, the Governor may authorize the conversion of the debentures or other securities for the payment of the principal and interest of such sum of thirty thousand pounds by the Council of the Municipality of Redfern, into debentures or other public securities
 5 of the Government of this Colony, upon such terms and conditions as he may impose, provided that such converted debentures or securities do not bear interest exceeding four per centum per annum. Upon such authorization being published in the *Gazette*, effect shall be given to the same as in the case of a loan for public purposes sanctioned by
 10 the Legislature.

13. Whenever the Governor, by proclamation in the *Gazette*, shall declare that the provisions of this section shall come into force in respect of any works in such proclamation mentioned or any portion thereof, which shall have been reported complete to him by
 15 the Minister there shall be transferred to and be vested in the Board absolutely, but on behalf of Her Majesty—

Transfer of real and personal property to Board.

(a) The property in, and control and management of, all sewers, gutters, drains, and storm water connections, including all gulleys heretofore vested in the Municipal Council of the City
 20 of Sydney or Redfern or in any Borough or Municipal District or Corporation within the county of Cumberland, together with all buildings, works, material, plant, books of account, documents, and papers, and all other property whatsoever connected therewith and under the control or custody of
 25 such Council, Borough, Municipal District, or Corporation, or of any Officer thereof or other person, and used for, with, or in relation to the sewerage of such City, Borough, Municipal District, or Corporation. Provided that nothing herein contained shall prejudice or affect the obligations of the said
 30 Municipal Council of the City of Sydney or Redfern, or the Council of any such Borough, Municipal District, or Corporation, with regard to construction, repair, maintenance, renewal, or cleansing any such gutters, drains, storm water connections, or gulleys, but such obligations shall attach to every such
 35 Council and be a charge upon its municipal rates and revenues as fully and effectually as if this Act had not been passed.

(b) All real and personal property, of what kind soever, being within the limits of any Municipality or place other than the City of Sydney or Redfern, and acquired or used for the purposes of sewerage which, before the passing of this Act, was vested in or under the control and management of the Council of such Municipality or of the Municipal Council of the City of Sydney or Redfern.

(I) All lands acquired, resumed, granted, or dedicated for or in connection with sewerage purposes, together with all works, buildings, drains, pipes, plant, machinery, and all material whatsoever used therewith, and all personal property whatsoever being on any such lands or on any other lands, and used in connection with sewerage purposes (save and except such service-pipes as have been laid at the cost of any owner or occupier of premises); and all the estate or interest of the Municipal Council of the said City of Sydney or Redfern or of any other Council or Authority whatsoever in any such real or personal property shall be transferred to and be absolutely vested in the Board.

55 (II) The whole amount of moneys and securities for money being to the credit of, or available for, the Sewerage Fund according to the books of the Municipal Council of the City of Sydney or Redfern or of any other Council or Authority shall, upon such proclamation, be transferred to, and become the property of the Board on behalf of

Metropolitan Water and Sewerage Act Amendment (No. 2).

of Her Majesty : And all debentures issued by the Council of the said City or of any Municipality for sewerage purposes, together with all obligations annexed thereto, and the burthen and benefit of all lawful contracts entered into by any such Council for or in connection therewith, or with sewerage or drainage, shall, respectively, be a charge on the Consolidated Revenue Fund, and attach to the Board.

14. Notwithstanding anything in this or the Principal Act, the Governor may authorize and empower the Minister to carry out any works for the sewerage of any Municipality or place within the county of Cumberland, whether such works shall be connected with the Approved Scheme of sewerage or not. And the Minister, when so authorized shall, for the purposes of this Act, have all powers for purposes of construction or authorizing the construction of works and resumption of land as are vested in him by the Principal Act as amended and extended by this Act.

Minister to have certain powers.

15. (i) When any work or portion of a work constructed under the authority of the Minister shall be transferred to the Board, all powers of making, collecting, and enforcing sewerage rates and all powers conferred on the Minister by the Principal or this Act in relation to any sewer, drain, building, or work connected with the Approved Scheme or any other Scheme or Work, or any portion thereof, and all other administrative powers in connection with the said work or portion so transferred, save as hereinafter provided, but including the power conferred on the Minister by section ten hereof, shall be exercisable by the Board and not by the Minister. Provided that until the Approved Scheme, or any other Scheme or Work, or any such portion thereof as aforesaid, shall have been reported complete, pursuant to the Principal Act, the Minister shall be empowered to exercise all powers in relation to such work or portion thereof vested in him by the Principal Act as amended and extended by this Act, so far as such powers relate to construction, repair, maintainance, or renewal. Provided, further, that the Minister may authorize and empower the Board to carry out and exercise all such powers as last aforesaid, or any portion or portions thereof which he may think fit, and thereupon all the powers and authorities vested in the Minister in connection with the same shall be vested in and exercisable by the Board as well as by the Minister.

When certain powers may be exercised by Minister and when by Board.

(ii) Upon the Approved Scheme, or any other Scheme or Work, or any such portion thereof as aforesaid, being so reported complete, all powers conferred on the Minister by the Principal or this Act in relation to any sewer, drain, building, or work connected with such Scheme, or such other Scheme or Work, or portion thereof as aforesaid, shall cease to be exercised by the Minister, and shall be exercised by the Board.

(iii) All transfers authorized by this section shall be notified in the *Gazette*, and the *Gazette* notification containing a description of any work or portion of a work transferred to the Board shall be conclusive evidence of the fact of such work or portion thereof having been lawfully transferred pursuant to this section.

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PART III.

Water Supply.

16. As soon as any water main shall be ready to distribute water to any street or place within any Water District, the Board may demand that the owners or occupiers of any house, tenement, or lands shall construct such connections and fittings from and in connection with such house, tenement, or lands, to communicate with such main, as the Board may determine; and such demand may be made by giving the prescribed notice thereof to such owners or occupiers, or by leaving or exhibiting the same at or on such house, tenement, or lands; and such connections and fittings shall be made and attached according to such plans and directions as the Board shall deem proper.

Owners and occupiers to make connections with water mains.

17. The Board, with the approval of the Governor, may sell, transfer, and convey any lands or other property transferred to or vested in them by or under the "Metropolitan Water and Sewerage Acts, 1880-1889," and any lands now or hereafter to be resumed or acquired by or on behalf of the Crown for or in connection with the Approved Scheme of Water Supply (not being required for such Scheme, nor being lands situated within the Catchment Area) for such sum, upon such terms and conditions, and generally as the Governor may approve. And may, with the like approval, and upon the like terms and conditions as aforesaid, lease any such lands as aforesaid. All moneys, rent, and royalties payable in respect of any land so sold or leased shall be subject to the provisions of the thirty-first section of the Principal Act.

Board may sell or lease superfluous land.

18. The powers to cut off water conferred on the Board by section seventy-three of the Principal Act may, in addition to the cases in such section mentioned, be exercised by the Board in any case where any person shall refuse or neglect to pay to the Board on demand any rate, charge, or sum due to the Board for or in connection with water supply or sewerage.

Water may be cut off for non-payment of rates.

PART IV.

General and Miscellaneous Provisions.

19. Notwithstanding anything in the "Metropolitan Water and Sewerage Acts, 1880-1889," the Governor shall by proclamation, to be published in the *Gazette*, define the boundaries of the Metropolitan Water District for the purpose of carrying out the authorized scheme of water supply for the city of Sydney and its suburbs, and such proclamation shall, when so published, have the same force and effect in all respects as if the same had been made pursuant to the Principal Act. And it shall be lawful for the Governor, from time to time, by a like proclamation, to alter or amend the boundaries of any Water or Sewerage District.

Metropolitan catchment area and water and sewerage district boundaries to be proclaimed by Governor.

20. In addition to the lands and tenements mentioned in the Principal Act, all houses, tenements, or lands vested in the Crown, or in any Corporation, person, body of persons, or other authority on behalf of the Crown, and all houses, tenements, or lands in the occupation of the Crown, or of any such Corporation, person, body of persons, or authority as aforesaid, shall be deemed to be ratable property within the meaning of that Act, and shall be in all other respects subject to the provisions of the "Metropolitan Water and Sewerage

Crown Lands ratable

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Sewerage Acts, 1880-1889"; and the exemption from rates, taxes, and assessment contained in the seventeenth section of the "Government Railways Act of 1888" shall not apply to water actually supplied by the Board to the Commissioners for Railways for the use of or
5 in connection with the railways and tramways vested in the said Commissioners, or to sewerage rates, under the said Acts.

21. If the Minister shall at any time deem it necessary to raise, sink, divert, or otherwise alter the position or level of any water or gas pipes, mains, plugs, or other water-works or gas-works laid in
10 or under any street, he may, by notice in writing, require the person or persons, corporation, or other authority in whom such water-works or gas-works are vested, to raise, sink, divert, or otherwise alter the position or level thereof in such manner, and within such reasonable time as shall be specified in such notice, and the expenses incurred
15 in respect of any such alteration shall be paid by the Minister. If such notice shall not be complied with, the Minister may cause the required alterations to be made, but no such alteration shall be made which will permanently injure such pipes, mains, plugs, or works, or impede or affect the flow of the water or gas.

22. For the purpose of carrying out any work authorized by the
20 "Metropolitan Water and Sewerage Acts, 1880-1889," the Minister shall by himself, or any officer or person authorized by him, have power to enter on any house, tenement, or land, at any time between sunrise and sunset for the purpose of inspecting any sewer, drain, or
25 work constructed, or in course of construction, or about to be constructed by the Minister.

23. In any case where, pursuant to sections one hundred and
18 eighteen, one hundred and nineteen, and one hundred and twenty
30 of the Principal Act, the Board are authorized to enter upon certain lands, the Minister may enter upon any lands whatsoever, whether a garden, orchard, plantation, park, planted walk, avenue, or ground ornamentally planted, and whether such lands be within a distance of one hundred yards of the mansion house of the owner of such lands or not, and may take such lands on lease with or without the right of
35 purchase, for the purpose of constructing or protecting any authorized work. If the Minister and the owner of such lands cannot agree within ninety days from the date of entry by the Minister on such lands as to the term of, or the rent to be reserved upon, such lease, the amount of purchase money to be paid in case a right of purchase is
40 therein stipulated for, and any other terms and conditions to be therein contained, the matter shall be finally determined by the Chief Judge in Equity, upon an application by either party to him, and subject to such conditions as he shall impose, and such determination shall be binding on both parties, and all persons claiming through or under
45 them, and may be enforced in every respect as a judgment of the Supreme Court.

24. Where any authorized work occupies the site of, or is
50 constructed on or along, any portion of a road or public thoroughfare, it shall be lawful for the Minister to make in sections, as the work proceeds, a road or roads, thoroughfare or thoroughfares sufficient for the traffic, in substitution of any such first-mentioned road or thoroughfare, anything to the contrary in section one hundred and twenty-one of the Principal Act notwithstanding.

25. All informations, complaints, or other legal proceedings
55 under the "Metropolitan Water and Sewerage Acts 1880-1889," or under any by-law made under any of the said Acts, may be laid, made, and taken in the name of the Board of Water Supply and Sewerage, by the secretary, for the time being, of such Board, or any other duly appointed officer of such Board.

Metropolitan Water and Sewerage Act Amendment (No. 2).

26. The ninth section of the Principal Act is hereby amended, Increase of fees to Board. to the intent and in order that, instead of the yearly sum of One hundred and fifty pounds thereby made payable to every member of the Board other than the President, the sum of Two hundred and fifty 5 pounds shall, after the passing of this Act, be the yearly remuneration authorized to be paid to every such member.

27. In addition to the purposes for which by-laws may be made, Additional power to make by-laws. mentioned in section thirty-four of the Principal Act, the Board may make, alter, and repeal by-laws

- 10 (i) For regulating the purposes for which any pipes, drains, or sewers shall be used or applied—
- (ii) For regulating the dimensions, material, form, construction, and arrangement of, and the maintenance or alteration of ventilators for pipes, drains, and sewers—
- 15 (iii) For regulating the disinfection and cleansing of, or otherwise dealing with any substance or matter before the discharge thereof into any drain or sewer—
- (iv) For determining, making, and levying the rate or extra rate 20 or scale of charges to be paid in respect of lands or premises on which any one or more head of horses or cattle shall be kept or maintained, whether such lands or premises are actually supplied with water from the main or are otherwise ratable or not—
- (v) For determining, making, and levying, the rate to be paid in 25 respect of lands, tenements, and hereditaments to be supplied with water as provided in section number thirty-four of the Principal Act, where such lands, tenements, or hereditaments are not included in any valuation by the Municipal Council of the City of Sydney, or Redfern, or of any Borough or 30 Municipal District, or where such lands, tenements, or hereditaments have been for the time being valued by the said Municipal Council of the City of Sydney, or Redfern, or by such Borough or Municipal District respectively at a sum less than the true value thereof.
- 35 (vi) For regulating the mode in which water shall be supplied to premises, and whether by meter or not.

28. Notwithstanding anything in the Principal Act to the con- Crown Lands within water or sewerage district may be sold. trary it shall be lawful to make any conditional or other sales of Crown Lands situated within any Water or Sewerage District, not being 40 portion of any catchment area already proclaimed, or hereafter to be proclaimed under the Principal Act as amended by this Act.

29. Notwithstanding anything contained in section thirty-four By-laws of 12th October, 1888, and 25th July, 1889, to be retrospective. of the Principal Act, the by-laws of the Board published in the *Gazette* on the twelfth day of October, one thousand eight hundred and eighty- 45 eight, and the twenty-fifth day of July, one thousand eight hundred and eighty-nine, respectively, shall have the same force and effect for the recovery of all rates, charges, and sums thereby imposed and made payable to the Board as if the same had been published in the *Gazette* before the first day of July, one thousand eight hundred and eighty- 50 eight. Provided that nothing herein contained shall prejudice or affect any legal proceedings taken before the passing of this Act.

30. Notwithstanding anything contained in the Principal Act Rates and charges to be recoverable under the "Small Debts Recovery Act." or in the "Small Debts Recovery Act," tenth Victoria, number ten, all rates and charges for water or for sewerage and all charges for work 55 done by the Board in accordance with the "Metropolitan Water and Sewerage Acts, 1880-1889," or any by-law made thereunder, and in connection with water supply or sewerage, where the amount sought to be recovered does not exceed the sum of ten pounds may be sued for and recovered under the provisions of the "Small Debts Recovery Act,"

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tenth Victoria, number ten, in addition to the mode of recovery provided by section one hundred and forty-nine, or any other section of the Principal Act: Provided that for all purposes of prohibition and appeal every decision or judgment given under the authority of this section shall be deemed to be an order made by Justices in their summary jurisdiction.

31. In any case in which any lands, tenements, or hereditaments, which would be liable for the payment of rates under the provisions of the Principal Act, if the same had been included in any valuation by the Municipal Council of the City of Sydney, or Redfern, or of any Borough or Municipal District, are not included in any such valuation, and in any case in which any valuation of such lands or tenements during the same, or the previous year, by the Municipal Council of the City of Sydney, or Redfern, or of the Borough or Municipal District respectively in which such lands or tenements are situated, is not the true value thereof at the time of the valuation thereof by the Board as hereinafter mentioned, by reason of the same having been incomplete, or otherwise of less value at the time of the valuation thereof by such Municipal Council of the City of Sydney, or Redfern, or Borough, or Municipal District, the Board may cause a valuation of such lands, tenements, or hereditaments respectively to be made from time to time and for such time as the same shall be valued at less than the true value thereof as aforesaid, and may from time to time determine, make, and levy the rate to be paid in respect of such lands, tenements, or hereditaments: Provided that such rate and the powers hereby conferred upon the Board shall be in all other respects subject to the provisions of the Principal Act: Provided further, that if in any case a Borough or Municipal District shall be incorporated during any current half-year for which a rate has at such time been determined and made by the Board under this section, the assessment of the Board shall be the rate until the end of such current half-year. The enactments contained in the six following subsections shall be applicable in respect to any such assessment:—

- 35 (I) The Board shall, as soon as practicable, cause notice of the amount of any such assessment of the Board to be served upon the respective premises assessed whether occupied or not. Notice of assessment.
- 40 (II) Any occupier or owner of such premises may, within fourteen days after the service of such notice as aforesaid appeal against such assessment, and shall for such purpose and before the expiration of such fourteen days, serve at the office of the Board a notice in writing of his intention to appeal, stating the grounds of such appeal. Appeal from assessment.
- 45 (III) Such appeal shall be heard before two or more Justices in Petty Sessions held within the Petty Sessions District in or nearest to which the property is situated on some day to be fixed by the Board. Notice of the day and place of the hearing of which appeal shall be published by advertisement in the *Gazette*, and in one or more Sydney newspapers, and in some newspaper published or circulating in or nearest to such Petty Sessions District at least seven clear days before the hearing of such appeal, and such Justices shall have power to hear and determine the same, and to award such relief in the premises as the justice of the case may require, and such decision shall be final and conclusive as regards the matter of such appeal; and the Assessment Book of the Board shall, if necessary, be amended in accordance with such decision. Hearing of such appeal.
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- 55 (IV) No appeal shall be entertained unless such notice shall have been given as aforesaid; and, if on the hearing of any such appeal, No appeal unless notice.

Metropolitan Water and Sewerage Act Amendment (No. 2).

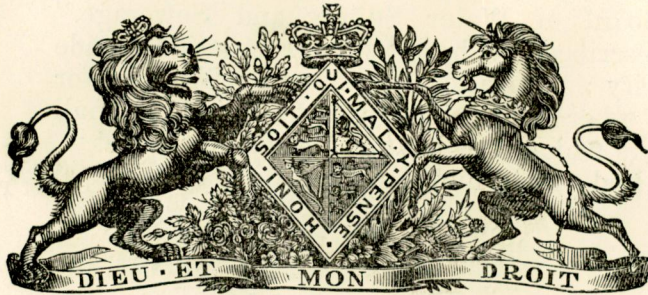
- appeal, the Justices shall be of opinion that the same is frivolous or vexatious, they may award such costs, not exceeding two pounds, as they may think fit against the appellant, which may be recovered by the Board in the same manner as costs in any proceedings before Justices. Costs.
- 5 (v) After the expiration of the fourteen days so prescribed as aforesaid without any notice of appeal, or upon the decision of any such appeal, and the necessary alterations (if any) being made in the Assessment Book of the Board, the same shall be confirmed by the Board, and signed by the President or Vice-President for the time being, and shall thereupon be the Assessment Book of the Board until a new rate be made and new Assessment Books be completed and confirmed in manner aforesaid. Confirmation of Assessment Book.
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- 15 (vi) Any occupier of property who, on the request of any valuer appointed by the Board to make such valuation as aforesaid (who is hereby authorized to make such inquiries) refuses or wilfully omits to disclose, or wilfully misstates to such valuer the name of the owner of such property, or of the person receiving or authorized to receive the rents of the same, or anything required for or calculated to affect such assessment as aforesaid, or any owner of property who, on the request of such valuers as aforesaid, shall refuse or wilfully omit to disclose, or wilfully misstate, anything required for or calculated to affect such assessment as aforesaid, shall for every such offence be liable to a penalty not exceeding five pounds. Penalty on occupier for misstatement.
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- 25
32. The copy of or extracts from any valuation, rate, or assessment for the City of Sydney, or Redfern, or for any Borough or Municipal District within the County of Cumberland, made by any Officer of the Board, as provided by section fifty-two of the Principal Act, shall be entered in the Assessment Book of the Board, and such entry shall, when complete, be signed by the President or Vice-President of the Board, and all entries made in such Assessment Book as herein provided upon production thereof by any Officer authorized in that behalf by the Board shall, without any other evidence that the requirements of the "Metropolitan Water and Sewerage Acts 1880-1889," have been complied with, be received in all Courts as *prima facie* evidence of the facts therein contained. Assessment Books evidence.
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33. Notwithstanding the proviso to the sixty-fourth section of the Principal Act the costs of the fire-plugs and notices therein mentioned, and the expenses of fixing and maintaining the same in repair, shall be defrayed by the Board and not by the Council of the City, Borough, or Municipal District within the boundaries of which such plugs are fixed. Board to bear expense of fixing fire-plugs in mains.
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34. In addition to the officers and other persons mentioned in section twenty-eight of the Principal Act, it shall be lawful for the Board by writing under their common seal to authorize and appoint any Banking Company, Municipal Council, or other corporation, person, or persons whom they may think fit to collect any rates, charges, or sums of money due to the Board, subject to such bonds, guarantees, and other conditions being given or entered into as the Board may prescribe, and to allow such remuneration by a percentage on the amounts collected or otherwise as the Board may think fit and the Minister may approve of. Board may authorize collection of rates, &c.
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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.

Legislative Assembly Chamber,
Sydney, 25 September, 1889. }

F. W. WEBB,
Clerk of Legislative Assembly.

New South Wales.



ANNO QUINQUAGESIMO TERTIO

VICTORIÆ REGINÆ.

No. .

An Act to make further provision for carrying out and completing the Approved Scheme of Sewerage authorized by the "Metropolitan Water and Sewerage Act of 1880"; to provide for the valuation and crediting of Sewerage Works constructed by Municipal Councils in certain cases; to make special provision in the case of the Municipality of Redfern; and to amend the said Act in certain respects for the better carrying out of the approved and other schemes of Water Supply and Sewerage thereby authorized; for the making of fresh assessments, and for providing for appeals therefrom in certain cases; for simplifying the recovery of rates and other moneys by the Board; for increasing the rate of remuneration paid to the Board; and for other purposes.

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:—

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PART I.

Preliminary.

1. This Act may be cited as the "Metropolitan Water and Sewerage Act Amendment Act of 1889." Its provisions are arranged under the following Parts, viz.:—

10

PART I.—*Preliminary.*

PART II.—*Sewerage.*

PART III.—*Water Supply.*

PART IV.—*General and Miscellaneous Provisions.*

613—A

In

Metropolitan Water and Sewerage Act Amendment (No. 2).

In this Act the expression "Principal Act" means the "Metropolitan Water and Sewerage Act of 1880"; "Metropolitan Water and Sewerage Acts, 1880-1889," whether used in this or any other Act, or in any by-law or regulation, or in any proceedings in any Court, means 5 and includes the said Principal Act together with the "Metropolitan Water and Sewerage Act Amendment Act of 1888" and this Act; "Board" means the "Board of Water Supply and Sewerage." "Prescribed" means "Prescribed by by-laws or regulations made under due statutory authority; "Minister" means the "Minister for 10 Public Works." And all other expressions used in this Act shall have the respective meanings which they have in the Principal Act.

Interpretation of terms.

2. The one hundred and thirty-ninth section of the Principal Act is hereby repealed.

Repeal of sect. 139 of Principal Act.

PART II.

Sewerage.

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3. Until the Approved, or any other Scheme of sewerage, or any works connected therewith authorized by the Principal Act or this Act, shall have been reported complete pursuant to the said first-mentioned Act, or shall have been transferred to the Board, the Governor shall, in respect to such Scheme or works, have all the powers of 20 framing by-laws conferred by section thirty-four of the Principal Act, in relation to sewerage, as if he had been expressly empowered thereby; and the provisions of that section shall be read as if the word "Governor" were therein substituted for the word "Board," but 25 only in respect to the framing of by-laws relating to sewerage, as expressed in sub-sections thirteen to sixteen of section thirty-four of the said Act, both inclusive. The powers conferred by this section shall not prejudice the powers of the Board in respect to any sewerage works vested in the Board.

Governor may make sewerage by-laws.

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4. The Minister may cause any ventilating shaft, pipe, or tube for any sewer or drain to be attached to any wall of any building within any Sewerage District, but the mouth of every such shaft, pipe, or tube shall be at least six feet higher than the highest point of the roof of such building, and be distant in a horizontal direction not less 35 than thirty feet from any door or window of the same or any other building. The Minister shall defray all expenses in the exercise of the powers conferred by this section with regard to main and branch sewers and drains constructed by him under the authority of the Principal or this Act, and in the exercise of such powers the Minister 40 shall do as little damage as possible and shall make full compensation to all persons interested for any damage sustained by them by reason of the exercise of such powers.

As to ventilators, &c.

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5. As soon as any sewer, in any street or other place within any Sewerage District, shall be completed so as to be ready for receiving 45 sewage, and shall have been transferred to the Board, the Board may demand that the owners or occupiers of any house, tenement, or lands drained or capable in the opinion of the Board of being drained into any such sewer, shall construct such drains, cisterns, and fittings from, and in connection with, such house, tenement, or lands to commu- 50 nicate with such sewer, as the Board may determine; and such demand may be made by giving the prescribed notice thereof to any such owner or occupier, or by leaving or exhibiting the same at or on such house

Owners and occupiers to make drains to public sewers.

Metropolitan Water and Sewerage Act Amendment (No. 2).

house, tenement, or lands; and such drains, cisterns, and fittings shall be made and attached and be supplied with water according to such plans and directions as the Board shall deem proper for effectually carrying off all impurities from the said house, tenement, or lands.

5 6. (I) The Board may, after giving the prescribed notice to the owners or occupiers of any house, tenement, or lands, require such drains, cisterns, and fittings to be made, constructed, and attached by such owners or occupiers within such time as they may limit in that behalf, and may require ventilating shafts, pipes, or tubes to be attached
10 to the wall of any buildings and to be connected with the parts of such buildings or premises or the drains thereof from which, in the Board's opinion, any impurities ought to be carried off. And if the same shall not be made within such time, or according to such plans and directions as the Board shall deem proper, the Board
15 may make, construct, and attach the same; and for that purpose may enter into or upon the house, tenement, or lands of any such owner or occupier, and excavate the ground, and make, construct, and attach such drains, cisterns, and fittings in, along, over, or against such house, tenement, or lands, and may attach and connect such ventilating
20 shafts, pipes, or tubes as aforesaid.

Board may make drains and attach ventilators in default of compliance with orders, &c.

(II) The Board may in any such case recover from every such owner or occupier by the like proceedings and with the like remedies as if such expenses were a Sewerage Rate, the full amount of the expenses of making such drains, cisterns, or fittings, or attaching or connecting such ventilating shafts, pipes, or tubes; but no
25 proceedings for the recovery of the said amount shall be taken until default shall have been made in payment thereof for twenty-one days after the prescribed demand by the Board for such payment shall have been given to the owner or occupier in default, or shall have been
30 posted on the house, tenement, or lands in respect of which any such drain, cisterns, or fittings, or such ventilating shafts, pipes, or tubes shall have been made, constructed, attached, or connected.

Recovery of expenses, &c.

7. Where any drain has been made or shall hereafter be made to communicate with any sewer constructed by the Minister or with
35 any sewer communicating with such last-mentioned sewer, or with any other sewer whatsoever, any engineer, surveyor, or other person duly authorized by the Minister may, at any time between sunrise and sunset, enter upon any house, tenement, or land and inspect such drain, and in the event of the same being found to be improperly
40 laid, the Minister shall cause the same to be properly laid at the expense of the owner of such drain, such expense to be recoverable in like manner as penalties are recoverable under the Principal Act; but if the said drain shall be found to have been properly laid, the expense of inspection shall be borne by the Minister.

Inspection by Minister.

45 8. (I) Every person who shall erect, construct, or place any building, wall, bridge, fence, or obstruction, in, upon, over, or under any sewer or drain, so as to interfere with or injuriously affect such sewer or drain in the carrying away of storm water, sewerage, or drainage, and every person who shall obstruct, fill in, close up, or
50 divert, any sewer or drain without the previous consent in writing of the Minister, shall, in addition to any other penalty to which he may be liable, forfeit and pay a sum not exceeding twenty pounds for every such offence; and in case of a continuing offence, a further penalty not exceeding five pounds for each day after notice shall have been
55 given by the Minister to such person, to be recoverable in like manner as penalties are recoverable under the Principal Act.

Penalties on persons encroaching on sewers, &c.

(II) The Minister may demolish and remove any such building, wall, bridge, fence, obstruction, or encroachment, and perform any works necessary for restoring or reinstating such sewer
or

Metropolitan Water and Sewerage Act Amendment (No. 2).

or drain; and the person erecting such building, wall, bridge, fence, or causing such obstruction, or making such encroachment, or obstructing, filling in, closing up, or diverting such sewer or drain, as the case may be, shall also pay the expense of removing such wall,
 5 bridge, fence, or abating such obstruction, or encroachment, or of reopening, restoring, repairing, or reinstating such sewer or drain.

(III) Nothing in this section contained shall prevent or impede the maintenance, repair, or removal of any buildings or works under which a sewer or drain has been or may be constructed,
 10 but so, nevertheless, that such buildings or works shall not injure or obstruct such sewer or drain.

9. All contracts, assessments, rates, and charges heretofore made or struck for or in respect of sewerage by the Municipal Council of the City of Sydney or Redfern, or by the Council of any Municipality situated
 15 within the county of Cumberland, shall, to all intents and purposes, be as binding on all parties thereto or affected thereby as if the same had been made by the Board, and all such rates shall be recoverable as Sewerage Rates pursuant to section one hundred and five of the Principal Act. Provided that no such contracts, agreements, or rates
 20 shall be binding on the Board after the thirty-first day of December, one thousand eight hundred and eighty-nine.

Effect of contracts, &c., of Municipal Council, &c.

10. Notwithstanding anything in the Principal or this Act, any works for sewerage which the Board are empowered to carry out, pursuant to Part V of the Principal Act, may be carried out by the
 25 Minister, or by any authority empowered by statute to carry out any Public Work; but the provisions for the transfer of any such works when complete to a local authority contained in such Part shall not be carried out, unless the Board, by writing addressed to the Governor, recommend such transfer.

Saving of powers. Transfer.

30 11. If, in carrying out the sewerage of any Municipality, other than the City of Sydney, situated within the county of Cumberland, in connection with the Approved or any other scheme, the Minister shall be of opinion that any sewerage works heretofore constructed by the Council of such Municipality may be beneficially worked in and used
 35 in connection with such scheme he may direct that the Council of such Municipality shall be credited, on account of the cost of the works to be constructed by him in connection with such scheme, by such amount as he shall consider the works constructed by such Council shall lessen such cost. Any sums so credited may be paid in liquidation of any sum or sums of money borrowed by such Council on
 40 security of the sewerage works constructed by them and taken over by the Minister, or may be paid to such person or persons, corporation, or other body, in such manner and subject to such terms and conditions as the Minister shall require.

Minister may credit Municipal Councils on account of works constructed by them.

45 12. In respect to the sum of thirty thousand pounds raised by the Municipal Council of Redfern and agreed to be taken over by the Minister for the purpose of carrying out, under his directions, the sewerage of the Municipality of Redfern in connection with the said Approved Scheme, the liabilities of the said Council for and in
 50 respect of all payments for interest and principal due and to become due by such Council to the holders of the debentures or other securities of the said Council upon which the said sum was borrowed, shall be transferred to and be a charge on the Consolidated Revenue Fund, to be discharged from time to time as the same shall accrue by payments
 55 to be made by the Colonial Treasurer to the Council of the said Municipality, for which payments the receipts of the proper officer of such Council shall be a sufficient discharge to the said Treasurer, and a sufficient compliance with the requirements of this section, so far as such payments shall extend. But notwithstanding anything in
 this

Special provision in the case of Redfern Municipality.

Metropolitan Water and Sewerage Act Amendment (No. 2).

this section to the contrary, the Governor may authorize the conversion of the debentures or other securities for the payment of the principal and interest of such sum of thirty thousand pounds by the Council of the Municipality of Redfern, into debentures or other public securities
 5 of the Government of this Colony, upon such terms and conditions as he may impose, provided that such converted debentures or securities do not bear interest exceeding four per centum per annum. Upon such authorization being published in the *Gazette*, effect shall be given to the same as in the case of a loan for public purposes sanctioned by
 10 the Legislature.

13. Whenever the Governor, by proclamation in the *Gazette*, shall declare that the provisions of this section shall come into force in respect of any works in such proclamation mentioned or any portion thereof, which shall have been reported complete to him by
 15 the Minister there shall be transferred to and be vested in the Board absolutely, but on behalf of Her Majesty—

Transfer of real and personal property to Board.

(a) The property in, and control and management of, all sewers, gutters, drains, and storm water connections, including all gulleys heretofore vested in the Municipal Council of the City of Sydney or Redfern or in any Borough or Municipal District or Corporation within the county of Cumberland, together with all buildings, works, material, plant, books of account, documents, and papers, and all other property whatsoever connected therewith and under the control or custody of
 20 such Council, Borough, Municipal District, or Corporation, or of any Officer thereof or other person, and used for, with, or in relation to the sewerage of such City, Borough, Municipal District, or Corporation. Provided that nothing herein contained shall prejudice or affect the obligations of the said
 25 Municipal Council of the City of Sydney or Redfern, or the Council of any such Borough, Municipal District, or Corporation, with regard to construction, repair, maintenance, renewal, or cleansing any such gutters, drains, storm water connections, or gulleys, but such obligations shall attach to every such
 30 Council and be a charge upon its municipal rates and revenues as fully and effectually as if this Act had not been passed.

(b) All real and personal property, of what kind soever, being within the limits of any Municipality or place other than the City of Sydney or Redfern, and acquired or used for the purposes of sewerage which, before the passing of this Act, was vested in or under the control and management of the Council of such Municipality or of the Municipal Council of the City of Sydney or Redfern.

(I) All lands acquired, resumed, granted, or dedicated for or in connection with sewerage purposes, together with all works, buildings, drains, pipes, plant, machinery, and all material whatsoever used therewith, and all personal property whatsoever being on any such lands or on any other lands, and used in connection with sewerage purposes (save and except such service-pipes as have been laid at the cost of any owner or occupier of premises); and all the estate or interest of the Municipal Council of the said City of Sydney or Redfern or of any other Council or Authority whatsoever in any such real or personal property shall be transferred to and be absolutely vested in the Board.

55 (II) The whole amount of moneys and securities for money being to the credit of, or available for, the Sewerage Fund according to the books of the Municipal Council of the City of Sydney or Redfern or of any other Council or Authority shall, upon such proclamation, be transferred to, and become the property of the Board on behalf of
 of

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of Her Majesty: And all debentures issued by the Council of the said City or of any Municipality for sewerage purposes, together with all obligations annexed thereto, and the burthen and benefit of all lawful contracts entered into by any such Council for or in connection therewith, or with sewerage or drainage, shall, respectively, be a charge on the Consolidated Revenue Fund, and attach to the Board.

14. Notwithstanding anything in this or the Principal Act, the Governor may authorize and empower the Minister to carry out any works for the sewerage of any Municipality or place within the county of Cumberland, whether such works shall be connected with the Approved Scheme of sewerage or not. And the Minister, when so authorized shall, for the purposes of this Act, have all powers for purposes of construction or authorizing the construction of works and resumption of land as are vested in him by the Principal Act as amended and extended by this Act.

Minister to have certain powers.

15. (I) When any work or portion of a work constructed under the authority of the Minister shall be transferred to the Board, all powers of making, collecting, and enforcing sewerage rates and all powers conferred on the Minister by the Principal or this Act in relation to any sewer, drain, building, or work connected with the Approved Scheme or any other Scheme or Work, or any portion thereof, and all other administrative powers in connection with the said work or portion so transferred, save as hereinafter provided, but including the power conferred on the Minister by section ten hereof, shall be exercisable by the Board and not by the Minister. Provided that until the Approved Scheme, or any other Scheme or Work, or any such portion thereof as aforesaid, shall have been reported complete, pursuant to the Principal Act, the Minister shall be empowered to exercise all powers in relation to such work or portion thereof vested in him by the Principal Act as amended and extended by this Act, so far as such powers relate to construction, repair, maintainance, or renewal. Provided, further, that the Minister may authorize and empower the Board to carry out and exercise all such powers as last aforesaid, or any portion or portions thereof which he may think fit, and thereupon all the powers and authorities vested in the Minister in connection with the same shall be vested in and exercisable by the Board as well as by the Minister.

When certain powers may be exercised by Minister and when by Board.

(II) Upon the Approved Scheme, or any other Scheme or Work, or any such portion thereof as aforesaid, being so reported complete, all powers conferred on the Minister by the Principal or this Act in relation to any sewer, drain, building, or work connected with such Scheme, or such other Scheme or Work, or portion thereof as aforesaid, shall cease to be exercised by the Minister, and shall be exercised by the Board.

(III) All transfers authorized by this section shall be notified in the *Gazette*, and the *Gazette* notification containing a description of any work or portion of a work transferred to the Board shall be conclusive evidence of the fact of such work or portion thereof having been lawfully transferred pursuant to this section.

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PART III.

Water Supply.

16. As soon as any water main shall be ready to distribute water to any street or place within any Water District, the Board may demand that the owners or occupiers of any house, tenement, or lands shall construct such connections and fittings from and in connection with such house, tenement, or lands, to communicate with such main, as the Board may determine; and such demand may be made by giving the prescribed notice thereof to such owners or occupiers, or by leaving or exhibiting the same at or on such house, tenement, or lands; and such connections and fittings shall be made and attached according to such plans and directions as the Board shall deem proper.

Owners and occupiers to make connections with water mains.

17. The Board, with the approval of the Governor, may sell, transfer, and convey any lands or other property transferred to or vested in them by or under the "Metropolitan Water and Sewerage Acts, 1880-1889," and any lands now or hereafter to be resumed or acquired by or on behalf of the Crown for or in connection with the Approved Scheme of Water Supply (not being required for such Scheme, nor being lands situated within the Catchment Area) for such sum, upon such terms and conditions, and generally as the Governor may approve. And may, with the like approval, and upon the like terms and conditions as aforesaid, lease any such lands as aforesaid. All moneys, rent, and royalties payable in respect of any land so sold or leased shall be subject to the provisions of the thirty-first section of the Principal Act.

Board may sell or lease superfluous land.

18. The powers to cut off water conferred on the Board by section seventy-three of the Principal Act may, in addition to the cases in such section mentioned, be exercised by the Board in any case where any person shall refuse or neglect to pay to the Board on demand any rate, charge, or sum due to the Board for or in connection with water supply or sewerage.

Water may be cut off for non-payment of rates.

PART IV.

General and Miscellaneous Provisions.

19. Notwithstanding anything in the "Metropolitan Water and Sewerage Acts, 1880-1889," the Governor shall by proclamation, to be published in the *Gazette*, define the boundaries of the Metropolitan Water District for the purpose of carrying out the authorized scheme of water supply for the city of Sydney and its suburbs, and such proclamation shall, when so published, have the same force and effect in all respects as if the same had been made pursuant to the Principal Act. And it shall be lawful for the Governor, from time to time, by a like proclamation, to alter or amend the boundaries of any Water or Sewerage District.

Metropolitan catchment area and water and sewerage district boundaries to be proclaimed by Governor.

20. In addition to the lands and tenements mentioned in the Principal Act, all houses, tenements, or lands vested in the Crown, or in any Corporation, person, body of persons, or other authority on behalf of the Crown, and all houses, tenements, or lands in the occupation of the Crown, or of any such Corporation, person, body of persons, or authority as aforesaid, shall be deemed to be ratable property within the meaning of that Act, and shall be in all other respects subject to the provisions of the "Metropolitan Water and Sewerage

Crown Lands ratable

Metropolitan Water and Sewerage Act Amendment (No. 2).

Sewerage Acts, 1880-1889"; and the exemption from rates, taxes, and assessment contained in the seventeenth section of the "Government Railways Act of 1888" shall not apply to water actually supplied by the Board to the Commissioners for Railways for the use of or
5 in connection with the railways and tramways vested in the said Commissioners, or to sewerage rates, under the said Acts.

21. If the Minister shall at any time deem it necessary to raise, sink, divert, or otherwise alter the position or level of any water or gas pipes, mains, plugs, or other water-works or gas-works laid in
10 or under any street, he may, by notice in writing, require the person or persons, corporation, or other authority in whom such water-works or gas-works are vested, to raise, sink, divert, or otherwise alter the position or level thereof in such manner, and within such reasonable time as shall be specified in such notice, and the expenses incurred
15 in respect of any such alteration shall be paid by the Minister. If such notice shall not be complied with, the Minister may cause the required alterations to be made, but no such alteration shall be made which will permanently injure such pipes, mains, plugs, or works, or impede or affect the flow of the water or gas.

Water and gas mains to be altered when necessary.

22. For the purpose of carrying out any work authorized by the "Metropolitan Water and Sewerage Acts, 1880-1889," the Minister shall by himself, or any officer or person authorized by him, have power to enter on any house, tenement, or land, at any time between sunrise and sunset for the purpose of inspecting any sewer, drain, or
20 work constructed, or in course of construction, or about to be constructed by the Minister.

General power of entry to Minister, &c.

23. In any case where, pursuant to sections one hundred and eighteen, one hundred and nineteen, and one hundred and twenty of the Principal Act, the Board are authorized to enter upon certain
30 lands, the Minister may enter upon any lands whatsoever, whether a garden, orchard, plantation, park, planted walk, avenue, or ground ornamentally planted, and whether such lands be within a distance of one hundred yards of the mansion house of the owner of such lands or not, and may take such lands on lease with or without the right of
35 purchase, for the purpose of constructing or protecting any authorized work. If the Minister and the owner of such lands cannot agree within ninety days from the date of entry by the Minister on such lands as to the term of, or the rent to be reserved upon, such lease, the amount of purchase money to be paid in case a right of purchase is
40 therein stipulated for, and any other terms and conditions to be therein contained, the matter shall be finally determined by the Chief Judge in Equity, upon an application by either party to him, and subject to such conditions as he shall impose, and such determination shall be binding on both parties, and all persons claiming through or under
45 them, and may be enforced in every respect as a judgment of the Supreme Court.

Further powers to Minister.

24. Where any authorized work occupies the site of, or is constructed on or along, any portion of a road or public thoroughfare, it shall be lawful for the Minister to make in sections, as the work
50 proceeds, a road or roads, thoroughfare or thoroughfares sufficient for the traffic, in substitution of any such first-mentioned road or thoroughfare, anything to the contrary in section one hundred and twenty-one of the Principal Act notwithstanding.

Minister to substitute roads in certain cases.

25. All informations, complaints, or other legal proceedings
55 under the "Metropolitan Water and Sewerage Acts 1880-1889," or under any by-law made under any of the said Acts, may be laid, made, and taken in the name of the Board of Water Supply and Sewerage, by the secretary, for the time being, of such Board, or any other duly appointed officer of such Board.

Legal proceedings may be taken in the name of the secretary or other officer.

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26. The ninth section of the Principal Act is hereby amended, Increase of fees to Board. to the intent and in order that, instead of the yearly sum of One hundred and fifty pounds thereby made payable to every member of the Board other than the President, the sum of Two hundred and fifty 5 pounds shall, after the passing of this Act, be the yearly remuneration authorized to be paid to every such member.

27. In addition to the purposes for which by-laws may be made, Additional power to make by-laws. mentioned in section thirty-four of the Principal Act, the Board may make, alter, and repeal by-laws

- 10 (i) For regulating the purposes for which any pipes, drains, or sewers shall be used or applied—
- (ii) For regulating the dimensions, material, form, construction, and arrangement of, and the maintenance or alteration of ventilators for pipes, drains, and sewers—
- 15 (iii) For regulating the disinfection and cleansing of, or otherwise dealing with any substance or matter before the discharge thereof into any drain or sewer—
- (iv) For determining, making, and levying the rate or extra rate or scale of charges to be paid in respect of lands or premises 20 on which any one or more head of horses or cattle shall be kept or maintained, whether such lands or premises are actually supplied with water from the main or are otherwise ratable or not—
- (v) For determining, making, and levying, the rate to be paid in 25 respect of lands, tenements, and hereditaments to be supplied with water as provided in section number thirty-four of the Principal Act, where such lands, tenements, or hereditaments are not included in any valuation by the Municipal Council of the City of Sydney, or Redfern, or of any Borough or 30 Municipal District, or where such lands, tenements, or hereditaments have been for the time being valued by the said Municipal Council of the City of Sydney, or Redfern, or by such Borough or Municipal District respectively at a sum less than the true value thereof.
- 35 (vi) For regulating the mode in which water shall be supplied to premises, and whether by meter or not.

28. Notwithstanding anything in the Principal Act to the con- Crown Lands within water or sewerage district may be sold. trary it shall be lawful to make any conditional or other sales of Crown Lands situated within any Water or Sewerage District, not being 40 portion of any catchment area already proclaimed, or hereafter to be proclaimed under the Principal Act as amended by this Act.

29. Notwithstanding anything contained in section thirty-four By-laws of 12th October, 1888, and 25th July, 1889, to be retrospective. of the Principal Act, the by-laws of the Board published in the *Gazette* on the twelfth day of October, one thousand eight hundred and eighty- 45 eight, and the twenty-fifth day of July, one thousand eight hundred and eighty-nine, respectively, shall have the same force and effect for the recovery of all rates, charges, and sums thereby imposed and made payable to the Board as if the same had been published in the *Gazette* before the first day of July, one thousand eight hundred and eighty- 50 eight. Provided that nothing herein contained shall prejudice or affect any legal proceedings taken before the passing of this Act.

30. Notwithstanding anything contained in the Principal Act Rates and charges to be recoverable under the "Small Debts Recovery Act." or in the "Small Debts Recovery Act," tenth Victoria, number ten, all rates and charges for water or for sewerage and all charges for work 55 done by the Board in accordance with the "Metropolitan Water and Sewerage Acts, 1880-1889," or any by-law made thereunder, and in connection with water supply or sewerage, where the amount sought to be recovered does not exceed the sum of ten pounds may be sued for and recovered under the provisions of the "Small Debts Recovery Act,"

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tenth Victoria, number ten, in addition to the mode of recovery provided by section one hundred and forty-nine, or any other section of the Principal Act: Provided that for all purposes of prohibition and appeal every decision or judgment given under the authority of this section shall be deemed to be an order made by Justices in their summary jurisdiction.

31. In any case in which any lands, tenements, or hereditaments, which would be liable for the payment of rates under the provisions of the Principal Act, if the same had been included in any valuation by the Municipal Council of the City of Sydney, or Redfern, or of any Borough or Municipal District, are not included in any such valuation, and in any case in which any valuation of such lands or tenements during the same, or the previous year, by the Municipal Council of the City of Sydney, or Redfern, or of the Borough or Municipal District respectively in which such lands or tenements are situated, is not the true value thereof at the time of the valuation thereof by the Board as hereinafter mentioned, by reason of the same having been incomplete, or otherwise of less value at the time of the valuation thereof by such Municipal Council of the City of Sydney, or Redfern, or Borough, or Municipal District, the Board may cause a valuation of such lands, tenements, or hereditaments respectively to be made from time to time and for such time as the same shall be valued at less than the true value thereof as aforesaid, and may from time to time determine, make, and levy the rate to be paid in respect of such lands, tenements, or hereditaments: Provided that such rate and the powers hereby conferred upon the Board shall be in all other respects subject to the provisions of the Principal Act: Provided further, that if in any case a Borough or Municipal District shall be incorporated during any current half-year for which a rate has at such time been determined and made by the Board under this section, the assessment of the Board shall be the rate until the end of such current half-year. The enactments contained in the six following subsections shall be applicable in respect to any such assessment:—

35 (I) The Board shall, as soon as practicable, cause notice of the amount of any such assessment of the Board to be served upon the respective premises assessed whether occupied or not. Notice of assessment.

40 (II) Any occupier or owner of such premises may, within fourteen days after the service of such notice as aforesaid appeal against such assessment, and shall for such purpose and before the expiration of such fourteen days, serve at the office of the Board a notice in writing of his intention to appeal, stating the grounds of such appeal. Appeal from assessment.

45 (III) Such appeal shall be heard before two or more Justices in Petty Sessions held within the Petty Sessions District in or nearest to which the property is situated on some day to be fixed by the Board. Notice of the day and place of the hearing of which appeal shall be published by advertisement in the *Gazette*, and in one or more Sydney newspapers, and in some newspaper published or circulating in or nearest to such Petty Sessions District at least seven clear days before the hearing of such appeal, and such Justices shall have power to hear and determine the same, and to award such relief in the premises as the justice of the case may require, and such decision shall be final and conclusive as regards the matter of such appeal; and the Assessment Book of the Board shall, if necessary, be amended in accordance with such decision. Hearing of such appeal.

55 (IV) No appeal shall be entertained unless such notice shall have been given as aforesaid; and, if on the hearing of any such appeal, No appeal unless notice.

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- appeal, the Justices shall be of opinion that the same is frivolous or vexatious, they may award such costs, not exceeding two pounds, as they may think fit against the appellant, which may be recovered by the Board in the same manner as costs in any proceedings before Justices. Costs.
- 5 (v) After the expiration of the fourteen days so prescribed as aforesaid without any notice of appeal, or upon the decision of any such appeal, and the necessary alterations (if any) being made in the Assessment Book of the Board, the same shall be confirmed by the Board, and signed by the President or Vice-President for the time being, and shall thereupon be the Assessment Book of the Board until a new rate be made and new Assessment Books be completed and confirmed in manner aforesaid. Confirmation of Assessment Book.
- 10 (vi) Any occupier of property who, on the request of any valuer appointed by the Board to make such valuation as aforesaid (who is hereby authorized to make such inquiries) refuses or wilfully omits to disclose, or wilfully misstates to such valuer the name of the owner of such property, or of the person receiving or authorized to receive the rents of the same, or anything required for or calculated to affect such assessment as aforesaid, or any owner of property who, on the request of such valuers as aforesaid, shall refuse or wilfully omit to disclose, or wilfully misstate, anything required for or calculated to affect such assessment as aforesaid, shall for every such offence be liable to a penalty not exceeding five pounds. Penalty on occupier for misstatement.
- 15 32. The copy of or extracts from any valuation, rate, or assessment for the City of Sydney, or Redfern, or for any Borough or Municipal District within the County of Cumberland, made by any Officer of the Board, as provided by section fifty-two of the Principal Act, shall be entered in the Assessment Book of the Board, and such entry shall, when complete, be signed by the President or Vice-President of the Board, and all entries made in such Assessment Book as herein provided upon production thereof by any Officer authorized in that behalf by the Board shall, without any other evidence that the requirements of the "Metropolitan Water and Sewerage Acts 1880-1889," have been complied with, be received in all Courts as *prima facie* evidence of the facts therein contained. Assessment Books evidence.
- 20 33. Notwithstanding the proviso to the sixty-fourth section of the Principal Act the costs of the fire-plugs and notices therein mentioned, and the expenses of fixing and maintaining the same in repair, shall be defrayed by the Board and not by the Council of the City, Borough, or Municipal District within the boundaries of which such plugs are fixed. Board to bear expense of fixing fire-plugs in mains.
- 25 34. In addition to the officers and other persons mentioned in section twenty-eight of the Principal Act, it shall be lawful for the Board by writing under their common seal to authorize and appoint any Banking Company, Municipal Council, or other corporation, person, or persons whom they may think fit to collect any rates, charges, or sums of money due to the Board, subject to such bonds, guarantees, and other conditions being given or entered into as the Board may prescribe, and to allow such remuneration by a percentage on the amounts collected or otherwise as the Board may think fit and the Minister may approve of. Board may authorize collection of rates, &c.
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Section 11 of the Municipalities Act, 1862 (No. 11)

1. The Council of the Municipality may, at any time, cause to be prepared a list of the names of the persons who are entitled to vote at the election of members of the Council, and may cause the same to be printed and distributed to the electors.

2. The Council may also cause to be prepared a list of the names of the persons who are entitled to be elected members of the Council, and may cause the same to be printed and distributed to the electors.

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