

1896.

Legislative Council.

COUNTRY TOWNS WATER AND SEWERAGE BILL.

(Amendments to be proposed in Committee of the Whole by
THE HON. DR. GARRAN.)

Pages 1 and 3. Omit clauses 1, 2, and 3, and insert new clause :—

Licenses and certificates.

4. (I) The council may, on such terms as to the passing of examinations and the payment of fees as may be prescribed, issue licenses and certificates to persons authorising them to supervise and perform all work in connection with water supply, drainage, and sewerage.

Council may issue licenses and certificates.

(II) The council may suspend or cancel any license or certificate issued as aforesaid.

License or certificate may be cancelled.

(III) No person shall be permitted to commence or perform any work in connection with water supply, drainage, or sewerage, which communicates with the pipes, sewers, or drains of the council, unless he is the holder of a license or certificate, or is under the immediate supervision of a licensed or certificated person.

Unlicensed or uncertificated person not to do work except under supervision.

(IV) Any unlicensed or uncertificated person who, not being under the immediate supervision of a licensed or certificated person, commences or performs any such work, and any person who knowingly employs an unlicensed or uncertificated person to commence or perform such work except under the supervision aforesaid shall be liable to a penalty of not less than *twenty* shillings nor more than *ten* pounds.

Penalty for doing work without license or certificate.

(V) The council may direct and compel all defective and improper work done by an unlicensed or uncertificated person without the required supervision to be removed or altered to their satisfaction, and may, by their officers, servants, and workmen, enter upon any land and remove such work or effect the necessary alterations thereto. The expense of removal or alteration may be recovered by the council from the person performing the work or from the person employing an unlicensed or uncertificated person knowing him so to be.

Council may remove work done by unlicensed or uncertificated person.

(VI) No license or certificate issued by any authority other than the council shall entitle the holder thereof to commence or perform any work in connection with water supply, sewerage, or drainage, which communicates with the pipes, sewers, or drains of the council.

License or certificate of council alone to have validity.

Page 11, clause 36, subclause (a), line 43. At end of subclause add
“ although such land may not be actually supplied with
“ water from any main or conduit: Provided that the land
“ shall not be ratable if it cannot be supplied with water
“ from a stand-pipe at least three feet high from the natural
“ surface of the ground at the building line: Provided also
“ that only the part of the land which has frontage to or
“ abuts on that part of the street or public highway along
“ which the water-pipe is laid shall be liable to the rate ”

Page 11, clause 36, subclause (b), line 49. At end of subclause *add*
“ Provided that the land shall not be ratable if it cannot be
“ supplied with water at some point of the property from a
“ stand-pipe at least three feet in height.”

Page 12. After clause 37 *add* new clause :—

Power of Council to
lay pipes and drains
through intervening
property.

38. In any case where ratable property has not a frontage to,
and does not abut on, the street or highway as aforesaid, and the
owner or occupier is not able to obtain the consent of the owner and
occupier of the land intervening between his property and the water-
pipe or sewer to the laying of a main or service-pipe or drain through
such land to his property, or to necessary repairs or alterations thereto
or the removal thereof, the Council may enter upon such intervening
land and carry out the work on his behalf and at his cost, and for the
purpose thereof the provisions of sections sixteen and sixty-four of the
Principal Act shall be applicable; but any amount which may be
paid by or recovered from the Council for compensation as therein
provided shall not be recoverable from the owner of the ratable
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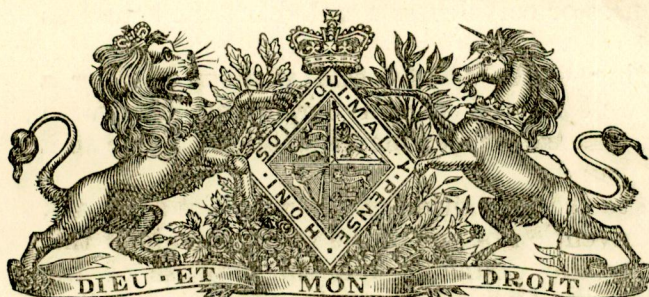
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and does not abut on, the street or highway as aforesaid, and the
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occupier of the land intervening between his property and the water-
pipe or sewer to the laying of a main or service-pipe or drain through
such land to his property, or to necessary repairs or alterations thereto
or the removal thereof, the Council may enter upon such intervening
land and carry out the work on his behalf and at his cost, and for the
purpose thereof the provisions of sections sixteen and sixty-four of the
Principal Act shall be applicable; but any amount which may be
paid by or recovered from the Council for compensation as therein
provided shall not be recoverable from the owner of the ratable
property.

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, 7 October, 1896, A.M. }*

*F. W. WEBB,
Clerk of the Legislative Assembly.*

New South Wales.



ANNO SEXAGESIMO

VICTORIÆ REGINÆ.

No. .

An Act to amend the Country Towns Water and Sewerage Act of 1880, the Country Towns Water and Sewerage Act Extension Act of 1887, and the Country Towns and Hunter District Water Supply and Sewerage Acts Amendment Act of 1894; to validate certain assessments, valuations, and rates; 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:—

5 *Plumbers' and drainers' licenses and certificates.*

1. The Council may, on such terms as to the passing of examinations and the payment of fees as may be prescribed,—
- (a) grant licenses to master plumbers and master drainers authorising them to superintend and execute works of plumbing and works of sewerage and drainage respectively, communicating with pipes, sewers, or drains of the Council;
- 10 (b) grant certificates to journeymen plumbers and journeymen drainers, and such apprentices and improvers as the Council may think competent, authorising them to execute works of plumbing and works of sewerage and drainage respectively, communicating with pipes, sewers, or drains of the Council.
- 15

And the Council may cancel or withdraw any license or certificate granted as aforesaid.

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2. (I) The execution of works as aforesaid shall in every case be under the superintendence of a person holding a license granted in that behalf under the last preceding section. Who may superintend and execute works.

Where the above requirement has not been fulfilled, the person executing the work, as well as the person employing him with knowledge that the above requirement has not been fulfilled, shall be liable to a penalty not exceeding ten pounds.

(II) Works as aforesaid shall in every case be executed by persons holding either licenses or certificates granted in that behalf as aforesaid.

Any person executing works as aforesaid without holding a license or certificate, as well as the person employing him with knowledge that he has no license or certificate, shall be liable to a penalty not exceeding ten pounds.

(III) In addition to the imposition of the penalties aforesaid, any work executed in contravention of any of the requirements of this section may be removed by the Council; and the expense of the removal may be recovered by the Council from the person executing the work or from the person employing him.

3. (I) All such fittings used or intended to be used in connection with the supply of water by the Council, or in connection with any pipe, sewer, or drain communicating with any sewerage or drainage work of the Council, as the Metropolitan Board of Water Supply and Sewerage may by any by-law require to be tested, stamped, or marked in any way, shall be tested, stamped, and marked by or under the direction of the said Board in such manner and with such stamp or mark as may be prescribed by by-laws made by the said Board in respect of fittings used in connection with works of water supply, sewerage, or drainage of the Board. Fittings to be stamped or marked before being applied.

Every person who applies or fits any fittings intended to be used as aforesaid and required as aforesaid to be stamped or marked without procuring the same to be stamped or marked as aforesaid shall for each offence be liable to a penalty not exceeding forty shillings.

(II) Every person who—

(a) forges any stamp or mark prescribed by the said Board as aforesaid; or Penalty for forging stamp or mark.

(b) fraudulently places on any fittings intended to be used as aforesaid any stamp or mark prescribed by the said Board as aforesaid, or any stamp or mark so nearly resembling the stamp or mark prescribed as to be calculated to deceive; or

(c) fraudulently makes, disposes of, or has in his possession any appliance for the purpose of forging or of being used for forging a stamp or mark prescribed as aforesaid

shall be guilty of an offence against this subsection.

(III) Every person who sells, or exposes for sale, or has in his possession for sale or for any purposes of trade any fittings intended to be used as aforesaid on which any forged stamp or mark, or on which any stamp or mark so nearly resembling the stamp or mark prescribed by the said Board as to be calculated to deceive is Penalty for selling fittings stamped with forged stamp or mark.

fraudulently placed, shall, unless he proves—

(a) that having taken all reasonable precautions against committing an offence against this subsection, he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the stamp or mark; and

(b) that on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons from whom he obtained the said fittings; or

(c) that otherwise he has acted innocently, be guilty of an offence against this subsection.

(IV)

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(iv) Every person guilty of an offence against either of the two last preceding subsections shall be liable on summary conviction by any two justices in Petty Sessions to imprisonment for a period not exceeding six months, or to a penalty not exceeding fifty pounds, or to 5 both imprisonment and penalty as aforesaid.

Punishment for offences.

Powers of Council as to works of water supply and sewerage.

4. Any person who—

- 10 (a) interferes with, or opens any ground or breaks up the soil, pitching, or pavement of any street or highway so as to uncover any work, the property of the Council, without obtaining in the manner prescribed the permission of the Council in that behalf; or
- 15 (b) interferes with, or opens any ground, or breaks up the soil, pitching, or pavement of any street or highway, so as to uncover any pipe, sewer, or drain communicating with any work, the property of the Council, without giving notice to the Council in the manner prescribed; or
- 20 (c) neglects to forthwith fill in and make good the ground, soil, pitching, or pavement so interfered with, opened, or broken up shall be liable to a penalty not exceeding five pounds for each day, or part of a day, that any work is proceeded with in contravention of subsections (a) or (b) of this section, or that the requirements of subsection (c) have not been complied with; and shall also be liable to 25 pay any damages, costs, charges, and expenses suffered or incurred by the Council in consequence of the said contravention.

Interference with works of Council, or pipes or drains communicating with them.

5. No work which would have the effect of altering the level of any ground, or the soil, pitching, or pavement of any street or highway, in or on which are any works of the Council, or of rendering it necessary to alter the position of any works of the Council, shall be 30 commenced unless notice in the form prescribed has been given to the Council at least forty-eight hours before the commencement of the work by some person by whom or on whose behalf the work is proposed to be done, or by some person entrusted with the control or execution of the proposed work.

Notice to Council of alteration of level of ground.

35 If any such work as aforesaid is commenced without notice having been given as aforesaid, the person doing the work, or causing it to be done, shall be liable to a penalty not exceeding ten pounds for every day that the said work is proceeded with in contravention of this section.

40 The Council shall, upon receiving the notice, make such alteration in the position of the works of the Council as it may deem necessary, and may (whether the notice has been given or has not been given) recover the expenses of and incidental to the alteration from the persons doing the first-mentioned work or causing it to be done.

45 6. (1) The owner or occupier of any land in or on which it is proposed to construct or alter any closet or urinal or work of a sanitary nature communicating with the works of the Council shall, before the commencement of the work, give notice thereof in writing to the Council and furnish the Council with a plan of the proposed work. 50 The Council shall within seven days after the receipt of the plan return it with such directions endorsed thereon as may be thought fit.

Notice to be given to Council before commencing or continuing sanitary work.

If the owner or occupier—

- 55 (a) commences or causes to be commenced the construction or alteration of any work as aforesaid without giving the notice or without furnishing the plan as aforesaid; or,
- (b) having given the notice and furnished the plan, commences or causes to be commenced the construction or alteration of the work

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work before the expiration of the seven days abovementioned, and before the plan has been returned by the Council; or

(c) fails to follow the directions endorsed on the plan,

he shall be liable to a penalty not exceeding twenty pounds; and any work constructed or altered contrary to or not in accordance with the said directions may be removed by the Council, and the expense of the removal may be recovered by the Council from the owner or occupier:

Provided that this subsection shall not apply in a case where the Mayor of the Municipality declares in writing under his hand that he is satisfied that an emergency had arisen which rendered it necessary or desirable that the work should be constructed or altered before the directions of the Council could be obtained, and that notice was given and a plan was furnished as soon as practicable.

(II) If the construction or alteration of a work to which this section applies be suspended for the period of a month, two clear days' notice of the resumption thereof shall be given by the said owner or occupier to the Council.

Suspension of work.

If the owner or occupier resumes the construction or alteration of a work as aforesaid, or causes it to be resumed without giving notice as aforesaid, or before the expiration of the time hereinbefore mentioned, he shall be liable to a penalty not exceeding ten pounds.

7. In any case where the Council is of opinion—

(a) that the closets or urinals in, or used in connection with, any house or building, and communicating with the works of the Council are insufficient for the requirements of the occupants thereof or of the persons employed therein; or

(b) that the said closets or urinals, or any works in connection therewith, are so defective in construction or so out of repair as to be prejudicial to the health of any persons,

the Council may cause to be served on the owner or occupier of the said house or building a notice in writing requiring him, within a time mentioned therein, to construct such additional closets or urinals, and make such alterations and repairs to the existing closets, urinals, or works in connection therewith as may be specified in the notice.

Council may require sufficient closets and urinals to be provided.

If on the expiration of the time mentioned in the notice the works, alterations, and repairs so required to be constructed or made are not completed, the said owner or occupier shall, unless he proves that the delay was unavoidable, be liable to a penalty of not more than twenty pounds nor less than two pounds for every day thereafter during which the said works, alterations, or repairs remain uncompleted.

8. (I) The Council may, for the purpose of examining whether there has been any escape of water or sewage, open up any ground or break up the soil pitching, or pavement of any street or highway under which any pipes, drains, or sewers of the Council, or any pipes, drains, or sewers communicating therewith are situate, and may examine those pipes, drains, and sewers, and make such repairs to or alterations in the same as it may consider necessary:

Council may open up ground and search for leaks.

Provided that the Council shall, except in cases of emergency, before opening any ground, or breaking up any soil, pitching, or pavement, give notice to the person in possession of or having the control or management of the said ground, street, or highway.

(II) Where a street or highway is broken up, the Council shall be subject to the like obligations of fencing, guarding, lighting, reinstating, and repairing the same, and to the like penalties and obligations for delay, or for any misfeasance or nonfeasance therein as are provided in the Country Towns Water and Sewerage Acts, 1880–1894, in the case of the opening or breaking up of roads or pavements for the purpose of laying down pipes.

Council to fence and light works in street and reinstate ground.

Where

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Where any other ground is dug up, the Council shall do no more damage than is unavoidable, and shall reinstate the ground so far as possible in its former condition. In default of compliance with the above requirements the Council shall be liable to a penalty not exceeding ten pounds, and shall further compensate the owner of the ground for any damage occasioned by its default as aforesaid, to be recovered in any Court of competent jurisdiction.

(III) If upon examination it be found that water or sewage escapes by reason of a defect or break in any pipe, drain, or sewer communicating with but not being a pipe, drain, or sewer of the Council, the expenses of opening up and reinstating the ground, and of examining and repairing the pipe, drain, or sewer may be recovered by the Council from the owner or occupier of the premises drained by the pipe, drain, or sewer, or supplied with water, as the case may be.

9. The Council may temporarily place on the carriage-way or footway of any street, road, or highway, or on the surface of any ground any pipes, drains, or sewers, or other appliances for the supply of water, or for sewerage or drainage during the construction of any works of the Council.

10. The Council by its officers or servants may at any reasonable hours enter any land and inspect any works and construct any works and do any things therein or thereon authorised by the Country Towns Water and Sewerage Acts, 1880-1894, or this Act.

11. The Council may demand that the owners or occupiers of any house, tenement, or lands shall construct such connections and fittings from and in connection with the said house, tenement, or lands to communicate with any water-main of the Council, as the Council 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 Council may deem proper.

12. (I) Where any prescribed notice has been given under the last preceding section, and the owner or occupier to whom such notice has been given, or of the house, tenement, or occupied lands on which such notice has been left, fails to make and attach the connections and fittings thereby required, the Council may lay, make, construct, and attach the same, and for that purpose may enter into or upon the house, tenement, or lands of such owner or occupier, and excavate the ground, and lay, make, construct, and attach such connections and fittings in, along, or against such house, tenement, or lands to communicate with the water-main, as it may deem proper for that purpose:

Provided that before commencing any such works the Council shall give twenty-one days' notice to such owner or occupier, and such owner or occupier may then appeal to the nearest Court of Petty Sessions, when, if the Council proves to the satisfaction of such Court that such works are necessary in the interest of the public health, the Council shall be allowed to carry out the said works; but if the Council fails in such proof, the said work shall be disallowed with costs in either case, if the said Court thinks fit, against the losing party:

(II) The Council may in any such case recover from any such owner or occupier by the like proceedings and with the like remedies as if such expenses were a water rate, the full amount of the expenses of making, constructing, and attaching such connections and fittings, but no proceedings for recovery of such amount shall be taken until default has been made in payment thereof for twenty-one days after a written demand by the Council for such payment has been made upon such owner or occupier, or has been posted upon such house,

Recovery of expenses.

Council may temporarily place pipes on any road or ground.

Council may enter land and do works.

Owners and occupiers to make connections with water-mains. See 53 Vic. No. 16, s. 16.

Power to Council to connect premises with water-main, 57 Vic. No. 12, s. 7.

and recover expenses.

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house, tenement, or lands, and if a verdict is recorded against defendant and he proves to the satisfaction of the Court his inability to pay at once the Court shall have power to order payment by instalments.

13. (I) Where any owner, lessee, or occupier of any house, 5 tenement, or lands has become liable, under the Principal Act or this Act, or has been required by the Council to construct pipes, drains, connections, fittings, or sanitary arrangements in connection with water supply or sewerage, such owner, lessee, or occupier may make application in writing to the Council for such works to be carried out 10 under the direction of the Council on a system of deferred payment, and thereupon it shall be lawful for the Council to enter into an agreement with the applicant for the doing of such works under the direction of the Council at a price or sum, and upon terms to be therein named or referred to, and for the payment of such price or sum by the applicant 15 in not more than twelve quarterly instalments from the completion of the works, and interest at the rate of five per centum per annum on the amount remaining to be paid shall be added to each instalment; and such payments shall be charged upon the land in respect of which such works have been carried out.

Persons liable to make connections may apply to have work done on deferred payments. 57 Vic. No. 12, s. 8.

20 (II) Upon the execution of such agreement by the applicant, the Council shall cause the works aforesaid to be carried out, and forthwith upon completion shall give notice in writing to the applicant of such completion, and of the quarterly days on which the instalments of payment will respectively fall due.

Council upon completion of work to give notice to applicant.

25 14. The Council may demand that the owners or occupiers of any house, tenement, or lands drained or capable in the opinion of the Council 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 Council may 30 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, 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 Council may deem 35 proper for effectually carrying off all impurities from the said house, tenement, or lands.

Owners and occupiers to make drains to public sewers. See 53 Vic. No. 16, s. 5.

40 15. (I) The Council 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 it 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 Council's opinion, any impurities ought to be carried off.

Council may make drains and attach ventilators in default of compliance with orders, &c. 53 Vic. No. 16, s. 6.

45 And if the same be not made within such time or according to such plans and directions as the Council deems proper, the Council 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 50 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.

(II) The Council may in any such case recover from every such owner or occupier by the like proceedings and with the like remedies 55 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 has been made in payment thereof for twenty-one days after the prescribed demand

Recovery of expenses.

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demand by the Council for such payment has been given to the owner or occupier in default, or has 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 have been made, constructed, attached, 5 or connected.

16. Upon the Council taking over any works constructed and completed by the Governor under the Country Towns Water and Sewerage Acts, 1880-1894 or this Act, the Council may exercise the powers conferred and shall be subject to the obligations imposed on the 10 Minister by this Act in relation to the said works. Council, on taking over works, shall have power of Minister in relation to those works.

Powers of Minister as to works.

17. During the construction by the Governor, under the authority conferred by the Country Towns Water and Sewerage Acts, 1880-1894, or this Act, of any works of water supply, sewerage, 15 or drainage, and until those works are notified in the *Gazette* as complete, the Minister may, in respect of the said works, exercise the powers conferred, and shall be subject to the duties and liabilities imposed on the Council by Parts II and III of the Principal Act, and any enactments amending the same. And in other respects the 20 provisions of Parts II and III aforesaid, and of any enactments amending the same shall, during the period aforesaid, apply to and in respect of works constructed or in course of construction by the Governor as aforesaid. Minister to have powers of Council during construction of works.

18. Notwithstanding any report or notification of the completion 25 of any works of water supply, sewerage, or drainage constructed by the Governor, and notwithstanding any loan made in connection with works for the supply of water constructed by the Council, it shall be lawful for the Governor to carry out such alterations, modifications, and extensions of and additions to any such works as aforesaid as he 30 may think necessary or desirable. All such alterations, modifications, extensions, and additions as aforesaid, being approved by the Municipal Council affected, may be constructed and completed under the direction of the Minister. Power to make alterations in and additions to works.

Upon completion of the said alterations, modifications, exten- 35 sions, and additions, the Minister shall report that fact to the Governor, who shall notify the same in the *Gazette*, and thereupon the Council shall take over the same and the administration and management thereof upon the terms and conditions prescribed in subsections one to seven of section one hundred and twenty-five of the Principal 40 Act, as amended by the Country Towns and Hunter District Water Supply and Sewerage Acts Amendment Act of 1894, and upon any further terms or conditions which the Governor may in any case appoint. Upon notification as aforesaid, the Council shall, in respect of the said alterations, modifications, extensions, and additions, have 45 the powers and be subject to the obligations mentioned in section one hundred and twenty-six of the Principal Act.

19. It shall be lawful for the Governor to construct and complete works of water supply, or any alterations or extensions of or additions to existing works of water supply, to be used wholly or 50 in part for supplying power to machinery or for purposes of manufacture or of generating electric light or electricity. And the provisions of the Country Towns Water and Sewerage Acts, 1880-1894, and this Act, relating to works of water supply shall apply to works, alterations, extensions, and additions constructed or made under the authority of 55 this section : Governor may construct works of water supply to be used for supplying power.

Provided that, on and after the notification of the completion of the work, or of the alterations, extensions, or additions aforesaid, the

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the Council shall pay yearly into the banking account kept under the provisions of this Act, such percentage of the cost of the same as may be agreed upon between the Minister and the Council.

20. 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 Act 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.
53 Vic. No. 16, s. 4.

21. Where any drain has been, before or after the commencement of this Act, 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 authorised 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 be found to have been properly laid, the expense of inspection shall be borne by the Minister.

Inspection by
Minister.
53 Vic. No. 16, s. 7.

22. (I) Every person who erects, constructs, or places 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 obstructs, fills in, closes up, or diverts 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 has 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.
53 Vic. No. 16, s. 8.

(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 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 is constructed, but so, nevertheless, that such buildings or works do not injure or obstruct such sewer or drain.

23. If the Minister at any time deems 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

Water and gas
mains to be altered
when necessary.
53 Vic. No. 16, s. 21.

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thereof in such manner and within such reasonable time as may be specified in such notice, and the expenses incurred in respect of any such alteration shall be paid by the Minister.

If such notice be not 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.

24. For the purpose of carrying out any work authorised by the Principal Act the Minister shall by himself, or any officer or person authorised 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.

General power of entry to Minister, &c. 53 Vic. No. 16, s. 22.

25. In any case where, pursuant to sections one hundred and thirteen, one hundred and fourteen, and one hundred and fifteen of the Principal Act, the Council is authorised 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 authorised work.

Further powers to Minister. 53 Vic. No. 16, s. 23.

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 may 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.

26. Where any authorised 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 sixteen of the Principal Act notwithstanding.

Minister to substitute roads in certain cases. 53 Vic. No. 16, s. 24.

27. Until a scheme of sewerage, or any works connected therewith authorised by the Principal Act or this Act have been reported complete pursuant to the Principal Act, or have been transferred to the Council, the Governor shall, in respect to such scheme or works, have all the powers of making, altering, and repealing by-laws in relation to sewerage conferred on the Council by the Country Towns Water and Sewerage Acts, 1880-1894, and this Act.

Governor may make sewerage by-laws. 53 Vic. No. 16, s. 3.

The powers conferred by this section shall not prejudice the powers of the Council in respect to any sewerage works vested in the Council.

Storm-water drains and sewers.

28. (1) The Governor may, by proclamation in the *Gazette*, declare that any storm-water drains and sewers therein mentioned, together with any lands and buildings used in connection therewith shall be, and the same shall thereupon be transferred to and vested in the Council on behalf of Her Majesty.

Proclamation as to drains and sewers and drainage areas. 57 Vic. No. 12, s. 2.

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(II) The Governor may also by the same or any other ^{Proviso.} proclamation in the *Gazette* declare the boundaries of a drainage area in respect of those drains and sewers: Provided that thirty days' notice of such proposed drainage area shall be given in the *Gazette* and in a local newspaper, and that an appeal against the boundaries of such area may be made by any person or body interested to the nearest Court of Petty Sessions, whose decision on such appeal shall be taken as a recommendation to the Governor, and the boundaries shall then be amended in accordance with such recommendation, and the Minister may make, alter, and repeal by-laws to give better effect to this provision.

29. The Council may make, alter, and repeal by-laws —

Rates and charges
and by-laws.

57 Vic. No. 12, s. 3.

15 (a) for prescribing the method of valuing the lands and tenements within a drainage area proclaimed under the last preceding section: Provided that the valuation of any lands or tenements shall not exceed in any year the valuation (if any) of those lands or tenements during the same or the previous year by the Council under the Municipalities Act of 1867, or any Act amending the same;

20 (b) for prescribing the rates to be paid in respect of all or any of those lands and tenements, not exceeding the amount of three pounds per centum per annum of the assessed annual value;

25 (c) for carrying the provisions of this Act relating to storm-water drains and sewers into effect.

30. (I) The Council may impose the rates authorised as aforesaid, and may recover them from the owner or occupier of the lands or tenements in respect of which they are payable, and shall have for that purpose the powers granted to them in respect of sewerage rates by the Principal Act and this Act: Provided that the rate to be raised shall not exceed the amount of interest payable upon the capital cost of the drain or sewer, and the expense of maintenance of the same:

Recovery of rates
and charges.

57 Vic. No. 12, s. 5.

Proviso.

35 (II) Provided that when sewerage rates become payable in respect of any lands or tenements, those lands and tenements shall be exempt from any rates imposed as aforesaid.

31. The provisions of sections fourteen, fifteen, and twenty-one of this Act shall, *mutatis mutandis*, apply to storm-water drains and sewers transferred to and vested in the Council under this Act.

Ss. 16, 17, and 22 to
apply to storm-water
drains and sewers.

57 Vic. No. 12, s. 6.

40 32. Upon the transfer to or vesting in the Council of any storm-water drains or sewers, the Council shall take over the same, and the administration and management thereof, upon the terms and conditions prescribed in subsections one to seven of section one hundred and twenty-five of the Principal Act, as amended by the Country *Towns and Hunter District Water Supply and Sewerage Acts Amendment Act of 1894*, and upon any further terms or conditions which the Governor may in any case appoint.

Repayment by
Council of cost of
storm-water drains
and sewers.

Loans under Act of 1887.

50 33. (I) The Minister and the Council as defined by section four of the Country Towns Water and Sewerage Act Extension Act of 1887 may at any time agree by writing under the hand of the Minister and the seal of the Council as to the amount of any second or subsequent loan which the Governor may authorise the Colonial Treasurer to make to the Council, upon the security hereinafter mentioned.

Second or subsequent
loans.

55 (II) Upon notification in the *Gazette* of the amount of the loan, and upon the Council entering into a bond to Her Majesty (which the Council is hereby authorised to do) binding the corporate body

body

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body of the municipality in such sums and upon such terms and conditions as the Governor may have prescribed, it shall be lawful for the Colonial Treasurer, on being authorised by the Governor in writing under his hand, out of any sums voted by Parliament for that purpose, 5 to pay to the Council by way of loan such sums, not exceeding the value, estimated by the Minister, of the works constructed by the Council as may have been agreed upon by the Minister and the Council as above-mentioned.

(III) Every loan made under this section shall be subject 10 to the provisions of sections seven to ten of the Country Towns Water and Sewerage Act Extension Act of 1887, and shall for the purpose aforesaid be deemed to be a loan made under that Act.

34. For the purposes of the Country Towns Water and Sewerage Act Extension Act of 1887 and for the purposes of the last preceding 15 section of this Act, the incorporation by the first-mentioned Act of certain provisions therein specified of section one hundred and twenty-five of the Country Towns Water and Sewerage Act of 1880, shall be deemed to have incorporated the amendments of the said provisions effected by the Country Towns and Hunter District Water Supply and 20 Sewerage Acts Amendment Act of 1894, as from the day of the commencement of the last-mentioned Act.

Incorporation of sec. 125 of Act of 1880 to include incorporation of amendments made in that section by the Act of 1894.

Assessments, rates, and charges.

35. Where any land is liable for water, sewerage, or drainage rates, the Council may, notwithstanding anything contained in this 25 or the Principal Act, divide the land for the purposes of assessment into such separate areas as it may think proper, and cause a valuation or assessment of those separate areas to be made.

Assessment of separate areas.

Every valuation or assessment shall be subject to the provisions of section thirty-nine of this Act. And the water and 30 sewerage and drainage rates on the said land may be determined, made, and levied on the basis of the valuations or assessments made as aforesaid.

36. (1) Notwithstanding anything contained in the Principal Act, the Council may, under that Act, make by-laws for determining, 35 making, and levying the water rate to be paid in respect of land, subject to the following conditions:—

Assessment and water rate.

(a) Where land, some part of which has frontage to or abuts on a street or public highway, along which a water-pipe of the Council is laid, is wholly or partly situate within four hundred and forty yards from the alignment of the said street or 40 highway opposite to the said water-pipe, the whole of the land or the part situate within the said distance (as the case may be) shall be subject to the rate.

(b) Where land is wholly or partly situate within the said distance, 45 but has no frontage to a street or public highway along which a water-pipe of the Council is laid, the said land shall be subject to the rate if the Council causes a water-pipe to be laid to some part of the said land through the land of other owners or otherwise.

37. Notwithstanding anything contained in the Principal Act, the Council may, under that Act, make by-laws for determining, 50 making, and levying the sewerage rate to be paid in respect of land, subject to the following conditions:—

Assessment and sewerage rate.

(a) Where land, some part of which has frontage to or abuts on a street or public highway, along which a sewer or drain of the Council is laid, is wholly or partly situate within four hundred and forty yards from the alignment of the said 55 street

street

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street or highway opposite to the said sewer or drain, the whole of the land or the part situate within the said distance (as the case may be) shall be subject to the rate.

5 (b) Where land is wholly or partly situate within the said distance, but has no frontage to a street or public highway along which a sewer or drain of the Council is laid, the said land shall be subject to the rate if the Council causes a pipe or drain to be laid to some part of the said land through the land of other owners or otherwise.

10 38. In any case in which any lands, tenements, or heredita- Council may make
ments, which would be liable for the payment of rates under the valuation, &c., in
provisions of the Country Towns Water and Sewerage Acts, 1880-1894, certain cases.
or this Act, if the same had been included in any valuation by the 53 Vic. No. 16, s. 31.
Council under the Municipalities Act of 1867 are not included in any
15 such valuation, and in any case when part only of the land included in
a valuation by the Council as aforesaid would be liable for the pay-
ment of rates as aforesaid, the Council may cause an assessment of
such lands, tenements, or hereditaments respectively to be made from
time to time, and may from time to time determine, make, and levy the
20 rate to be paid in respect of such lands, tenements, or hereditaments :

Provided that such rate and the powers hereby conferred upon the Council shall be in all other respects subject to the provisions of the said Acts :

The enactments contained in the six following subsections shall
25 be applicable in respect to any such assessment :—

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

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

35 (c) Such appeal shall be heard before two or more Justices in Hearing of such
Petty Sessions held within the Petty Sessions District in or appeal.
nearest to which the property is situated on some day to be
fixed by the Council. Notice of the day and place of the
40 hearing of which appeal shall be published by advertisement
in the *Gazette*, 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
45 may require, and such decision shall be final and conclusive
as regards the matter of such appeal ; and the assessment
book of the Council shall, if necessary, be amended in
accordance with such decision.

50 (d) No appeal shall be entertained unless such notice has been No appeal unless
given as aforesaid ; and, if on the hearing of any such appeal, notice.
the justices are of opinion that the same is frivolous or
vexatious, they may award such costs, not exceeding two Costs.
pounds, as they may think fit against the appellant, which
may be recovered by the Council in the same manner as
costs in any proceedings before justices.

55 (e) After the expiration of the fourteen days so prescribed as Confirmation of
aforesaid without any notice of appeal, or upon the decision assessment book.
of any such appeal, and the necessary alterations (if any)
being made in the assessment book of the Council, the same
shall

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shall be confirmed by the Council, and signed by the Mayor of the municipality, and shall thereupon be the assessment book of the Council until a new rate be made and new assessment books be completed and confirmed in manner aforesaid.

- 5 (f) Any occupier of property who, on the request of any valuer appointed by the Council to make such assessment as aforesaid (who is hereby authorised 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 authorised 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, refuses or wilfully omits to disclose, or wilfully misstates 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.

39. 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 the Country Towns Water and Sewerage Acts, 1880-1894, and this Act, and shall be in all other respects subject to the provisions of those Acts.

Crown lands ratable. 53 Vic. No. 16, s. 20.

- 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 Council to the Railway Commissioners of New South Wales 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.

40. All rates made and levied and all charges and sums of money due to the Council under the Country Towns Water and Sewerage Acts, 1880-1894 and this Act, shall be paid by and recoverable from the owner or occupier of the land in respect of which the rates, charges, and sums of money were levied and due; and in the case of charges for water supplied the person receiving or using the supply of water shall also be liable to pay for the same.

Owner and occupier liable to pay rates and charges.

41. The Council may supply any person with water for any purpose, and may make such charges for the same, whether by measure or otherwise, as may be agreed.

Council may supply water by measure or otherwise.

42. Notwithstanding anything contained in the Principal Act—
 (a) the Council shall not be compellable to supply water to any person whomsoever; and
 (b) no person shall, without having previously obtained in the manner prescribed the consent of the Council, or of some person authorised by the Council in that behalf, be at liberty to tap the main water-pipes of the Council, or to lay any pipes communicating with the water-pipes of the Council.

Council not compellable to supply water or allow main to be tapped.

43. In any case where in the opinion of the Council the probable yearly quantity of the water of the Council which any person will require to be supplied to any land liable to be assessed for water rate under the Country Towns Water and Sewerage Acts, 1880-1894, or this Act, exceeds the quantity which, at the price of two shillings per thousand gallons, would be supplied by the Council on payment of an amount equal to the water rate at which the said land is assessed, it shall be lawful for the Council by resolution notified to the said person under the hand of the council clerk, to require the said person within a time named in the notice to enter into

Council may require certain persons to enter into agreement to take water.

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a contract with the Council by which the Council agrees to supply water to the land, and the said person agrees to take the water supplied at a price fixed by the resolution of the Council and named in the said notice.

5 If the said person refuses or neglects to enter into the said contract within the time abovementioned or to pay any money due under it, the Council may cut off any supply of water of the Council to the land abovementioned, and shall not be under any obligation to supply water to the same. But the said person shall, in either of the
10 above cases, be nevertheless liable to pay any water rate determined, made, or levied in respect of the said land.

44. The Council may exempt any public hospital or charitable institution from the payment of water rates, and may supply water free of charge to any hospital or institution as aforesaid subject to the
15 following conditions:—

(a) The quantity to be supplied free of charge shall be fifty gallons per day for every person resident in a public hospital, and thirty gallons per day for every person resident in a charitable institution.

20 (b) The number of persons resident as aforesaid shall be the average number of persons resident during the half-year immediately preceding the half-year in respect of which charges would be payable.

25 (c) Provided that the Council may make by-laws increasing the quantity of water which may be supplied as aforesaid to any public hospital or charitable institution.

30 (d) The supply shall in such case be through a meter, and any quantity of water in excess of that which may be supplied free of charge shall be paid for according to the scale prescribed for the supply of water by measure.

45. Where the water of the Council is supplied free of charge to a public hospital or charitable institution, any officer appointed by the Council in that behalf may, at any reasonable hours, enter the hospital or institution and inspect any works therein used for the
35 supply of the water of the Council, and may give such directions as the Council may by resolution prescribe to prevent waste of the said water.

If the directions so given are not carried out the Council may cut off the supply of water to the said hospital or institution.

40 46. (1) The Council may by resolution exempt from the payment of water rates and sewerage and drainage rates (including rates due and unpaid on the day of the commencement of this Act) any cathedral, church, chapel, or other building used exclusively for public worship, and from the payment of water rates only (including rates
45 due and unpaid as aforesaid) any building used exclusively as a Sunday School; and the Council may by resolution revoke any exemption granted as aforesaid.

47. Notwithstanding anything contained in the Principal Act, the Council may in its by-laws determine, make, and levy any
50 water rate not exceeding ten pounds per centum per annum on the assessed value of all land liable to be assessed for water rate under the Country Towns Water and Sewerage Acts, 1880-1894, or this Act. The Council may in its discretion by by-law determine and make any
55 minimum water rate to be levied per annum on all land liable to be assessed as aforesaid, whatever the assessed value of the said land may be, and whether the water of the Council is supplied to the said land or not, and fix any minimum charge for water supplied by the Council, whatever the amount of water supplied.

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48. Notwithstanding anything contained in the Principal Act, Maximum sewerage rates. the Council may in its by-laws determine, make, and levy any sewerage rate not exceeding ten pounds per centum per annum on the assessed value of all land liable to be assessed for sewerage rate 5 under the Country Towns Water and Sewerage Acts, 1880-1894, or this Act.

49. 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, 53 Vic. No. 16, s. 30. all rates and charges for water, or for sewerage, and all charges for work 10 done by the Council in accordance with the Principal Act or this Act 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 thirty pounds may be sued for and recovered under the provisions of the "Small Debts Recovery Act," tenth Victoria number 15 ten, in addition to the mode of recovery provided by section one hundred and thirty-five, 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.

50. (i) All rates and charges imposed and payable after the commencement of this Act, and all costs and expenses incurred by and 20 payable to the Council after the day aforesaid under the Principal Act or this Act, shall be and remain a charge upon the land in respect of which they are payable from the time the said rates, charges, costs, 25 or expenses first became payable: Provided that the Council shall have taken all legal remedies against, and shall have failed to recover the said rates, charges, costs, or expenses from the occupiers of the said land.

30 The said rates, charges, costs, and expenses may be recovered from any owner.

(ii) If the owner of any such land is unknown to the 35 Council after diligent inquiry made, the Council may publish a notice in the *Gazette* and in a newspaper circulating in the district in which such land is situate, which notice shall contain particulars of such land and of the amount of rates, charges, costs, and expenses as aforesaid then due thereon; and upon the publication of such notice the rates, charges, costs, and expenses as aforesaid due or to become due in respect of such land shall be and remain a charge thereon until payment thereof, and may be recovered at any future time from the owner. Where owner unknown.

51. The powers to cut off water conferred on the Council by 40 section forty-five of the Principal Act may, in addition to the cases in such section mentioned, be exercised by the Council in any case where any person refuses or neglects to pay to the Council on demand any rate, charge, or sum due to the Council for or in connection with water 45 supply or sewerage. Water may be cut off for non-payment of rates. 53 Vic. No. 16, s. 17.

Duties of Council.

52. It shall be the duty of the Council, subject to the provisions 50 of the Country Towns Water and Sewerage Acts, 1880-1894 and this Act, to determine, make, and levy such rates and charges as are sufficient to provide for the annual payment of— Council to provide for management and repairs of works and payment of instalments.

- (a) the working expenses and the cost of management of and incidental to the water supply, sewerage, and drainage of the water and sewerage and drainage districts of the Council;
- (b) the cost of keeping the water, sewerage, and drainage works of the Council in repair and efficient working order; and 55
- (c) the instalments due to the Colonial Treasurer for works constructed and loans made.

For the purpose of securing the performance by the Council of the above

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above provisions, it shall be lawful for the Minister, by some officer appointed by him in that behalf, to examine the assessment book and other books of the Council, and inspect any works of water supply, sewerage, or drainage of the Council; and for the purpose of the said
5 inspection the said officer shall have the powers of the Council.

53. If upon any inspection of works as aforesaid, and upon report of the same to the Minister, he is of opinion that the water, sewerage, or drainage works of the Council are not kept in repair and efficient working order, it shall be lawful for the Minister to cause such
10 repairs to be made to the said works as he may think necessary, and for the purpose of effecting those repairs he shall have the powers of the Council in that behalf.

Minister may effect repairs and charge cost of same to the Council.

The costs and expenses incurred or paid in effecting the repairs shall be charged to the Council, and shall be repaid by the Council as
15 in the case of works completed by the Governor and taken over by the Council.

54. (i) Every Council shall in the months of January and July in each year furnish to the Minister in the manner prescribed a statement of the receipts and expenditure of the Council in the
20 administration of the Country Towns Water and Sewerage Acts, 1880-1894 and this Act, duly audited by some person appointed in that behalf by the Council.

Council to make half-yearly statement of accounts.

(ii) It shall be lawful for the Governor to make regulations prescribing the manner in which the accounts of Councils in
25 administering the said Acts shall be kept, and the manner in which the statement abovementioned shall be made, and may in those regulations impose for any breach of the same any penalty not exceeding twenty pounds.

Governor may prescribe manner of keeping accounts and making statement.

All regulations made as aforesaid shall be published in the
30 *Gazette*, and thereupon shall have the force of law, and shall be laid before Parliament without delay.

55. The Council shall keep a separate banking account for all moneys received and paid under the Country Towns Water and Sewerage Acts 1880-1894 or this Act, and all moneys received under the
35 said Acts shall be paid into the said banking account.

Council to keep separate banking account.

Validating.

56. All assessments and valuations made, and all water and sewerage rates made and levied before the commencement of this Act in respect of lands (including lands vested in or in occupation of the
40 Crown or of any person on behalf of the Crown) wholly or in part distant more than fifty yards from any water-main, or sewer, or drain (as the case may be) constructed by or vested in the Council, shall be as valid as if the said lands were within the said respective distances. And the said lands shall be subject to the said rates, and the rates
45 made and levied thereon shall be payable, and all the provisions of the Country Towns Water and Sewerage Acts, 1880-1894 shall be applicable in the same manner and to the same extent in that behalf as if the said lands were within the said respective distances.

Validation of assessments and rates.

Supplemental and repeal.

50 57. Any contracts prescribed in the by-laws of the Council as hereinafter in this Act mentioned, and any contracts within the classes of contracts prescribed as aforesaid may be made by the Council in writing under the hand of the mayor of the municipality without affixing thereto the seal of the Council. And contracts so made may
55 in like manner be varied and discharged. All

Contracts as prescribed may be made under hand of the mayor.

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All contracts so made shall be good in law, and shall be binding on the Council and its successors, and on all other parties thereto, their executors, administrators, and assigns.

58. All rates and charges, and moneys due to the Council, and Tenant may deduct money paid for costs and rates from rent.
 5 all interest, costs, and expenses in connection with the same paid under the authority of the Country Towns Water and Sewerage Acts, 1880-1894 or this Act, by a person being the tenant, occupier, or mortgagee of any land may (in the absence of any agreement between the said person and his landlord or mortgagor to the contrary) be
 10 recovered by the said person from his landlord or mortgagor as the case may be.

The tenant or occupier may deduct the amount so paid as aforesaid from any rent due to his landlord in respect of the land, and the mortgagee may add the amount so paid as aforesaid to the capital
 15 amount due in respect of his mortgage on the land.

59. (I) If any person neglect, after being duly required by Recovery by distress of moneys due to the Council.
 notice as prescribed, to pay any rate, charge, or sum of money mentioned in the notice and due to the Council under the Country Towns Water and Sewerage Acts, 1880-1894 or this Act, a warrant may be
 20 issued under the hand of the mayor of the municipality. The warrant may be in such form as may be prescribed, and one warrant may be issued in respect of two or more rates, charges, or sums of money, and against two or more persons.

The warrant may be issued to any person named therein to levy
 25 the said rate, charge, or sum of money, together with costs according to the Schedule to this Act, by distress and sale of the goods and chattels of the person liable to pay the said rate, charge, or sum of money; and the Council out of the proceeds of the sale may pay all costs aforesaid, and shall then deduct the amount of the rate, charge,
 30 and sum of money in respect of which the warrant has been issued, and pay over any surplus to the person aforesaid.

In case the proceeds of sale are not sufficient to pay the said rate, charge, and sum of money, together with all costs, as aforesaid, further and other distress may be made as aforesaid.

35 (II) A distress and sale under this section shall be conducted as nearly as practicable in accordance with the provisions of the Act fifteenth Victoria number eleven, or any Act regulating distresses for rent and replevins. Modes of conducting distress and sale.

60. (I) Where, by the Country Towns Water and Sewerage Acts, Notices in writing.
 40 1880-1894 or this Act, or by any by-laws or regulations made thereunder, provision is made for giving notice in writing, or for serving any notice in writing, it shall, unless otherwise specified in the said Acts, by-laws, or regulations be a sufficient compliance with the said provisions if the notice is printed or partly written and partly printed.

45 (II) The giving notice or the serving of a notice for which Giving and serving notices.
 provision is made as aforesaid may be effected—

(a) by delivering the notice or a true copy thereof to or at the residence of the person to whom it is addressed; or if there is
 50 no person in the residence to whom it can be delivered, by fixing it on some conspicuous part of the said residence; or, in the case of a notice to the Council, or any company or corporation, by delivering the same to some person at the offices of the Council, company, or corporation;

(b) by posting the notice or copy by prepaid letter addressed to the
 55 person to whom the notice is to be given, or on whom the notice is to be served. The notice shall be deemed to have been given or served at the time when the letter containing the notice or copy would be delivered in the ordinary course

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of the post ; And in proving that the notice was given or served, it shall be sufficient to prove that the notice or copy was properly addressed, prepaid, and posted.

5 61. Every person who purchases or leases property liable to be Notice of purchase or lease of property to be given to Council.
 10 rated under the Principal Act or any Act amending the same shall, within thirty days of the acquisition of such property, give written notice thereof to the Council stating his full name and address together with a description of the property, and in default of compliance with any of the requirements of this section every such person shall be

15 62. The assessment book of the Council made under the Assessment book prima facie evidence.
 provisions of the Country Towns Water and Sewerage Acts, 1880-1894 or this Act, and any entry made therein shall, upon the production thereof, and without any proof of the signature of the mayor of the
 15 municipality, be received in all courts as *prima facie* evidence of the facts therein contained.

20 63. All informations, complaints, or other legal proceedings Legal proceedings may be taken in the name of the secretary or other officer.
 under the Country Towns Water and Sewerage Acts, 1880-1894 or this Act, or under any by-law made under the said Acts may be laid, 53 Vic. No. 16, s. 25.
 20 made, and taken in the name of the Council, by any duly appointed officer of the Council.

25 64. Anything in any Act passed before the commencement of Enactments inconsistent with this Act or any Acts incorporated with it declared void.
 this Act, or in any regulations or by-laws made thereunder which is inconsistent with this Act or with any enactment incorporated there-
 25 with is hereby declared to be, to the extent of the inconsistency, void and inoperative.

30 65. The Council may, under and subject to the provisions in Additional powers to make by-laws.
 that behalf of the Country Towns Water and Sewerage Acts, 1880-1894 and this Act, make by-laws—

- 30 (a) regulating the examination of persons applying for licenses and certificates, and the granting of licenses and certificates ;
 (b) regulating the construction, ventilation, dimensions, and situation of closets and urinals and other works of a sanitary nature ;
 35 (c) prescribing the amount of closet and urinal accommodation to be supplied to houses and buildings ;
 (d) for carrying out the provisions of the Country Towns Water and Sewerage Acts, 1880-1894 and this Act, with respect to existing closets and urinals ;
 40 (e) prescribing the contracts or classes of contracts which may be made under the hand of the mayor ;
 (f) regulating the purposes for which any pipes, drains, or sewers shall be used or applied ;
 45 (g) regulating the dimensions, material, form, construction, and arrangement of, and the maintenance or alteration of, ventilators for pipes, drains, and sewers ;
 (h) regulating the disinfection and cleansing of, or otherwise dealing with, any substance or matter before the discharge thereof into any drain or sewer ;
 50 (i) 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 is kept or maintained, whether such lands or premises are actually supplied with water from the main, or are otherwise ratable or not ;
 55 (j) 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 thirteen of the Principal Act, where such lands, tenements, or hereditaments are not included in any valuation by the Council under the Municipality Act of 1867 ;
 60 (k)

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(k) regulating the mode in which water shall be supplied to premises, and whether by meter or not;

(l) generally for carrying out the provisions of the Country Towns Water and Sewerage Acts, 1880-1894 and this Act.

5 66. All by-laws made under the authority of this Act shall, when approved by the Governor and published in the *Gazette*, but not sooner or otherwise, be binding upon and be observed by all persons, and shall be sufficient to justify all persons acting under the same.

By-laws to be approved by the Governor and published in the *Gazette*.

10 After approval by the Governor the by-laws shall be laid before Parliament (if in Session) within fourteen days after such approval has been signified to the Council, and if not in Session then within fourteen days after the commencement of the next Session.

And the provisions of section fourteen of the Principal Act shall apply to and in respect of by-laws made under the authority of this Act.

15 67. Sections sixty, sixty-one, and seventy-seven of the Principal Act, and so much of section thirteen of the said Act, prescribes the distance from the water-main of the Council within which lands and tenements may be subject to water rates, and so much of section thirty-five of the said Act as relates to the supply of water to public hospitals and charitable institutions are hereby repealed.

Repeal.

20 68. In this and in any other Act and in any by-laws or regulations—

Definitions.

25 “Country Towns Water and Sewerage Acts, 1880-1894,” means Country Towns Water and Sewerage Act of 1880, the Country Towns Water and Sewerage Act Extension Act of 1887, and so much of the Country Towns and Hunter District Water Supply and Sewerage Acts Amendment Act of 1894 as amends the Acts first-mentioned or either of them.

In this Act and in any by-laws or regulations made thereunder, unless the context otherwise requires,—

“Land” includes hereditaments and tenements and any buildings thereon.

“Person” includes a body politic and corporate and the council of a municipality.

35 “Prescribed” means prescribed by the Country Towns Water and Sewerage Acts, 1880-1894 or this Act, or any by-laws or regulations made thereunder.

“Principal Act” means Country Towns Water and Sewerage Act of 1880.

40 “Storm-water drain and sewer” means any drain or sewer, of what kind soever, whereby any liquid-refuse or any water other than that containing fœcal matter or urine is carried off.

45 69. This Act may be cited as the “Country Towns Water and Sewerage Act, 1896,” and shall be construed as one with the Country Towns Water and Sewerage Act of 1880, the Country Towns Water and Sewerage Act Extension Act of 1887, and so much of the Country Towns and Hunter District Water Supply and Sewerage Acts Extension Act of 1894 as amends the first mentioned Acts or either of them.

Short title and incorporation of Acts.

SCHEDULE.

Table of Costs.

	s.	d.
50 For every warrant of distress	2	0
For every levy	1	0
For man in possession, one shilling per hour for the first three hours, and if longer detained, six shillings per day or part of day.		
55 For inventory, sale, commission, and delivery of goods not exceeding one shilling in the pound on the net proceeds of the sale.		

