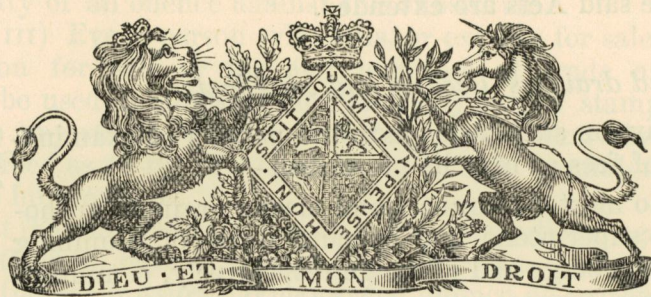


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber,
Sydney, 12 June, 1896, A.M. }

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

New South Wales.



ANNO QUINQUAGESIMO NONO

VICTORIÆ REGINÆ.

No. .

An Act to amend the Metropolitan Water and Sewerage Acts, 1880-1889, and the Metropolitan Water and Sewerage Act Extension Act of 1894; to amend the law relating to water supply, sewerage, and drainage; 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

The Board.

1. The name of the body corporate authorised to carry out the provisions of the Principal Act is hereby altered from the name given in sections five and six of the said Act to the "Metropolitan Board of Water Supply and Sewerage"; and all references in any Act to the 10 "Board of Water Supply and Sewerage," or in the Metropolitan Water and Sewerage Acts, 1880-1894 to the "Board," shall be taken to refer to the said Board under the name of the "Metropolitan Board of Water Supply and Sewerage"; and the definition of the word "Board" in the Metropolitan Water and Sewerage Acts, 1880-1894 is accord- 15 ingly amended.

Change in name of the Board.

Metropolitan Water and Sewerage.

The said alteration of name shall not affect any rights or obligations of the Board, or render defective any legal proceedings instituted or to be instituted by or against the Board.

2. Every member of the Board, before entering upon the duties of his office, shall make and subscribe before a Justice, and deposit with the Minister, a declaration in the form contained in Schedule Two to the Principal Act.

Declaration by members of Board.

3. Notwithstanding anything to the contrary contained in any Act, the powers and authorities granted to, and the duties and liabilities imposed on the Board by the Metropolitan Water and Sewerage Acts, 1880-1894, and this Act, in respect of water supply, may be exercised in and shall be applicable to any place outside the county of Cumberland, to which the Governor may, by proclamation in the *Gazette*, declare that the said Acts are extended.

Powers and liabilities of Board may by proclamation be extended to any place.

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

4. The Board may, on such terms as to the passing of examinations and the payment of fees as may be prescribed—

Board may issue licenses and certificates.

(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 Board;

(b) grant certificates to journeymen plumbers and journeymen drainers, and such apprentices and improvers as the Board 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 Board;

and the Board may cancel or withdraw any license or certificate granted as aforesaid.

5. (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 Board; and the expense of the removal may be recovered by the Board from the person executing the work or from the person employing him.

6. (I) All such fittings used or intended to be used in connection with the supply of water by the Board, or in connection with any pipe, sewer, or drain communicating with any sewerage or drainage work of the Board, as the Board 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 Board in such manner and with such stamp or mark as may be prescribed.

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 by the Board to be stamped or marked without

Metropolitan Water and Sewerage.

without procuring the same to be stamped or marked as prescribed shall for each offence be liable to a penalty not exceeding forty shillings.

- (II) Every person who—
- 5 (a) forges any stamp or mark prescribed ; or
 (b) fraudulently places on any fittings intended to be used as aforesaid any stamp or mark prescribed, or any stamp or mark so nearly resembling the stamp or mark prescribed as to be calculated to deceive ; or
- 10 (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 shall be guilty of an offence against this subsection.
- (III) Every person who sells, or exposes for sale, or has in
- 15 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 as to be calculated to deceive is fraudulently placed, shall, unless he proves—
- 20 (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
- 25 (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) Every person guilty of an offence against either of the
- 30 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 both imprisonment and penalty as aforesaid.

Penalty for forging stamp or mark.
See 50 & 51 Vic., c. 28, s. 2 (1).

Penalty for selling fittings stamped with forged stamp or mark.
Ibid. s. 2 (2).

Punishment for offences.

Powers of Board as to works of Water Supply and Sewerage.

- 35 7. Any person who—
- (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 Board, without obtaining in the manner prescribed the permission of the
- 40 Board in that behalf ; or
- (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 Board, without giving notice to
- 45 the Board in the manner prescribed ; or
- (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
- 50 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 pay any damages, costs, charges, and expenses suffered or incurred by the Board in consequence of the said contravention.
- 55 8. 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 Board, or of rendering it necessary to

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

Notice to Board of alteration of level of ground.

Metropolitan Water and Sewerage.

to alter the position of any works of the Board, shall be commenced, unless notice in the form prescribed has been given to the Board 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, 5 or by some person entrusted with the control or execution of the proposed work.

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 10 every day that the said work is proceeded with in contravention of this section.

The Board shall, upon receiving the notice, make such alteration in the position of the works of the Board as it may deem necessary, and may (whether the notice has been given or has not been given) 15 recover the expenses of and incidental to the alteration from the persons doing the first-mentioned work or causing it to be done.

9. (I) The Board may give notice to the owner or occupier of any land requiring him to execute works of water supply, sewerage, or drainage communicating with the works of the Board, and to make 20 repairs, alterations, and additions to or in connection with any such works as aforesaid, in accordance with such directions and plans as may be furnished by the Board, and in accordance with the by-laws of the Board, and within such time as the Board may fix in that behalf.

(II) If the owner or occupier upon being required as aforesaid 25 said fails to execute works or to make repairs, alterations, or additions within the time fixed by the Board, or according to the directions and plans furnished by the Board, or according to the by-laws of the Board, it shall be lawful for the Board to execute the said works and make the said repairs, alterations, and additions; and in that case the Board 30 may on giving twenty-one days' notice recover from the owner or occupier the costs and expenses of executing the works and of making the repairs, alterations, and additions by the like proceedings and with the like remedies as if the said costs and expenses were a water rate:

(III) Provided that the Board may, if it consider it necessary 35 in the interests of the public health, execute such works as aforesaid, or make any repairs, alterations, and additions to or in connection with the works without giving the first-mentioned notice, and may, on giving twenty-one days' notice, recover from the owner or occupier the costs and expenses as aforesaid:

(IV) Provided also that the provisions of section eight of the 40 Metropolitan Water and Sewerage Act Extension Act of 1894, shall, on application being made by the person and in the manner prescribed in the said section, apply to and in respect of works, repairs, alterations, and additions required to be executed or made under this section.

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

If the owner or occupier—

(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 55

(b) having given the notice and furnished the plan commences or causes to be commenced the construction or alteration of the work before the expiration of the seven days abovementioned, and before the plan has been returned by the Board; or

(c)

Board may require works to be executed and alterations made in existing works.

In default, Board may execute works and make alterations

Proviso.

Proviso.

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

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(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 Board, and the expense of the removal may be recovered by the Board from the owner or occupier:

Provided that this subsection shall not apply in a case where the president or vice-president of the Board 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 Board 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 Board.

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.

11. In any case where the Board 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 Board 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 Board 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 and urinals and make such alterations and repairs to the existing closets, urinals, or works in connection therewith as may be specified in the notice.

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.

12. (I) The Board 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 or in which any pipes, drains, or sewers of the Board, 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:

Provided that the Board 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 Board 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 Metropolitan 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.

Where any other ground is dug up, the Board 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

Suspension of work.

Board may require sufficient closets and urinals to be provided.

Board may open up ground and search for leaks.

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

Metropolitan Water and Sewerage.

above requirements the Board 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.

5 (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 Board, the expenses of opening up and reinstating the ground, and of examining and repairing the pipe, drain, or sewer may be recovered by
10 the Board from the owner or occupier of the premises drained by the pipe, drain, or sewer, or supplied with water, as the case may be: Provided it can be shown that the fault lies with such owner or occupier.

Recovery of expenses.

13. The Board may temporarily place on the carriage-way or footway of any street, road, or highway, or on the surface of any
15 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 Board: Provided always that such pipes shall not be so placed as to unnecessarily impede either foot or vehicular traffic.

Board may temporarily place pipes on any road or ground.

14. The Board by its officers or servants may for proper cause
20 at any reasonable hours enter any land and inspect any works and effect any necessary repairs authorised by the Metropolitan Water and Sewerage Acts, 1880-1894, or this Act.

Board may enter land and do works.

Assessments, Rates, and charges.

15. Where any land is liable for water or sewerage or drainage
25 rates, and is included in a valuation by the Municipal Council of the city of Sydney, or of any borough or municipal district, the Board may, notwithstanding anything contained in the Metropolitan Water and Sewerage Acts 1880-1894, either—

Assessment for rates.

30 (a) value the land at the valuation placed upon the same by the said council; or

(b) cause a new valuation or assessment of the said land to be made; or

35 (c) 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.

Every valuation or assessment under subsections (b) or (c) shall be subject to the provisions of section thirty-one of the Metropolitan Water and Sewerage Act Amendment Act of 1889 dealing with
40 assessments made under that section. And the water and sewerage and drainage rates to be paid in respect of the said land may be determined, made, and levied on the basis of the valuations or assessments made as aforesaid.

16. Notwithstanding anything contained in the Metropolitan Water and Sewerage Acts, 1880-1894, the Board may make by-laws for
45 determining, making, and levying the water rate to be paid in respect of land, subject to the following conditions:—

Assessment and water rate.

50 (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 Board is laid, is wholly or partly situate within four hundred and forty yards from the 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.

55 (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 water-pipe of the Board is laid, the said land shall be subject to the rate only if the Board causes a water-pipe to be laid to some part of the said land through the land of other owners or otherwise: Provided always that any property
60 which by reason of its height cannot be supplied with water shall be exempt from rates.

Metropolitan Water and Sewerage.

17. Notwithstanding anything contained in the Metropolitan Water and Sewerage Acts, 1880–1894, the Board may make by-laws for determining, making, and levying the sewerage rate to be paid in respect of land subject to the following conditions:—

5 (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 Board is laid, is wholly or partly situate within four hundred and forty yards from the 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.

10 (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 Board is laid, the said land shall be subject to the rate only if the Board causes a pipe or drain communicating with the sewer or drain aforesaid to be laid to some part of the said land through the land of other owners or otherwise.

15 18. All rates made and levied, and all charges and sums of money due to the Board under the Metropolitan Water and Sewerage Acts, 1880–1894, or 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.

20 19. The Board 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 prescribed.

25 20. Notwithstanding anything contained in the Metropolitan Water and Sewerage Acts, 1880–1894, no person shall, without having previously obtained in the manner prescribed the consent of the Board, or of some person authorised by the Board in that behalf, be at liberty to tap the main water-pipes of the Board, or to lay any pipes communicating with the water-pipes of the Board.

30 21. The Board shall 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 following conditions:—

35 (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.

40 (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.

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

50 (d) The supply shall in each 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 of charges prescribed for the supply of water by measure.

55 22. The Board 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 public hospital or charitable institution, cathedral, church, chapel, or other building used exclusively for public worship, and from the payment of water-rates only (including rates due and unpaid as aforesaid) any building used exclusively as a Sunday School; and the Board may by resolution revoke any exemption granted as aforesaid.

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23. (I) All rates and charges imposed and payable after the commencement of this Act, under the Metropolitan Water and Sewerage Acts, 1880-1894, or this Act, shall be and remain a charge upon the land in respect of which they are payable from the time the 5 said rates and charges first became payable.

Rates, charges, costs, and expenses a first charge.

The said rates and charges may be recovered from any owner of the said land.

(II) If the owner of any such land is unknown to the Board after diligent inquiry made, the Board may publish a notice in the 10 *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 and charges as aforesaid then due thereon; and upon the publication of such notice the rates and charges as aforesaid due or to become due in respect of such land shall be and 15 remain a charge thereon until payment thereof, and may be recovered at any future time from the owner.

24. Every person who purchases or leases property liable to be rated under the Principal Act or any Act amending the same shall, within three months of the acquisition of such property, give written 20 notice thereof to the Board 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 liable to a penalty not exceeding ten pounds.

Purchasers of ratable property to notify the Board.

25. All assessments and valuations made and all water and 25 sewerage rates made and levied before the commencement of this Act in respect of lands (including lands vested in or in occupation of the 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 Board shall be 30 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 made and levied thereon shall be payable, and all the provisions of the Metropolitan Water and Sewerage Acts, 1880-1894 shall be applicable in the same manner and to the same extent in that behalf as if the 35 said lands were within the said respective distances.

Validation of assessments and rates.

Supplemental and repeal.

26. (I) All land reserved, resumed, or acquired (whether before or after the commencement of this Act, and whether the land is situate within or without the county of Cumberland) by or on behalf of the 40 Crown for or in connection with the purposes of any system of water supply, sewerage, or drainage administered by the Board, together with all works thereon or connected or used therewith, whether the same be real or personal property, shall vest in the Board for and on behalf of Her Majesty.

Land acquired by Crown to vest in Board.

45 (II) Where the land has been reserved, resumed, or acquired before the commencement of this Act, the vesting shall take place on the commencement of this Act; where the land is reserved, resumed, or acquired after the commencement of this Act, the vesting shall take place on the land being reserved, resumed, or acquired as aforesaid.

Time of vesting.

50 27. Any contracts prescribed in the by-laws of the Board as hereinafter in this Act mentioned, and any contracts within the classes of contracts prescribed as aforesaid may be made by the Board in writing under the hand of the president or vice-president without affixing thereto the seal of the Board. And contracts so made may in 55 like manner be varied and discharged.

Contracts as prescribed may be made under hand of president or vice-president.

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

Metropolitan Water and Sewerage.

28. All rates and charges, and all costs and expenses in connection with the same paid under the authority of the Metropolitan 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 recovered by the said person from his landlord or mortgagor as the case may be.

Tenant may deduct money paid for costs and rates from rent.

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 amount due in respect of his mortgage on the land.

29. (I) Where, by the Metropolitan Water and Sewerage Acts, 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.

Notices in writing.

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

Giving and serving notices.

(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 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 Board, or any company or corporation, by delivering the same to some person at the offices of the Board, company, or corporation;

(b) by posting the notice or copy by prepaid letter addressed to the 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 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.

30. The assessment book of the Board and any entry made therein shall, upon the production thereof, and without any proof of the signature of the president or vice-president of the Board be received in all courts as *prima facie* evidence of the facts therein contained.

Assessment book *prima facie* evidence.

31. The Board may, under and subject to the provisions in that behalf of the Metropolitan Water Supply and Sewerage Acts 1880–1894, make by-laws—

Additional powers to make by-laws.

- (a) regulating the examination of persons applying for licenses and certificates, and the granting of licenses and certificates;
- (b) prescribing the fittings to be tested, stamped, or marked, the description of the stamp or mark, and the manner in which the testing is to be made and the stamp or mark is to be applied;
- (c) regulating the construction, ventilation, dimensions, and situation of closets and urinals and other works of a sanitary nature;
- (d) prescribing the amount of closet and urinal accommodation to be supplied to houses and buildings;
- (e) for carrying out the provisions of the Metropolitan Water and Sewerage Acts, 1880–1894, and this Act, with respect to existing closets and urinals;
- (f) prescribing the contracts or classes of contracts which may be made under the hand of the president or vice-president.
- (g) generally for carrying out the provisions of the Metropolitan Water and Sewerage Acts, 1880–1894, and this Act.

Metropolitan Water and Sewerage.

32. 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*.

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 Board, and if not in Session then within fourteen days after the commencement of the next Session.

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

33. Anything in any Act passed before the commencement of this Act, or in any regulations or by-laws made thereunder which is 15 inconsistent with this Act, or with any enactment incorporated therewith, is hereby declared to be, to the extent of the inconsistency, void and inoperative.

Enactments inconsistent with this Act or any Acts incorporated with it declared void.

34. Sections twelve, eighty-eight, eighty-nine, and one hundred and five of the Principal Act, and so much of section thirty-four of the 20 said Act as prescribes the distance from the water-main of the Board within which lands and tenements may be subject to water rates, and so much of section sixty-three of the said Act as relates to the supply of water to public hospitals and charitable institutions, and section one of the Metropolitan Water and Sewerage Act Extension Act of 25 1894 are hereby repealed.

Repeal.

35. In this and in any other Act, and in any by-laws or regulations—

Definitions.

30 “Metropolitan Water and Sewerage Acts, 1880–1894,” means Metropolitan Water and Sewerage Acts, 1880–1889, and the Metropolitan Water and Sewerage Act Extension Act of 1894. In this Act and in any by-laws made thereunder unless the context otherwise requires—

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

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

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

40 “Principal Act” means Metropolitan Water and Sewerage Act of 1880.

36. This Act may be cited as the “Metropolitan Water and Sewerage Act, 1896,” and shall be construed as one with the Metropolitan Water and Sewerage Acts, 1880–1894.

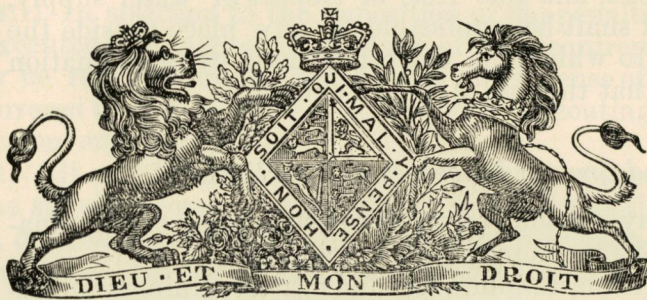
Short title and application of Act.

✓ 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, 12 June, 1896, A.M. }

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

New South Wales.



ANNO QUINQUAGESIMO NONO

VICTORIÆ REGINÆ.

No. .

(As proposed to be amended in Committee of the Whole.)

An Act to amend the Metropolitan Water and Sewerage Acts, 1880–1889, and the Metropolitan Water and Sewerage Act Extension Act of 1894; to amend the law relating to water supply, sewerage, and drainage; 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

The Board.

1. The name of the body corporate authorised to carry out the provisions of the Principal Act is hereby altered from the name given in sections five and six of the said Act to the "Metropolitan Board of Water Supply and Sewerage"; and all references in any Act to the "Board of Water Supply and Sewerage," or in the "Metropolitan Water and Sewerage Acts, 1880–1894" to the "Board," shall be taken to refer to the said Board under the name of the "Metropolitan Board of Water Supply and Sewerage"; and the definition of the word "Board" in the Metropolitan Water and Sewerage Acts, 1880–1894 is accordingly amended.

Change in name of the Board.

410—A

The

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

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The said alteration of name shall not affect any rights or obligations of the Board, or render defective any legal proceedings instituted or to be instituted by or against the Board.

2. Every member of the Board, before entering upon the duties of his office, shall make and subscribe before a Justice, and deposit with the Minister, a declaration in the form contained in Schedule Two to the Principal Act. Declaration by members of Board.

3. Notwithstanding anything to the contrary contained in any Act, the powers and authorities granted to, and the duties and liabilities imposed on the Board by the Metropolitan Water and Sewerage Acts, 1880-1894, and this Act, in respect of water supply, may be exercised in and shall be applicable to any place outside the county of Cumberland, to which the Governor may, by proclamation in the *Gazette*, declare that the said Acts are extended. Powers and liabilities of Board may by proclamation be extended to any place.

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

4. The Board may, on such terms as to the passing of examinations and the payment of fees as may be prescribed— Board may issue licenses and certificates.

(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 Board;

(b) grant certificates to journeymen plumbers and journeymen drainers, and such apprentices and improvers as the Board 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 Board;

and the Board may cancel or withdraw any license or certificate granted as aforesaid.

4. The Board shall from time to time, on such terms as to the passing of examinations and the payment of fees as may be prescribed, license and issue certificates to persons to perform all work in connection with water supply, drainage, and sewerage, and no person shall be permitted to do or commence any work in connection with the water supply, drainage, or sewerage of or to any house, tenement, building, or land unless so licensed or certificated, or under the immediate control and supervision of a person so licensed or certificated, and any unlicensed or uncertificated person not under such control and supervision who shall perform or commence such work, and any person knowingly employing such unlicensed or uncertificated person to perform such work except under such control and supervision shall be liable to a penalty of not less than twenty shillings nor more than five pounds for every day during which such unlicensed or uncertificated person is employed; and the Board may direct and compel all work done by such unlicensed or uncertificated person to be removed or altered, and may, after giving twenty-four hours' notice to the owner or occupier, by their officers, servants, and workmen enter upon any land and remove or alter the same. No person or authority other than the Board shall issue any such license or certificate as aforesaid, and any such license or certificate issued by any other authority or person than the Board shall be void; and any such license or certificate granted by the Board shall be sufficient authority to the person named therein to do and carry out the works for which the same shall be granted, and the Board may cancel or withdraw any license or certificate issued as aforesaid. Board to license persons for water supply, sewerage, drainage, &c.

5. (1) 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

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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.

5 (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.

10 (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 Board; and the expense of the removal may be recovered by the Board from the person executing the work or from the person employing him.

6. (I) All such fittings used or intended to be used in connection with the supply of water by the Board, or in connection with any pipe, sewer, or drain communicating with any sewerage or drainage work of the Board, as the Board 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 Board in such manner and with such stamp or mark as may be prescribed.

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 by the Board to be stamped or marked shall for each offence be liable to a penalty not exceeding forty shillings.

(II) Every person who—
 30 (a) forges any stamp or mark prescribed; or
 (b) fraudulently places on any fittings intended to be used as aforesaid any stamp or mark prescribed, or any stamp or mark so nearly resembling the stamp or mark prescribed as to be calculated to deceive; or
 35 (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 shall be guilty of an offence against this subsection.

Penalty for forging stamp or mark. See 50 & 51 Vic., c. 28, s. 2 (1).

(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 as to be calculated to deceive is fraudulently placed, shall, unless he proves—

Penalty for selling fittings stamped with forged stamp or mark. *Ibid.* s. 2 (2).

45 (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

50 (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) 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 both imprisonment and penalty as aforesaid.

Punishment for offences.

*Metropolitan Water and Sewerage.**Powers of Board as to works of Water Supply and Sewerage.*

7. Any person who—

- 5 (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 Board, without obtaining in the manner prescribed the permission of the Board in that behalf; or 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 Board, without giving notice to the Board in the manner prescribed; or
- 10 (b) neglects to forthwith fill in and make good the ground, soil, pitching, or pavement so interfered with, opened, or broken up
- 15 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 (b) have not been complied with; and shall also be liable to pay any damages, costs, charges, and expenses suffered or incurred by
- 20 the Board in consequence of the said contravention.

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

8. 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 Board, or of rendering it necessary to alter the position of any works of the Board, shall be commenced,

25 unless notice in the form prescribed has been given to the Board 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 Board of alteration of level of ground.

30 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 the Board for any damage thereby occasioned to such works or

35 any part thereof.

The Board shall, upon receiving the notice, make such alteration in the position of the works of the Board 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

40 persons doing the first-mentioned work or causing it to be done.

9. (I) The Board may give notice to the owner or occupier of any land requiring him to execute works of water supply, sewerage, or drainage communicating with the works of the Board, and to make repairs, alterations, and additions to or in connection with any such

45 works as aforesaid, in accordance with such directions and plans as may be furnished by the Board, and in accordance with the by-laws of the Board, and within such time as the Board may fix in that behalf.

Board may require works to be executed and alterations made in existing works.

(II) If the owner or occupier upon being required as aforesaid fails to execute works or to make repairs, alterations, or additions

50 within the time fixed by the Board, or according to the directions of plans furnished by the Board, or according to the by-laws of the Board it shall be lawful for the Board to execute the said works and make the said repairs, alterations, and additions; and in that case the Board may on giving twenty-one days' notice recover from the owner or

55 occupier the costs and expenses of executing the works and of making the repairs, alterations, and additions by the like proceedings and with the like remedies as if the said costs and expenses were a water rate:

In default, Board may execute works and make alterations.

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(III) Provided that the Board may, if it consider it necessary Provide.
 in the interests of the public health, execute such works as aforesaid,
 or make any repairs, alterations, and additions to or in connection with
 the works without giving the first-mentioned notice, and may, on
 5 giving twenty-one days' notice, recover from the owner or occupier the
 costs and expenses as aforesaid :

(IV) Provided also that the provisions of section eight of the Provide.
 Metropolitan Water and Sewerage Act Extension Act of 1894, shall,
 on application being made by the person and in the manner prescribed
 10 in the said section, apply to and in respect of works, repairs, alterations,
 and additions required to be executed or made under this section.

6. (i) The Board may give notice to the owner or occupier of Board may
 any land requiring him to execute works of water supply, sewerage, require works to
 or drainage communicating with the works of the Board, and to make be executed and
 15 repairs, alterations, and additions to or in connection with any such alterations made
 works as aforesaid, in accordance with such directions and plans as in existing works.
 may be furnished by the Board, and in accordance with the by-laws of
 the Board, and within such time as the Board may fix in that behalf.

(ii) If the owner or occupier upon being required as afore- In default, Board
 20 said fails to execute works or to make repairs, alterations, or additions may execute
 within the time fixed by the Board, or according to the directions and works and make
 plans furnished by the Board, or according to the by-laws of the Board, alterations.
 it shall be lawful for the Board to execute the said works and make
 the said repairs, alterations, and additions: Appeal.

25 commencing any such works the Board 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 where, if the Board
 proves to the satisfaction of such court that such works are necessary
 in the interest of public health, the Board shall be allowed to carry
 30 out the said works, but if the Board shall fail in such proof, the said
 work shall be disallowed with costs in either case if the said Court
 shall think fit against the losing party :

(iii) The Board may in any such case recover from the Recovery of
 owner or occupier the costs and expenses of executing the works and expenses.
 35 of making the repairs, alterations, and additions by the like proceed-
 ings and with the like remedies as if the said costs and expenses were
 a water rate :

(iv) Provided that the Board may, if it shall be necessary so Provide.
 to do in the interests of the public health, execute such works as In cases of emer-
 40 aforesaid, or make any repairs, alterations, and additions to or in con- gency Board may
 nection with the works without giving the first-mentioned notice, and proceed without
 may, on giving twenty-one days' notice, recover from the owner or notice.
 occupier the costs and expenses as aforesaid :

(v) Provided also that the provisions of section eight of the Provide.
 45 Metropolitan Water and Sewerage Act Extension Act of 1894, shall,
 on application being made by the person and in the manner prescribed
 in the said section, apply to and in respect of works, repairs, alterations,
 and additions required to be executed or made under this section.

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

If the owner or occupier—

(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)

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- (b) having given the notice and furnished the plan commences or causes to be commenced the construction or alteration of the work before the expiration of the seven days abovementioned, and before the plan has been returned by the Board; or
- 5 (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 Board, and the expenses of the removal may be recovered by the Board from the owner or occupier:
- 10 Provided that this subsection shall not apply in a case where the president or vice-president of the Board 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 Board could be obtained, and
- 15 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 Board.
- 20 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.
11. 7. In any case where the Board is of opinion—
- 25 (a) that the closets or urinals in, or used in connection with, any house or building, and communicating with the works of the Board are insufficient for the requirements of the occupants thereof or of the persons employed therein; or
- (b) that the said closets or urinals in or used in connection with
- 30 any house or building 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 Board 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
- 35 and urinals and to make such alterations and repairs to the existing said closets, urinals, or works in connection therewith as may be specified in the notice.
- If on the expiration of the time mentioned in the notice the works, alterations, and repairs so required to be constructed or made
- 40 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 ten pounds nor less than two pounds for every day thereafter during which the said works, alterations, or repairs remain uncompleted.
12. 8. (I) The Board may, for the purposes of examining whether
- 45 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 or in which any pipes, drains, or sewers of the Board, or any pipes, drains, or sewers, communicating therewith are situate, and may examine those pipes, drains, and sewers, and make such repairs to or
- 50 alterations in the same as it may consider necessary:
- Provided that the Board shall, except in cases of emergency, before opening any ground or breaking up any soil, pitching, or pavement give twenty-four hours notice to the person in possession of or having the control or management of the said ground, street, or
- 55 highway.
- (II) Where a street or highway is broken up the Board 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

Suspension of work.

Board may require sufficient closets and urinals to be provided.

Board may open up ground and search for leaks.

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

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are provided in the Metropolitan 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.

Where any other ground is dug up, the Board 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 Board 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 Board, the expenses of opening up and reinstating the ground, and of examining and repairing the pipe, drain, or sewer may be recovered by the Board from the owner or occupier of the premises drained by the pipe, drain, or sewer, or supplied with water, as the case may be: Recovery of expenses.

~~13.~~ 9. The Board 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 Board: Board may temporarily place pipes on any road or ground. Provided that no more pipes, drains, sewers, or appliances shall be so placed than are necessary for the works as the same proceed. And provided always that such pipes shall not be so placed as to unnecessarily impede either foot or vehicular traffic.

14. 10. The Board by its officers or servants may for proper cause at any reasonable hours enter any land and inspect any works and effect any necessary repairs ~~do any things therein or thereon~~ authorised by the Metropolitan Water and Sewerage Acts, 1880-1894, or this Act. Board may enter land and do works.

Assessments, Rates, and charges.

15. Where any land is liable for water or sewerage or drainage rates, and is included in a valuation by the Municipal Council of the city of Sydney, or of any borough or municipal district, the Board may, notwithstanding anything contained in the Metropolitan Water and Sewerage Acts 1880-94, either— Assessment for rates.

(a) value the land at the valuation placed upon the same by the said council; or

(b) cause a new valuation or assessment of the said land to be made; or

(c) 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.

Every valuation or assessment under subsections (b) or (c) shall be subject to the provisions of section thirty-one of the Metropolitan Water and Sewerage Act Amendment Act of 1889 dealing with assessments made under that section. And the water and sewerage and drainage rates to be paid in respect of the said land may be determined, made, and levied on the basis of the valuations or assessments made as aforesaid.

11. Where any property ratable under the Metropolitan Water and Sewerage Acts, 1880-1894, or this Act, is part of a larger area included in any valuation of a borough or municipal district, the Board may cause an assessment of the ratable property to be made, and may determine, make, and levy the rate to be paid in respect of the same, subject to the provisions of the said Acts; and the provisions of subsections (i) to (vi) of section thirty-one of the Principal Act shall apply to any assessment made as aforesaid. Assessment for rates. The provisions of this section

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section shall apply to and in respect of valuations and assessments made at any time after the first day of July, one thousand eight hundred and ninety-six, and in respect of rates due in respect of the twelve months commencing on the said day.

5 16. 12. Notwithstanding anything contained in the Metropolitan Assessment and
 Water and Sewerage Acts, 1880-1894, ~~the Board may make by laws~~ water rate.
~~for determining, making, and levying the water rate to be paid in respect of~~
 land, subject to the following conditions:—the rates for water and for
 10 sewerage and all sums due to the Board in respect of water supply or
 sewerage (including rates and sums due in respect of the twelve
 months commencing on the first day of July, one thousand eight
 hundred and ninety-six) may be enforced and recovered in respect of
 all property situated as hereinafter described.

15 (a) Where ~~land~~, property, some part of which has frontage to or
 abuts on a street or public highway, along which a water-
 pipe of the Board is laid in front of that land is wholly or
 partly situate within four hundred and forty yards from the
 water-pipe, the whole of the ~~land~~, property, or the part
 20 situate within the said distance (as the case may be) shall
 be subject to the rate, although such property may not
 be actually supplied with water from any main or conduit:
 Provided that property as aforesaid 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 on the
 25 building line.

(b) Where ~~land~~ property is wholly or partly situate within the
 said distance, but has no frontage to a street or public high-
 way along which a water-pipe of the Board is laid in front of
 30 that land, the said ~~land~~ property, although it be not actually
 supplied with water from any main or conduit, shall be
 subject to the rate only if the Board causes a water-pipe main
 or service pipe to be laid to some part of the said ~~land~~
 property through the land of other owners as hereinafter
 provided or otherwise: ~~Provided always that any property~~
 35 ~~which by reason of its height cannot be supplied with water~~
~~shall be exempt from rates:~~ Provided that property as aforesaid
 shall not be ratable if it cannot be supplied with water at
 some point on the property from a stand-pipe at least three
 feet in height.

40 17. Notwith|standing anything contained in| the Metropolitan Assessment and
 Water and Sewerage| Acts, 1880-1894, the Board |may make by-laws sewerage rate.
 for determining, m|aking, and levying the sewerage| rate to be paid in
 respect of land sub|ject to the following conditions|:—

45 (a c) Where ~~land~~ property some part of which has frontage to or Sewerage rate.
 abuts on a street or public highway, along which a sewer or
 drain of the Board is laid, is wholly or partly situate within
 four hundred and forty yards from the sewer or drain, the
 whole of the ~~land~~ property or the part situate within the said
 distance (as the case may be) shall be subject to the rate.

50 (b d) Where ~~land~~ property is wholly or partly situate within the
 said distance, but has no frontage to a street or public high-
 way along which a sewer or drain of the Board is laid, the
 said ~~land~~ property shall be subject to the rate only if the
 Board causes a pipe or drain communicating with the sewer
 55 or drain aforesaid to be laid to some part of the said ~~land~~
 property through the land of other owners or otherwise.

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13. Subject to the provisions of the Metropolitan Water and Sewerage Acts, 1880-1894, the Board may make by-laws for determining, making, and levying the rates to be paid under the last two preceding sections of this Act.

5 18. 14. All rates made and levied, and all charges and sums of money due to the Board under the Metropolitan Water and Sewerage Acts, 1880-1894, or this Act, shall be paid by and recoverable from the owner or occupier of the land property in respect of which the rates, charges, and sums of money were levied and due; and, in the
10 case of charges for water supplied, the person receiving or using the supply of water shall also be liable to pay for the same; and all rates shall be paid in advance by equal half-yearly payments on the first day of July and January in each year.

Owner and occupier liable to pay rates and charges.

15 19. 15. The Board 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 prescribed.

Board may supply water by measure or otherwise.

20 20. 16. Notwithstanding anything contained in the Metropolitan Water and Sewerage Acts, 1880-1894, no person shall, without having previously obtained in the manner prescribed the consent of the Board, or of some person authorised by the Board in that behalf, be at liberty to tap the main water-pipes of the Board, or to lay any pipes communicating with the water-pipes of the Board.

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

25 17. 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 Board may enter upon such intervening
30 land and carry out the work on his behalf and at his cost, and for the purpose thereof the provisions of sections forty and ninety-three of the Principal Act shall be applicable; but any amount which may be paid by or recovered from the Board for compensation as therein provided shall not be recoverable from the owner of the ratable
35 property.

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

40 21. 18. The Board shall 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 following conditions:—

Supply of water free of charge to public hospitals and charitable institutions.

40 (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.

45 (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.

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

(d) The supply shall in each 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 of charges prescribed for the supply of water by measure.

55 22. 19. The Board may by resolution exempt from the payment of water rates and sewerage and drainage rates (including rates due and unpaid

Board may exempt certain buildings from payment of rates.

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unpaid on the day of the commencement of this Act) any public hospital or charitable institution, cathedral, church, chapel, or other building used exclusively for public worship, and from the payment of water rates only (including rates due and unpaid as aforesaid) any building used exclusively as a Sunday School; and the Board may by resolution revoke any exemption granted as aforesaid.

23. 20. (I) All rates and charges imposed and payable after the commencement of this Act, under the Metropolitan Water and Sewerage Acts, 1880-1894, 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 and charges first became payable.

Rates, charges, costs, and expenses a first charge.

The said rates and charges may be recovered from any owner of the said land.

(II) If the owner of any such land is unknown to the Board after diligent inquiry made, the Board 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 and charges as aforesaid then due thereon; and upon the publication of such notice the rates and charges 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.

24. 21. Every person who purchases or leases property liable to be rated under the Principal Act or any Act amending the same shall, within three months of the acquisition of such property, give written notice thereof to the Board 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 liable to a penalty not exceeding ten pounds.

Purchasers of ratable property to notify the Board.

25. 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 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 Board 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 made and levied thereon shall be payable, and all the provisions of the Metropolitan 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.

26. 22. (I) All land reserved, resumed, or acquired (whether before or after the commencement of this Act, and whether the land is situate within or without the county of Cumberland) by or on behalf of the Crown for or in connection with the purposes of any system of water supply, sewerage, or drainage administered by the Board, together with all works thereon or connected or used therewith, whether the same be real or personal property, shall vest in the Board for and on behalf of Her Majesty.

Land acquired by Crown to vest in Board.

(II) Where the land has been reserved, resumed, or acquired before the commencement of this Act, the vesting shall take place on the commencement of this Act; where the land is reserved, resumed, or acquired after the commencement of this Act, the vesting shall take place on the land being reserved, resumed, or acquired as aforesaid.

Time of vesting.

27. 23. Any contracts prescribed in the by-laws of the Board as hereinafter in this Act mentioned, and any contracts within the classes of contracts prescribed as aforesaid may be made by the Board in

Contracts as prescribed may be made under hand of president or vice-president.

writing

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writing under the hand of the president or vice-president without affixing thereto the seal of the Board. And contracts so made may in like manner be varied and discharged.

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

28. 24. All rates and charges, and all costs and expenses in connection with the same paid under the authority of the Metropolitan 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 recovered by the said person from his landlord or mortgagor as the case may be. Tenant may deduct money paid for costs and rates from rent.

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 amount due in respect of his mortgage on the land.

29. 25. (I) Where, by the Metropolitan Water and Sewerage Acts, 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. Notices in writing.

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

(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 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 Board, or any company or corporation, by delivering the same to some person at the offices of the Board, company, or corporation;

(b) by posting the notice or copy by prepaid letter addressed to the 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 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.

30. 26. The assessment book of the Board and any entry made therein shall, upon the production thereof, and without any proof of the signature of the president or vice-president of the Board be received in all courts as *primâ facie* evidence of the facts therein contained. Assessment book primâ facie evidence.

31. 27. The Board may, under and subject to the provisions in that behalf of the Metropolitan Water Supply and Sewerage Acts, 1880-1894, make by-laws— Additional powers to make by-laws.

(a) regulating the examination of persons applying for licenses and certificates, and the granting of licenses and certificates;

(b) prescribing the fittings to be tested, stamped, or marked, the description of the stamp or mark, and the manner in which the testing is to be made and the stamp or mark is to be applied;

(c) regulating the construction, ventilation, dimensions, and situation of closets and urinals and other works of a sanitary nature;

(d) ~~prescribing the amount of closet and urinal accommodation to be supplied to houses and buildings;~~

(e d)

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(e d) for carrying out the provisions of the Metropolitan Water and Sewerage Acts, 1880-1894, and this Act, with respect to existing closets and urinals;

5 (f e) prescribing the contracts or classes of contracts which may be made under the hand of the president or vice-president.

(g f) generally for carrying out the provisions of the Metropolitan Water and Sewerage Acts, 1880-1894, and this Act.

10 ~~32.~~ **28.** 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*.

15 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 Board, and if not in Session then within fourteen days after the commencement of the next Session.

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

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

25 **29.** Anything in any Act passed before the commencement of this Act, and particularly in the Acts and sections of Acts specified in the Schedule hereto, which is inconsistent with this Act or with any enactment incorporated therewith is hereby repealed to the extent of such inconsistency.

30 ~~34.~~ **30.** Sections twelve, eighty-eight, ~~eighty-nine,~~ and so much of sections thirty-four and one hundred and five of the Principal Act, ~~and so much of section thirty-four of the said Act~~ as prescribes the distance from the water-main or sewer of the Board within which lands and tenements may be subject to water or sewerage rates, and so much of
35 section sixty-three of the said Act as relates to the supply of water to public hospitals and charitable institutions, and section one of the Metropolitan Water and Sewerage Act Extension Act of 1894 are hereby repealed. Repeal.

40 ~~35.~~ **31.** In this and in any other Act, and in any by-laws or regulations— Definitions.

“Metropolitan Water and Sewerage Acts, 1880-1894,” means Metropolitan Water and Sewerage Acts, 1880-1889, and the Metropolitan Water and Sewerage Act Extension Act of 1894.

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

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

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

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

“Principal Act” means Metropolitan Water and Sewerage Act of 1880.

55 “Property” means land, whether vacant or otherwise.

~~36.~~ **32.** This Act may be cited as the “Metropolitan Water and Sewerage Act, 1896,” and shall be construed as one with the Metropolitan Water and Sewerage Acts, 1880-1894. Short title and application of Act.

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THE SCHEDULE.

Year and number of Act.	Title of Act.	Extent of repeal.
2 Vic. No. 2.....	Police Towns Act	Sections 31, 37, 38.
17 Vic. No. 35 ...	Sydney Hamlets Police Act...	Sections 26, 30, and 31.
5 31 Vic. No. 12 ...	Municipalities Act of 1867 ...	Section 117. So far as it relates to the adoption of means for securing the supply and distribution of water, and for sewerage or drainage, and to contracts for supply of water, or in respect of sewerage or drainage.
10		Section 119. So far as it relates to sewers or drains.
15		Section 128. So far as it relates to granting leave for the opening of any drain or sewer.
20		Section 153. So far as it relates to regulating the supply and distribution of water, and to sewerage and drainage.
		Section 165. So far as it relates to water supply and sewerage.
25 39 Vic. No. 14 ...	Nuisances Prevention Act of 1875.	Section 166. The whole.
		Section 20, subsection 1, 2, 3.
42 Vic. No. 25 ...	City of Sydney Improvement Act. Schedule B. Schedule F.	Section 23. The whole.
30		Sections 13, 30.
		Part II (IV)
		(2)
		(6)
43 Vic. No. 3.....	Sydney Corporation Act of 1879.	Section 99, Part VIII.
35		Sections 141-162. The whole.
		Section 186, subsections (1), (2), (3).
		Section 224. So far as it relates to water supply, sewerage, or drainage.
43 Vic. No. 32 ...	Metropolitan Water and Sewerage Act of 1880.	Sections 12, 88, and so much of sections 34 and 105 as prescribes the distance from the watermain or sewer of the Board, within which lands and tenements may be subject to water or sewerage rates. Also, so much of section 63 as relates to the supply of water to public hospitals and charitable institutions.
40		
45		
50 57 Vic. No. 12 ...	Metropolitan Water and Sewerage Act Extension Act of 1894.	Section 1.

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THE SCHEDULE

Year and number of Act	Description of the Act
1881	The Metropolitan Water and Sewerage Act, 1881.
1882	The Metropolitan Water and Sewerage (Amendment) Act, 1882.
1883	The Metropolitan Water and Sewerage (Amendment) Act, 1883.
1884	The Metropolitan Water and Sewerage (Amendment) Act, 1884.
1885	The Metropolitan Water and Sewerage (Amendment) Act, 1885.
1886	The Metropolitan Water and Sewerage (Amendment) Act, 1886.
1887	The Metropolitan Water and Sewerage (Amendment) Act, 1887.
1888	The Metropolitan Water and Sewerage (Amendment) Act, 1888.
1889	The Metropolitan Water and Sewerage (Amendment) Act, 1889.
1890	The Metropolitan Water and Sewerage (Amendment) Act, 1890.
1891	The Metropolitan Water and Sewerage (Amendment) Act, 1891.
1892	The Metropolitan Water and Sewerage (Amendment) Act, 1892.
1893	The Metropolitan Water and Sewerage (Amendment) Act, 1893.
1894	The Metropolitan Water and Sewerage (Amendment) Act, 1894.
1895	The Metropolitan Water and Sewerage (Amendment) Act, 1895.
1896	The Metropolitan Water and Sewerage (Amendment) Act, 1896.
1897	The Metropolitan Water and Sewerage (Amendment) Act, 1897.
1898	The Metropolitan Water and Sewerage (Amendment) Act, 1898.
1899	The Metropolitan Water and Sewerage (Amendment) Act, 1899.
1900	The Metropolitan Water and Sewerage (Amendment) Act, 1900.
1901	The Metropolitan Water and Sewerage (Amendment) Act, 1901.
1902	The Metropolitan Water and Sewerage (Amendment) Act, 1902.
1903	The Metropolitan Water and Sewerage (Amendment) Act, 1903.
1904	The Metropolitan Water and Sewerage (Amendment) Act, 1904.

Metropolitan Water and Sewerage Act, 1881.