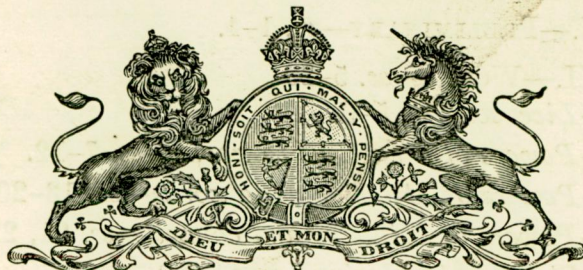


*I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

*Legislative Assembly Chamber,  
Sydney, 7 December, 1905. }*

*RICHD. A. ARNOLD,  
Clerk of the Legislative Assembly.*

## New South Wales.



ANNO QUINTO

EDWARDI VII REGIS.

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### Act No. 43, 1905.

An Act to amend the law relating to the water supply, sewerage, and drainage of country towns; 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; and for purposes consequent thereon or incidental thereto. [Assented to, 9th December, 1905.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

#### PART I.

##### PRELIMINARY.

1. This Act shall be construed 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 Short title and incorporation of Acts.

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

*W. H. WOOD,  
Chairman of Committees of the Legislative Assembly.*



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*Country Towns Water and Sewerage (Amendment).*

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Towns and Hunter District Water Supply and Sewerage Acts Extension Act of 1894 as amends the first-mentioned Acts or either of them, and may be cited as the "Country Towns Water and Sewerage (Amendment) Act, 1905."

Division of Act.

2. This Act is divided into Parts as follows:—

PART I.—PRELIMINARY—ss. 1-4.

PART II.—WORKS—ss. 5-29.

1.—*Licenses*—ss. 5-6.

2.—*Powers of council as to works*—ss. 7-12.

3.—*Powers of Minister as to works*—ss. 13-20.

4.—*Powers of Minister and council*—ss. 21, 22.

5.—*Storm-water drains*—ss. 23-29.

PART III.—ASSESSMENTS, RATES, AND CHARGES—ss. 30-49.

1.—*Assessment of land*—ss. 30-38.

2.—*Recovery of rates and charges*—ss. 39-49.

PART IV.—FINANCIAL—ss. 50-59.

1.—*Debts*—ss. 50-51.

2.—*Loans under Act of 1887*—ss. 52, 53.

3.—*Duties of council*—ss. 54-58.

4.—*Reduction of debt*—s. 59.

PART V.—MISCELLANEOUS—ss. 60-70.

1.—*Miscellaneous*—ss. 60-63.

2.—*Supplemental*—ss. 64-70.

Repeal.

3. Sections fifty-four, sixty, sixty-one, seventy-seven, and eighty-eight of the Principal Act, and so much of section thirteen of the said Act as 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.

Definitions.

4. (1) In this and in any other Act and in any by-laws or regulations—

"Country Towns Water and Sewerage Acts, 1880-1905," 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, and this Act.



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*Country Towns Water and Sewerage (Amendment).*

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(2) In this Act and in any by-laws or regulations made thereunder, unless the context otherwise indicates,—

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

“Minister” means Minister for Public Works.

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

“Prescribed” means prescribed by the Country Towns Water and Sewerage Acts, 1880–1905, or any by-laws or regulations made thereunder.

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

“Storm-water drain or 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.

“Works of water supply, sewerage, or drainage” means such works constructed under the Country Towns Water and Sewerage Acts, 1880–1905.

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PART II.

WORKS OF WATER SUPPLY AND DRAINAGE.

1.—*Licenses.*

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

Council may issue licenses.

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

License may be cancelled.

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

Unlicensed person not to do work except under supervision.

(4) Any unlicensed person who, not being under the immediate supervision of a licensed person, commences or performs any such work, and any person who knowing that a person is unlicensed employs him 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.

(5)



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*Country Towns Water and Sewerage (Amendment).*

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Council may remove  
work done by  
unlicensed person.

(5) The council may direct and compel all defective and improper work done by an unlicensed person without the required supervision to be removed or altered to its satisfaction, and may, by its 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 person knowing him to be unlicensed.

License of council  
alone to have  
validity.

(6) No license 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.

Permits to tap water-  
mains.

6. No person, without having previously obtained in the manner prescribed the consent of the council, or of some person authorised by the council in that behalf, shall 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.

*2.—Powers of Council as to works.*

Council may enter  
land and do works.

7. The council by its officers or servants may at any reasonable hours enter any land and inspect any works and may construct any works and do any things therein or thereon authorised by the Country Towns Water and Sewerage Acts, 1880-1905.

Council may open up  
ground and search  
for leaks.

8. (1) Where there appears to be any escape of water or sewage, the council may open up any ground under which any pipes, drains, or sewers of the council, laid or made under the Country Towns Water and Sewerage Acts, 1880-1905, or any pipes, drains, or sewers communicating therewith are situate, and examine those pipes, drains, and sewers, and make such repairs to or alterations in the same as it may consider necessary :

Council to give  
notice before opening  
ground.

(2) Except in cases of emergency the council shall, before opening any ground, give at least twenty-four hours' notice to the person in possession of or having the control or management of the same.

In opening any ground and doing any work in pursuance of this section, 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 any of 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, and such compensation may be recovered in any court of competent jurisdiction.

Recovery of  
expenses.

(3) If upon examination it is 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,



*Country Towns Water and Sewerage (Amendment).*

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 supplied with water, or drained, as the case may be.

9. Where land has no frontage to a street or highway along which a water-pipe of the council is laid, and the owner or occupier is not able to obtain the consent of the owner and occupier of the land intervening between his land and the water-pipe to the laying of a water-pipe through such land to his land, or to necessary repairs or alterations to or the removal of a water-pipe laid through such intervening land, the council may, upon the application of such first-named owner or occupier, enter such intervening land and carry out the work on his behalf and at his cost, and for such purposes the provisions of sections sixteen and sixty-four of the Principal Act shall be applicable; but any amount paid by or recovered from the council for compensation as in those sections provided shall not be recoverable from the applicant.

Power of council to lay pipes and drains through intervening land.

10. Where, in the opinion of the council, it is desirable in the interests of the health of any persons that the water of the council should be supplied to any land in respect of which water-rates are payable, the council may give notice in writing to the occupier of such land, or where the land is unoccupied, to the owner thereof, requiring him to lay pipes and apply fittings in the manner described in such notice to supply the water of the council to such land.

Occupiers or owners to make connections with water-mains.

The occupier or owner to whom any such notice is given may within twenty-one days after the giving of such notice appeal therefrom to the nearest court of petty sessions, and such court, on the hearing of such appeal, may amend or cancel the notice or dismiss the appeal, and make such order as to costs as it may think just.

If the notice is not so appealed from, and the said occupier or owner does not within twenty-one days after the giving of the notice lay the pipes and apply the fittings as described in the notice, or if on appeal the court by its order amends the notice or dismisses the appeal, and the said occupier or owner does not within twenty-one days after such order has been made lay the pipes and apply the fittings in the manner described in the notice or the amended notice, as the case may be, the council may lay the pipes and attach the fittings as aforesaid, and may on the expiration of twenty-one days after demand in writing has been made by the council to the said occupier or owner, recover from such occupier or owner the expenses incurred by the council in so laying the pipes and attaching the fittings by the like proceedings as if such expenses were a water-rate; but any court in which proceedings are taken to recover such expenses may if it thinks fit order such expenses and any costs incurred in the action to be paid by instalments.



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Persons liable to make connections may apply to have work done on deferred payments.

11. (1) Where under the Principal Act or this Act the owner or occupier of any land is liable or has been required by the council to construct any works in connection with water supply or sewerage, such owner or occupier may make application in writing to the council for such works to be carried out 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 carrying out of such works under the direction of the council at a price or sum and upon terms agreed upon, and for the payment of such price or sum by the applicant 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.

Council upon completion of work to give notice to applicant.

(2) Upon the execution by the applicant of such agreement, 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 days on which the quarterly instalments of payment will fall due.

(3) Where the price or sum agreed upon between the council and any applicant under this section exceeds fifteen pounds, the Colonial Treasurer may, on the application of the council, advance such price or sum to the council from the Consolidated Revenue Fund.

Such price or sum shall be repaid by the council at any time or times, and by any instalments agreed upon between the council and the said Treasurer, with interest at the rate of five per centum per annum from the date of the advance, but so that the amount of the advance, with interest as aforesaid, shall be repaid within three years from the completion of the works.

To compel drainage of undrained land.

12. (1) Where any land within a municipality is without a drain sufficient for effectual drainage, the council thereof shall, by written notice, require the owner or occupier of such land, within a reasonable time therein specified, to make a covered or uncovered drain or drains emptying,—

(a) in the case of sewage, into any sewer; and

(b) in the case of storm-water and other drainage, into any storm-water drain

which the council are entitled to use, and which is not more than one hundred feet from such land; and,—

(c) in the case where there is no such sewer or storm-water drain, into such other place, not being under any building, as the council may direct.

Such drain or drains shall be of such material and size, and laid at such levels and with such fall as, on the report of their surveyor, the council may think necessary.



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(2) Where in the opinion of the council greater expense would be incurred in causing the drains of two or more separate portions of land to empty into an existing sewer or storm-water drain pursuant to this section, than in constructing a new sewer or storm-water drain and causing such drains to empty therein, the council may construct such new sewer or storm-water drain, and by notice as aforesaid require the owners or occupiers of such separate portions of land to cause their drains to empty therein.

The council shall apportion as they deem just the expenses of the construction of such new sewer or storm-water drain among the owners of the several portions of land, and recover in a summary manner the sums so apportioned from such owners, or may, by order, declare the same to be private improvement expenses.

(3) If any such notice is not complied with, such owner or occupier shall be liable to a penalty not exceeding twenty pounds, and after conviction to a further penalty not exceeding five pounds for every day such offence continues.

In addition to or in substitution for this penalty, the council may, at the expiration of the time specified in the notice, do the work required, and recover in a summary way the expenses so incurred from the owner or owners, or may by order declare the same to be private improvement expenses.

*3.—Powers of Minister as to works.*

13. For the purpose of determining whether any work of water supply, sewerage, or drainage should be constructed, or determining the place where such work should be constructed, or the mode in which it should be carried out, or for the purpose of inspecting any such work constructed or in course of construction, the Minister and his officers and servants may, with horses and vehicles, enter any land and take levels of the same and other lands, and set out such parts thereof as he may think necessary, and dig, break, and trench the soil of such land, sink trial holes, and remove any earth, stone, minerals, trees, and other things dug out of the same. Compensation for any damage caused by the exercise of the powers conferred by this section shall be ascertained and paid, and may be recovered in the way provided by the Principal Act in respect of compensation for damages for the occupation of land under that Act.

Minister may enter lands for purpose of making surveys.

14. For the purpose of carrying out or protecting any works of water supply, sewerage, or drainage, the Minister may enter any lands whatsoever, whether a garden, orchard, plantation, park, planted walk, avenue, or ground ornamentally planted, and whether such lands are 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.

Further powers to Minister to take and lease land.

If



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If the Minister and the owner of such lands cannot agree within ninety days from the date of entry by the Minister 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, or any other terms or 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 decree or order of the Supreme Court in its equity jurisdiction.

Minister to have powers of Council during construction of works.

15. During the construction by the Governor, or the Minister, of any works of water supply, sewerage, or drainage, and until those works are taken over by the council, the Minister in respect of the said works may exercise the powers conferred, and shall be subject to the duties and liabilities imposed on the council by the provisions of Parts II and III of the Principal Act or by this Part of this Act, and any enactments amending the same; and in other respects the said provisions shall, during the period aforesaid, apply to and in respect of such works.

Power to make alterations in and additions to works.

16. It shall be deemed to have been and shall be lawful for the Governor to carry out such alterations, modifications, and extensions of and additions to any works of water supply, sewerage, or drainage, as he thinks desirable, whether such works have been constructed by the Governor and notified as complete, or not so notified, or constructed by the Minister or the council.

Such alterations, modifications, extensions, and additions shall be taken over by the council, paid for, and otherwise dealt with in the same way as works constructed by the Minister, and for that purpose the provisions of the Country Towns Water Supply and Sewerage Acts, 1880-1905 shall apply in respect thereof.

Governor may construct works of water supply to be used for supplying power.

17. The Governor at the request of the council may construct and complete works of water supply, or any alterations or extensions of or additions to then existing works of water supply, to be used in part for supplying power to drive machinery. And the provisions of the Country Towns Water and Sewerage Acts, 1880-1905, relating to works of water supply, shall apply to works, alterations, extensions, and additions constructed under the authority of this section:

Provided that, on and after the notification of the completion of the work, or of the alterations, extensions, or additions aforesaid, the council shall repay yearly such percentage of the cost of the same as may be agreed upon between the Minister and the council into the banking account kept under the provisions of this Act.

Construction of works for benefit of adjacent municipalities.

18. (1) It shall be lawful for the Governor to carry out any works, being either original works or alterations, modifications or extensions



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extensions of or additions to existing works, of water supply, sewerage, or drainage within any municipality for the purpose of that municipality, and of any other adjoining or adjacent municipality.

(2) The provisions of the Country Towns Water and Sewerage Acts, 1880-1905, shall apply to such works: Apportionment of cost of works.

Provided that upon the said works being taken over by the council, the periodical payments to the Colonial Treasurer of the cost of such works shall be apportioned between the municipality within which the works are constructed and the other adjoining or adjacent municipalities aforesaid, as agreed between the Minister and the councils of such municipalities:

Provided also that in the case of works for water supply the annual proportion of such periodical payments to be made by such adjoining or adjacent municipalities shall be based on a minimum quantity of water to be supplied, any additional quantity required being paid for to the Colonial Treasurer at such rate as may be agreed upon between the Minister and all the councils on the completion of the works and applied in liquidation of the cost of such work.

19. If the Minister at any time deems it necessary, in the construction of any works of water supply, sewerage, or drainage, that the position or level of any works vested in any person and laid in or under any street should be altered, he may, by notice in writing, require the said person to make the said alteration 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. Works in any street to be altered when necessary.

If such notice is not complied with, the Minister may cause the required alteration to be made, but no such alteration shall be made which will permanently injure such works or affect their use.

20. Where any work of water supply, sewerage, or drainage 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, notwithstanding anything to the contrary in section one hundred and sixteen of the Principal Act. Minister to substitute roads in certain cases.

#### 4.—Powers of Minister and Council.

21. The Governor or the Minister or a council constructing any works of water supply, sewerage, or drainage may make and enter into contracts and agreements with any person for the acquisition by purchase or otherwise of any rights to be exercised on or over any land, including the right to construct works, lay pipes and drains, and use, maintain, protect, replace, repair, and clean the same. Acquisition of rights over land.



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Construction and  
fixing of stand-pipes.

**22.** (1) Where in the opinion of the Governor or the Minister, or a council constructing any works of water supply, it is undesirable to lay reticulation pipes in a municipality, it shall be lawful for the Governor or the Minister, or council to construct and fix in place of such reticulation pipes a stand-pipe or stand-pipes for the supply of water, and in such case the council upon taking over or constructing the works, may make and levy rates in respect of all ratable property in the municipality.

Rates for water  
within area  
prescribed.

(2) The council may make by-laws for determining, levying, and collecting the rates, and such rates may vary according to the distance from any such stand-pipe of the land so rated; provided that no such rate shall exceed one shilling in the pound on the valuation or assessment of any of such land. The payment of such rate in respect of any land shall entitle the occupier of the same to take water for domestic purposes from any such stand-pipe or from the main to the value of the amount of the rate so paid, calculated at such sum as may be prescribed by the by-laws of the council, not exceeding five shillings for every one thousand gallons of water.

The council may make by-laws providing for the supplying of water from such stand-pipes.

Charges for water.

(3) The council may make by-laws fixing charges for water which the council is hereby authorised to supply from any such stand-pipe or from the main for other than domestic purposes, or for use outside the municipality.

Incorporation.

(4) The provisions of the Country Towns Water and Sewerage Acts, 1880-1905, shall apply to rates and charges levied and imposed under this section.

*5.—Storm-water drains.*

Proclamation as to  
storm-water drains  
and sewers.

**23.** The Governor may, by proclamation in the Gazette, direct that any storm-water drains and sewers therein mentioned, constructed by him before or after the commencement of this Act, together with any lands and buildings used in connection therewith shall be, and the same, together with the administration and management thereof shall thereupon be taken over by the council 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 Act fifty-seventh Victoria number nineteen and this Act, and upon any further terms or conditions which the Governor may in any case appoint.

The fixing of the  
boundaries of  
drainage areas.

**24.** The boundaries of any drainage area in respect of storm-water drains and sewers taken over by the council in pursuance of the last preceding section may be fixed in the following manner:—

(a) the council may, by resolution, define the boundaries of such area

(b)



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- (b) on such resolution being passed, the council shall cause notice of the same to be published in the Gazette, and twice in some newspaper or newspapers circulating in the municipality, stating that an appeal against such definition of the boundaries may be made under this Act within thirty days from the date of the last of such publications ;
- (c) within such thirty days any person interested may appeal against such definition of boundaries to a stipendiary or police magistrate, appointed by the Governor in that behalf, and sitting in the municipality in open court ;
- (d) such magistrate shall hear such appeal, and for that purpose shall have the powers of a court of petty sessions, and may make such alterations in the boundaries of the area as he may think just, having regard to the benefit derived or to be derived by the owners or occupiers of land from the construction and use of the said work :
- (e) the boundaries as defined by the council, with such alterations as may be made therein on appeal as aforesaid, shall be the boundaries of such area for the purposes of this Act.

25. The council may make by-laws—

Valuations and rates.

- (a) prescribing the method of valuing land within the boundaries of such drainage area. But the valuation of any land shall not exceed in any year the valuation (if any) of such land during the same or the next preceding year under the Municipalities Act, 1897 ;
- (b) prescribing the rate to be paid in respect of any such land according to the benefit which, in the opinion of the council, accrues to the land from the construction of the drains or sewers. But no such rate shall exceed the amount of five pounds per centum per annum of the valuation or assessment of the land : Provided that a minimum rate of one shilling may be imposed by by-law ;
- (c) for carrying into effect the provisions of this Act relating to storm-water drains and sewers, and valuations and rates in respect of the same.

26. The council may impose any rates prescribed as aforesaid, and may recover them from the owners or occupiers of the lands in respect of which they are payable, and shall for that purpose have the powers granted to the council in respect of sewerage rates by the Principal Act and this Act.

Imposition and recovery of rates.

Any sewerage rate imposed on land shall be in addition to any drainage rate imposed thereon under this section.

*Work*



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*Country Towns Water and Sewerage (Amendment).*

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*Work taken over by council before completion.*

Work may be taken over before final completion.

27. (1) When any work partly constructed by the Governor but not completed is, in the opinion of the Minister, so far constructed as to be of use to the council, he may report that fact to the Governor. The Governor shall notify such fact in the Gazette, and thereupon the council shall take over the work and the administration and management thereof. The council shall thereupon have all the powers and obligations conferred and imposed on a council by the Country Towns Water and Sewerage Acts, 1880-1905.

(2) The Minister shall certify the amount actually expended in such construction up to the day of the notification by the Governor as aforesaid, together with interest at the rate of four per centum per annum on the sums making up such amount, calculated from the time such sums were expended. Interest from the said day at the rate of four per centum per annum on the amount so certified shall annually be paid by the council to the Colonial Treasurer, and shall be carried to the Consolidated Revenue Fund.

(3) Like action may be taken at any time, and the above provisions of this section shall apply when the work has been further constructed and before completion.

Interest to cease on works being finally taken over.

28. When such work has been finally completed and taken over by the council, and the cost of the work and the interest thereon have been certified under the Country Towns Water and Sewerage Acts, 1880-1905, all payments of interest under the last preceding section shall cease.

*Computation of interest.*

Interest with respect to works computed at four per centum

29. With respect to works constructed at any time by the Governor and taken over after the commencement of this Act by a council under the Country Towns Water Supply and Sewerage Acts, 1880-1905—

- (a) the computations of interest under section two of the Act fifty-seventh Victoria number nineteen shall be made on the basis of four per centum per annum instead of three and a half per centum per annum, as in that section provided. To carry out this provision the words "four per centum" are substituted for the words "three and a half per centum" wherever occurring in that section;
- (b) in computing the amount of interest as aforesaid, credit shall be given for any payments of interest under this Act in respect of a work taken over by the council before completion.



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*Country Towns Water and Sewerage (Amendment).*

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## PART III.

## ASSESSMENTS, RATES, AND CHARGES.

1.—*Assessment of land for rates.*

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

- (a) Where land has frontage to a street or public highway along which, throughout the whole length of such frontage, a service water-pipe of the council is laid, so much of the land as is situate within a distance of two hundred and fifty yards from the water-pipe shall be subject to the rate, although the land is not actually supplied with water from any water-pipe of the council.
- (b) Where land has frontage to a street or public highway along which, throughout part of the length of such frontage, a service water-pipe of the council is laid, so much of the land as is situate within a distance of two hundred and fifty yards from the water-pipe, measured in a direction at right angles to such pipe, shall be subject to the rate, although the land is not actually supplied with water from any water-pipe of the council.
- (c) Where land has no frontage to a street or public highway along which a water-pipe of the council is laid, but a water-pipe is laid to some part of the land, so much of the land as is situate within two hundred and fifty yards from the water-pipe laid in the street or public highway, measured in a direction at right angles to such pipe, shall be subject to the rate, although the land is not actually supplied with water from any water-pipe of the council:

Provided that any land otherwise ratable shall be exempt from the rate if in a case under subsection (a) or (b) such land cannot be supplied with water from a stand-pipe at least three feet in height from the natural surface of the ground at the building line, or in a case under subsection (c), such land cannot be so supplied from a similar stand-pipe at some point on such land:

Provided also that no person shall be exempt from payment of water rates by reason only that the water supplied by the council has become unfit for dietetic purposes. The council may, from time to time, levy such reduced rate for the period during which such water shall be unfit for dietetic purposes as it may consider reasonable.



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*Country Towns Water and Sewerage (Amendment).*

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Crown land ratable.

**31.** Any land vested in His Majesty or in any person on behalf of His Majesty, not being land vested in the Railway Commissioners of New South Wales, and any land in the occupation of the Crown, if the valuation or assessment of the land has been approved by the Minister, shall be subject to water rates, although the land is not actually supplied with water from any water-pipe of the council, and shall be also subject to sewerage rates.

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

**32.** (1) Where any land which would be subject to rates under the Country Towns Water and Sewerage Acts, 1880-1905, if the same had been included in any valuation by the council under the Municipalities Act, 1897, is not included in any such valuation, and in any case where part only of the land included in a valuation by the council as aforesaid would be subject to rates as aforesaid, the council may cause an assessment of such land to be made from time to time, and may by by-laws determine, make, and levy the rate to be paid in respect of such land :

Provided that such rates and the exercise of the powers hereby conferred upon the council shall be in all other respects subject to the provisions of the first mentioned Acts.

(2) The enactments contained in the following subsections shall be applicable in respect to any such assessment :—

Notice of assessment.

(a) The council shall, as soon as practicable, cause notice of the amount of any such assessment to be served upon the occupier, or if there is no occupier upon the owner, of the land assessed.

Appeal from assessment.

(b) Such occupier or owner may, within twenty-eight days after the service of such notice appeal against such assessment, and shall for such purpose and before the expiration of such twenty-eight days, give notice in writing to the council of his intention to appeal, stating the grounds of such appeal.

Hearing of such appeal.

(c) Such appeal shall be heard by a court of petty sessions held within the petty sessions district in or nearest to which the land is situated on some day to be fixed by the council. Notice of the day and place of the hearing of the appeal shall be published by advertisement in the Gazette, and in some newspaper published or circulating in such petty sessions district at least seven clear days before the hearing of such appeal; and such court may hear and determine the same, and award such relief in the premises as the justice of the case may require, and such decision shall be final and conclusive as regards the matter of such appeal; and the assessment book of the council shall, if necessary, be amended in accordance with such decision.

No appeal unless notice.

(d) No appeal shall be heard unless such notice has been given as aforesaid; and if, on the hearing of any such appeal, the court is of opinion that the same is frivolous or vexatious, it



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it may award such costs, not exceeding two pounds, as it may think fit against the appellant, which may be recovered by the council in the same manner as costs in any proceedings before a court of petty sessions. Costs.

- (e) After the expiration of the twenty-eight days so prescribed as aforesaid without any notice of appeal, or upon the decision of any such appeal, and the necessary alterations (if any) being made in the assessment book of the council, the same 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 is made and new assessment book is completed and confirmed in manner aforesaid. Confirmation of assessment book.

- (f) Any occupier of land who, on the request of any valuer appointed by the council to make such assessment as aforesaid (who is hereby authorised to make inquiries as to the matters hereinafter mentioned) refuses or wilfully omits to disclose, or wilfully misstates to such valuer the name of the owner of such land, 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 land who, on the request of such valuers refuses or wilfully omits to disclose, or wilfully misstates anything required for or calculated to affect such assessment, shall for every such offence be liable to a penalty not exceeding five pounds. Penalty on occupier for misstatement.

**33.** 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 upon by the council and the person to be supplied. Council may supply water by measure or otherwise.

**34.** Notwithstanding anything contained in the Principal Act, the council shall not be compellable to supply water to any person whomsoever. Council not compellable to supply water.

**35.** 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 subject to water rate exceeds the quantity which, at such price not exceeding five shillings per thousand gallons, as is fixed by by-law of the council, would be supplied by the council on payment of an amount equal to the water rate payable in respect of the said land, the council by resolution notified to the said person under the hand of the council clerk, may require the said person within a time named in the notice to enter into a contract with the council for the supply of water to the land at a price fixed by the resolution and named in the notice, or to affix or cause to be affixed a meter and to pay for the water supplied according to the scale prescribed for the supply of water by measure. Council may require certain persons to enter into agreement to take water.

If



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If the said person after such notification refuses or neglects to enter into the said contract, or to affix or cause to be affixed the meter within the time above mentioned, or having entered into the said contract, or affixed or caused to be affixed the meter, neglects or refuses to pay any money or charges due in respect of water supplied to the land, the council may cut off the supply of the water. But the said person shall, in either of the above cases, be nevertheless liable to pay any water rate determined, made, or levied in respect of the said land.

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

**36.** (1) The council by resolution may exempt any public hospital or charitable institution from water rate and on passing a resolution for that purpose may supply water free of charge to any such hospital or institution as aforesaid subject to the 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: Provided that the council may make by-laws increasing the quantity of water which may be supplied as aforesaid to the hospital or institution.
- (b) For the purposes of the last preceding subsection the number of persons resident as aforesaid shall be the average number of persons so resident during the half-year immediately preceding the period in respect of which charges would be payable.
- (c) 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 prescribed for the supply of water by measure.

Revocation of resolution.

(2) Any such resolution may be revoked or altered by the council.

Supervision of the water supply to hospitals and charitable institutions.

(3) 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 supply of the water, and may give such directions as the council may by resolution prescribe to prevent waste of the water.

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

Council may exempt certain buildings from payment of rates.

**37.** The council by resolution may exempt from the payment of water rates and sewerage and drainage rates (including rates due and unpaid at 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 due and unpaid as aforesaid) any building used exclusively as a Sunday school; and may revoke or alter any exemption so granted.



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38. (1) Notwithstanding anything contained in the Principal Act, the council by by-law may determine, make, and levy any water rate not exceeding ten per centum per annum on the amount of the valuation or assessment of all land liable for water rates under the Country Towns Water and Sewerage Acts, 1880-1905, and determine, make, and levy any minimum water rate on such land, whatever the valuation or assessment thereof may be.

Maximum water rates.

Minimum rates.

(2) Notwithstanding anything contained in the Principal Act, the council by by-law may make and levy any sewerage rate not exceeding ten per centum per annum on the amount of the valuation or assessment of all land liable for sewerage rates under the Country Towns Water and Sewerage Acts, 1880-1905, and make and levy any minimum sewerage rate on such land, whatever the valuation or assessment thereof may be.

Maximum sewerage rates.

Minimum rates.

*2.—Recovery of rates and charges.*

39. Every rate, charge, and sum due to the council under the Country Towns Water and Sewerage Acts, 1880-1905, shall be paid by and be recoverable from the owner or occupier of the land subject to the rate, charge, or sum; and every such rate shall be paid in advance by equal half-yearly payments on the first day of January and the first day of July in each year.

Rates and charges recoverable from owner or occupier; rates payable half-yearly.

40. If any person liable to pay any such rate, charge, or sum refuses or neglects to pay the same after a notice demanding payment has been served in the prescribed manner on the occupier, or if there is no occupier upon the owner, of the land subject to such rate, charge, or sum, the council may recover the same with costs in any court of competent jurisdiction.

Recovery of rates and charges.

On service of another such notice as aforesaid on the person then in occupation of such land, and liable to pay the rate, charge, or sum, and on such person failing to comply therewith, the mayor of the municipality may issue a warrant under his hand to the bailiff or other person named therein which shall be his authority to levy such rate, charge, or sum, with costs not exceeding the scale prescribed in Schedule A hereto, by distress and sale of the goods and chattels then being on such land, and in the occupation of the person aforesaid: Provided that no such warrant shall authorise the seizure or sale of any bedstead, bedding, culinary articles in domestic use, or tools of trade.

Distress and sale.

In the event of any such distress and sale not realising sufficient to pay the amount levied together with costs as aforesaid, the mayor may from time to time cause further and other distress and sale to be made as aforesaid until such amount and costs as aforesaid have been fully paid, or may recover by action in any court of competent jurisdiction so much of the said amount and costs as is then due from the person liable to pay the said rate, charge, or sum.



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Disposal of proceeds  
of sale.

**41.** Out of the moneys arising from the sale of the goods and chattels the bailiff or other person executing the warrant shall first pay the costs aforesaid, and shall then pay the amount for which such distress and sale were made, and pay over the surplus (if any) to the person whose goods have been sold.

Form of warrant of  
distress.

**42.** The warrant of distress may be in the form or to the effect of Schedule B hereto; and in all cases where a distress may lawfully be made every police constable shall, upon being so required by any bailiff or other person distraining, aid in making a distress or sale pursuant to such warrant, and for refusing so to do shall be liable to a penalty not exceeding five pounds:

Warrant authorises  
bailiff to remain on  
premises.

**43.** (1) Any warrant issued shall be a good and sufficient authority to the bailiff or other person executing the same, or to his assistant, to remain on the premises during the interval between the making of the distress and the sale of the goods and chattels seized, whether such authority is expressed in the warrant or not; and every distress and sale in pursuance of a warrant shall, subject to the provisions of the Country Towns Water and Sewerage Acts, 1880-1905, be conducted and carried out as nearly as practicable in accordance with the provisions of the Landlord and Tenant Act, 1899.

Bailiff may sell by  
auction without  
license.

(2) The council may appoint some competent person to be its bailiff for the purpose of levying by distress and sale any such rates, charges, and sums; and any bailiff so appointed shall have power and authority to sell by public auction any goods and chattels seized under any warrant of distress aforesaid without taking out any license as an auctioneer.

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

**44.** All such rates, charges, and sums where the amount sought to be recovered does not exceed the sum of thirty pounds may be sued for and recovered under the Small Debts Recovery Act, 1899, in addition to the mode of recovery provided by 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 the exercise of their summary jurisdiction.

Rates and charges to  
be a charge on land.

**45.** All such rates, charges, and sums payable after the commencement of this Act in respect of any land shall be a charge upon the land for two years from the time such rates, charges, and sums first become payable; and if at the expiration of the time named the owner of such land is unknown to the council after diligent inquiry made, the council shall within three months from the expiration of such time publish a notice in the Gazette and in a newspaper circulating in the municipality in which the land is situated, containing particulars of the same and of the amount due thereon as aforesaid, and upon such publication the said amount together with interest thereon at the rate of five per centum per annum from the date on which such rates, charges, and sums first became payable, shall become and



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and remain a charge on the said land until payment thereof, and may be recovered by action in any court of competent jurisdiction from any person who is the owner at the time such action is brought :

Provided that in the event of the land being occupied after the publication of any such notice nothing herein contained shall prevent the council from recovering by action as aforesaid from the occupier any rates, charges, and sums and interest as aforesaid due in respect of such land.

46. (1) Where any rates, charges, or sums due to the council under the Country Towns Water and Sewerage Acts, 1880-1905, in respect of any land, have been unpaid for a period of four years, and after diligent search the council is unable to discover the name and address within New South Wales of the owner, and is unable to recover the rates, charges, or sums due, the council may cause to be published in three consecutive issues of the Gazette, and in three consecutive issues of a newspaper circulating in the municipality or place within which such land is situated, or the place nearest thereto, a notice setting out the total amount so due as aforesaid, and demanding payment of the same, with any interest thereon payable under this Act, within one year from the date of the first publication as aforesaid.

Council may lease  
land for overdue  
rates or charges.

If after one year from the first publication of such notice all or any part of the amount set out therein is still unpaid, the council may take possession of such land and hold the same against any other person whomsoever, and so long as the whole or any part of the said amount or of any rate, charge, or sum lawfully accruing due since the publication of the notice or any interest thereon remains unpaid, may let such land from year to year or for a term not exceeding seven years, or (in case of unoccupied land which is not built upon or cultivated, or appurtenant to or used in connection with any building or premises, whether such land is used for the purpose of depasturing horses, cattle, or sheep thereon, or is not so used) for a term not exceeding twenty-one years, and may receive the rents thereof, and shall apply the same towards the payment of any rates, charges, and sums then due with interest as aforesaid, and hold any surplus for the owner of the land.

Upon the application of any person who, but for the provisions of this section would be entitled to the possession of such land, the Supreme Court or a Judge thereof may, upon satisfactory proof of title and upon payment into Court of any such rates, charges, sums and interest (if any) then due and unpaid, order the council to deliver up to the applicant possession of such land, and to pay over to the applicant any such surplus as aforesaid : Provided that the rights of a lessee of the council under this section shall not be affected by any order made as aforesaid, but that, on the making of the order, the lessee shall attorn to the applicant.



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Land may be sold  
under order of  
Supreme Court.

(2) In lieu of letting or continuing to let such land the council may, by petition to the Supreme Court or any Judge thereof, apply for a sale of the land described in such notice, or any part thereof, and the Court or Judge, on being satisfied by affidavit or otherwise that the amount set out in such notice was lawfully due at the time of the first publication of such notice, and that all or any part thereof remains unpaid at the date of the application, and that all conditions have happened, all things have been done, and all times have elapsed as required by the provisions of this section to entitle the council to let or continue to let the said land, and that the council cannot, by letting or continuing to let the land, realise sufficient revenue to provide for all expenses payable in respect of such land, and for the rates, charges, sums and interest then lawfully due and owing to the council or to accrue due in respect thereof, may order the sale of such land or of any part thereof by the Master or other officer of the Court by public auction on a date named in such order.

The proceeds of such sale shall be paid into Court, and the Court or Judge may order that there be paid out of such proceeds to the council in priority to any mortgage or other charge on the land all rates, charges, and sums due up to the time of such sale, with interest at the rate of five per centum per annum from the due date of such rates, charges and sums, and all other charges, together with all costs of and attending search at the lands titles office, or the office for the registration of deeds, for the name and address of the owner or mortgagee, and the costs of and attending the publication of the notices, and the application to the Court or Judge, and of and attending the sale as aforesaid, and that the balance be subject to any future or other orders of the Court, and may further order that the conveyance or deed of assurance, as the case may require, be executed by the Master or other officer of the Court in such form as may be approved by the Court or Judge.

Such conveyance or deed of assurance shall vest the legal estate in the land sold in the purchaser free from all encumbrances and trusts.

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

47. The power to cut off water conferred on the council by section forty-five of the Principal Act may 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 supply, sewerage, or drainage, as well as in the cases in that section mentioned.

Right of occupier to  
set off payments as  
against rent.

48. Where any owner or lessor of any land assessed is by contract liable to pay any rate, charge, or sum under the Country Towns Water and Sewerage Acts, 1880-1905, and such rate, charge, or sum has been required from and paid by any lessee or occupier, or where an occupier pays rates for a period prior to or extending beyond his



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his term of occupancy, such lessee or occupier may set off the amount so paid against any rent then due from him to such owner or lessor in respect of such land, and any receipt by or on behalf of the council for such payment shall be a discharge of rent and evidence of payment to the amount specified therein.

If the amount so paid exceeds the rent then due, such lessee or occupier may set off such excess against accruing rent, or in such case, or in case no rent is then due, may recover such excess or amount as the case may be by action as for money paid to the use of the owner or lessor.

49. Where any such rate, charge, or sum has been recovered from and paid by a mortgagee of any land he may, unless he is liable to pay the same under or by virtue of his mortgage, recover the same by action from the mortgagor as for money paid to his use, with costs as between attorney and client, or add any amount so paid by him to the mortgage debt, and charge interest on the same at the rate specified in the mortgage.

Mortgagee may recover rates paid from mortgagor.

## PART IV.

## FINANCIAL.

1.—*Debts.*

50. Where in a municipality no rate has been established for lighting with gas or otherwise, or for the construction or maintenance of works in connection with such lighting, and no moneys have been borrowed by the council by way of special loan for the purpose of constructing or purchasing gas-works, it shall be lawful for the Colonial Treasurer to declare, by notification in the Gazette, that no debts (whether incurred before or after the said notification) payable to him and charged or chargeable under the Country Towns Water and Sewerage Acts, 1880–1905, upon the revenues of the said municipality shall be charged or chargeable upon such of the said revenues as may be derived from lighting rates thereafter to be established for lighting with gas or otherwise, or from works in connection with such lighting, and thereupon the said debts shall cease to be so charged or chargeable.

Treasurer may declare that charge under Water and Sewerage Acts shall not affect certain rates or revenues.

And the said Treasurer may, by notification as aforesaid, alter or revoke any notification made under this section.

51. (1) Instead of the Minister for Public Works certifying under subsection two of section two of the Act fifty-seventh Victoria number nineteen, the annual sums payable under that subsection by a borough or municipal district, the Colonial Treasurer shall so certify, and the provisions of the said subsection relating to such certification by the said Minister shall be deemed to relate to the certification under this section by the said Treasurer.

Certain matters under 57 Vic. No. 19 to be certified by the Treasurer.

(2)



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(2) Notwithstanding anything to the contrary in section two of the Act fifty-seventh Victoria number nineteen, the rate of interest payable as in the said section mentioned shall be fixed by the Governor, but shall not exceed four per centum per annum.

2.—*Loans under the Act of 1887.*

Second or subsequent loans.

**52.** (1) 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 to be made to the council as hereinafter mentioned.

(2) Upon notification in the Gazette of the amount of the loan, and upon the council entering into a bond to His Majesty (which the council is hereby authorised to do) binding the corporate body of the municipality in such sums and upon such terms and conditions as the Governor may have prescribed, the Colonial Treasurer, on being authorised by the Governor in writing under his hand, may pay to the council by way of loan out of any money voted by Parliament for that purpose, such sums (not exceeding the value, estimated by the Minister, of the works constructed by the council) as have been agreed upon by the Minister and the council as above mentioned.

Incorporation of sec. 125 of Principal Act to include amendments in that section by the Act of 1894.

(3) Every loan made under this section shall be subject 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: Provided that interest shall, under section two of the Act fifty-seventh Victoria number nineteen, be calculated at the rate of four per centum instead of three and a half per centum per annum.

Application of section 125 of the Principal Act.

**53.** Any references to or incorporation of any provisions of section one hundred and twenty-five of the Principal Act in the Country Towns Water and Sewerage Act Extension Act of 1887 shall, as from the commencement of the Act fifty-seventh Victoria number nineteen, be deemed to apply to those provisions as amended by the last-named Act.

3.—*Duties of Council.*

Council to provide for management and repairs of works and payment of instalments.

**54.** It shall be the duty of the council, subject to the provisions of the Country Towns Water and Sewerage Acts, 1880–1905, to determine, make, and levy such rates and charges as are sufficient to provide for the annual payment of—

- (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)



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- (b) the cost of keeping the water, sewerage, and drainage works of the council in repair and efficient working order; and
- (c) the instalments and other sums due to the Colonial Treasurer for or in respect of such works.

For the purpose of securing the performance by the council of the above provisions, the Minister, by some officer appointed by him in that behalf, may 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 inspection the said officer shall have the powers of the council in that behalf.

55. If upon any such inspection the Minister is of opinion that the water, sewerage, or drainage works of the council are not kept in repair and efficient working order, the Minister may cause such repairs to be made to the 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 if the council do not pay the same within twenty-one days after demand made by the Minister, the Minister may recover the same on behalf of His Majesty in any court of competent jurisdiction.

56. (1) Every council shall in the months of January and July in each year furnish to the Colonial Treasurer in the manner prescribed a statement of the receipts and expenditure of the council in the administration of the Country Towns Water and Sewerage Acts, 1880-1905, duly audited by some person appointed in that behalf by the council, and such other returns as may be prescribed.

Council to make half-yearly statement of accounts.

(2) The Governor may make regulations prescribing the manner in which the accounts of councils in administering the said Acts shall be kept, and the manner in which the statement above mentioned 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 Gazette, and thereupon shall have the force of law, and shall be laid before Parliament without delay.

57. The council shall keep a separate banking account for all moneys received and paid under the Country Towns Water and Sewerage Acts, 1880-1905, and all moneys received under the said Acts shall be paid into the said banking account, and shall not be paid out of that account, except for services authorised by or under the said Acts, or for the payment of instalments or other moneys due to the Minister or the Colonial Treasurer under the said Acts.

Council to keep separate banking account.

58. The Governor may, in respect of any work hereafter to be constructed by the Minister for any council, by notification in the Gazette direct what sum shall be set aside by such council out of the revenue

Sum to be set aside for renewals and repairs of works.



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revenue derived from such works for the purpose of effecting renewals or repairs thereto. Such sum shall be paid into an account of the council to be called the "Renewals Account," and shall not be drawn upon except for the purpose of effecting renewals or repairs to the said works. In case any doubt arises as to the necessity for such renewals or repairs the question shall be decided by the said Minister, whose decision shall be final.

*4.—Reduction of debt.*

Reduction of annual  
payments certified in  
respect of works.

59. (1) Where the annual payments by any municipality in respect of works of water supply, sewerage, or drainage have, before or after the commencement of this Act, been certified under Part I of the Act fifty-seven Victoria number nineteen or this Act, the Colonial Treasurer, if he is of opinion that the revenues of the municipality are insufficient to provide for such payments, may reduce the amount of such payments for a period fixed by him not exceeding three years to such amount as he may think fit.

If, at the expiration of such period, or at the expiration of any subsequent period, during which an adjustment of the amount of such annual payments takes effect under this section, the said Treasurer is of opinion that the circumstances of the municipality have changed in any respect, he may further reduce the said amount or may increase it for a period not exceeding three years, but so that such increased amount shall not exceed the amount originally certified as aforesaid.

Such amount as so altered (whether by reduction or increase) shall be notified by the Colonial Treasurer in the Gazette, and thereupon shall be the amount annually payable during the period fixed as aforesaid:

Provided that no alteration or adjustment under this section of the amount of any annual payments shall affect the liability of a council or of a municipality for any principal moneys owing in respect of any such works as aforesaid.

Rates and charges  
for water imposed  
while reduction has  
effect.

(2) Where in pursuance of this section any reduction has been made in the amount of any annual payments in respect of any works of water supply, then, during the time that such amount stands at less than the amount originally certified in respect of those works, there is hereby imposed on all lands within that municipality subject to water rates, a rate of two shillings in the pound on the valuation or assessment of such lands, and a charge of five shillings per one thousand gallons for water supplied.

Rates for sewerage.

(3) Where any such reduction has been made in the amount of any annual payments in respect of any works of sewerage, then during the time that such amount stands at less than the amount originally certified in respect of those works, there is hereby imposed on all lands within that municipality subject to sewerage rates, a rate of one shilling in the pound on the valuation or assessment of such lands.

(4)



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(4) Where any such reduction has been made in the amount of any annual payments in respect of any works of drainage, then during the time that such amount stands at less than the amount originally certified in respect of those works, there is hereby imposed on all lands within the drainage area fixed in pursuance of this Act such rate or rates, to be prescribed by the by-laws of the council, as will be equal to a rate of ninepence in the pound on the assessed value of all land within the drainage area. Rates for drainage.

(5) The provisions of the Country Towns Water and Sewerage Acts, 1880-1905, shall apply to rates and charges imposed by this section as if they were imposed by by-laws. Incorporation.

## PART V.

## MISCELLANEOUS.

1.—*Miscellaneous provisions.*

60. Any of the contracts or classes of contracts mentioned in the by-laws of the council 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 in like manner be varied and discharged. Contracts as prescribed may be made under hand of the mayor.

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.

61. Notwithstanding section nine of the Principal Act, or any proclamation made or to be made thereunder, the boundaries of any water district within which water is authorised to be supplied to the inhabitants of any borough or municipal district shall be the boundaries for the time being of such borough or municipal district; and all the provisions of the Principal Act relating to water districts shall apply to water districts as constituted by this section. Boundaries of water district to be boundaries of municipality.

62. Where the owner or occupier of any land within a water district or a catchment area, or any reservoir or source of water supply, does or permits to be done on such land any act, or permits to remain thereon any matter or thing which in the opinion of the council is likely to injure the water supply, and after notice thereof in writing given to him by or on behalf of the council, neglects or refuses to discontinue doing such act, or to remove such matter or thing, he shall be liable to a penalty not exceeding ten pounds, and a further penalty of two pounds for each day after the first day from the receipt of such notice that such offence continues. Penalty for nuisance to water district, catchment area, or reservoir or source of water supply.



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Water-works for  
Hillgrove.

**63.** The works for the supply of water for the town of Hillgrove which have been constructed by the Minister, together with all other works in connection with such supply which may be in course of construction, shall be subject to the provisions of the Country Towns Water and Sewerage Acts, 1880-1905, and shall, in pursuance of and subject to the provisions of the said Acts, be taken over by the council of the borough of Hillgrove.

*2.—Supplemental.*

Service of notice by  
post.

**64.** Notwithstanding anything in the Principal Act, any notice required by the Country Towns Water and Sewerage Acts, 1880-1905, or any by-laws or regulations made thereunder, to be sent or served, may be sent or served by post, and it shall not be necessary that such service by post should be by registered letter.

Occupier must state  
name of owner.

**65.** The occupier of any land who, on being required by any officer of the council to state the name of the owner of such land or of the person receiving or authorised to receive the rents of the same, refuses or wilfully omits to disclose, or wilfully misstates to such officer, the name of the said owner or person shall be liable to a penalty not exceeding five pounds.

No jurisdiction  
ousted on the ground  
that title to land is  
in question.

**66.** In any proceedings for recovering rates, charges, or sums due to the council no jurisdiction otherwise competent shall be ousted upon the ground that the proceedings raise a question of title to land.

Assessment book  
prima facie evidence.

**67.** The assessment book of the council made under the provisions of the Municipalities Act, 1897, and any entry made therein shall, if it purports to be signed by the mayor and sealed with the seal of the corporation be prima facie evidence of the facts therein stated without proof of the said signature or seal.

Legal proceedings  
may be taken in the  
name of the Council.  
53 Vic. No. 16, s. 25.

**68.** All informations, complaints, or other legal proceedings under the Country Towns Water and Sewerage Acts, 1880-1905, or under any by-law made under the said Acts may be laid, made, and taken in the name of the council, by any duly appointed officer of the council.

Additional powers to  
make by-laws.

**69.** The council may, under and subject to the provisions in that behalf of the Country Towns Water and Sewerage Acts, 1880-1905, make by-laws—

- (a) regulating the examination of persons applying for licenses, and the granting of licenses ;
- (b) prescribing the contracts and classes of contracts which may be made under the hand of the mayor of the municipality ;
- (c) regulating the mode in which water shall be supplied to land, and whether by meter or not ;
- (d) generally for carrying out the provisions of the Country Towns Water and Sewerage Acts, 1880-1905.



*Country Towns Water and Sewerage (Amendment).*

70. 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 council, and if not in session then within fourteen days after the commencement of the next session.

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.

## SCHEDULES.

## SCHEDULE A.

*Table of Costs.*

	s.	d.
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.		
For inventory, sale, commission, and delivery of goods not exceeding one shilling in the pound on the net proceeds of the sale.		

## SCHEDULE B.

*Warrant of distress.*

New South Wales } To constable at , or bailiff (as  
to wit. } the case may be).

Whereas of in New South Wales has been rated at the sum of per annum for the water rate [or charge, or is liable to pay the sum of due to the council of the municipality of ] as the occupier [or owner] of certain land situate in street in and now occupied by ; and whereas the sum of being due and payable on account of the said rate, charge, or sum [as the case may be] on the day of in the year of our Lord one thousand nine hundred and , and was duly demanded by the collector of rates for on the day of in the year of the said who has not yet paid the same. These are therefore to require and authorise you forthwith to levy the said sum of together with costs of the presents by distress and sale of the goods and chattels found by you in the said land according to law, and that you certify to me on the day of what you shall do by virtue of this warrant.

Given under my hand this day of in the year of our Lord one thousand nine hundred and Mayor of the municipality of .

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

FREDK. M. DARLEY,

State Government House,  
Sydney, 9th December, 1905.

Lieutenant-Governor.



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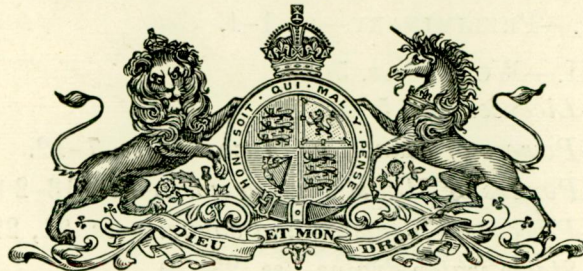


*I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

*Legislative Assembly Chamber,  
Sydney, 7 December, 1905. }*

*RICHD. A. ARNOLD,  
Clerk of the Legislative Assembly.*

## New South Wales.



ANNO QUINTO

EDWARDI VII REGIS.

\*\*\*\*\*

### Act No. 43, 1905.

An Act to amend the law relating to the water supply, sewerage, and drainage of country towns; 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; and for purposes consequent thereon or incidental thereto. [Assented to, 9th December, 1905.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

#### PART I.

##### PRELIMINARY.

1. This Act shall be construed 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 Short title and incorporation of Acts.

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

*W. H. WOOD,  
Chairman of Committees of the Legislative Assembly.*



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*Country Towns Water and Sewerage (Amendment).*

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Towns and Hunter District Water Supply and Sewerage Acts Extension Act of 1894 as amends the first-mentioned Acts or either of them, and may be cited as the "Country Towns Water and Sewerage (Amendment) Act, 1905."

Division of Act.

2. This Act is divided into Parts as follows:—

PART I.—PRELIMINARY—ss. 1-4.

PART II.—WORKS—ss. 5-29.

1.—*Licenses*—ss. 5-6.

2.—*Powers of council as to works*—ss. 7-12.

3.—*Powers of Minister as to works*—ss. 13-20.

4.—*Powers of Minister and council*—ss. 21, 22.

5.—*Storm-water drains*—ss. 23-29.

PART III.—ASSESSMENTS, RATES, AND CHARGES—ss. 30-49.

1.—*Assessment of land*—ss. 30-38.

2.—*Recovery of rates and charges*—ss. 39-49.

PART IV.—FINANCIAL—ss. 50-59.

1.—*Debts*—ss. 50-51.

2.—*Loans under Act of 1887*—ss. 52, 53.

3.—*Duties of council*—ss. 54-58.

4.—*Reduction of debt*—s. 59.

PART V.—MISCELLANEOUS—ss. 60-70.

1.—*Miscellaneous*—ss. 60-63.

2.—*Supplemental*—ss. 64-70.

Repeal.

3. Sections fifty-four, sixty, sixty-one, seventy-seven, and eighty-eight of the Principal Act, and so much of section thirteen of the said Act as 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.

Definitions.

4. (1) In this and in any other Act and in any by-laws or regulations—

"Country Towns Water and Sewerage Acts, 1880-1905," 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, and this Act.



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*Country Towns Water and Sewerage (Amendment).*

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(2) In this Act and in any by-laws or regulations made thereunder, unless the context otherwise indicates,—

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

“Minister” means Minister for Public Works.

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

“Prescribed” means prescribed by the Country Towns Water and Sewerage Acts, 1880–1905, or any by-laws or regulations made thereunder.

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

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

“Works of water supply, sewerage, or drainage” means such works constructed under the Country Towns Water and Sewerage Acts, 1880–1905.

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PART II.

WORKS OF WATER SUPPLY AND DRAINAGE.

1.—*Licenses.*

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

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

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

(4) Any unlicensed person who, not being under the immediate supervision of a licensed person, commences or performs any such work, and any person who knowing that a person is unlicensed employs him 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.

(5)



*Country Towns Water and Sewerage (Amendment).*

Council may remove  
work done by  
unlicensed person.

(5) The council may direct and compel all defective and improper work done by an unlicensed person without the required supervision to be removed or altered to its satisfaction, and may, by its 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 person knowing him to be unlicensed.

License of council  
alone to have  
validity.

(6) No license 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.

Permits to tap water-  
mains.

6. No person, without having previously obtained in the manner prescribed the consent of the council, or of some person authorised by the council in that behalf, shall 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.

*2.—Powers of Council as to works.*

Council may enter  
land and do works.

7. The council by its officers or servants may at any reasonable hours enter any land and inspect any works and may construct any works and do any things therein or thereon authorised by the Country Towns Water and Sewerage Acts, 1880-1905.

Council may open up  
ground and search  
for leaks.

8. (1) Where there appears to be any escape of water or sewage, the council may open up any ground under which any pipes, drains, or sewers of the council, laid or made under the Country Towns Water and Sewerage Acts, 1880-1905, or any pipes, drains, or sewers communicating therewith are situate, and examine those pipes, drains, and sewers, and make such repairs to or alterations in the same as it may consider necessary :

Council to give  
notice before opening  
ground.

(2) Except in cases of emergency the council shall, before opening any ground, give at least twenty-four hours' notice to the person in possession of or having the control or management of the same.

In opening any ground and doing any work in pursuance of this section, 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 any of 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, and such compensation may be recovered in any court of competent jurisdiction.

Recovery of  
expenses.

(3) If upon examination it is 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,



*Country Towns Water and Sewerage (Amendment).*

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 supplied with water, or drained, as the case may be.

9. Where land has no frontage to a street or highway along which a water-pipe of the council is laid, and the owner or occupier is not able to obtain the consent of the owner and occupier of the land intervening between his land and the water-pipe to the laying of a water-pipe through such land to his land, or to necessary repairs or alterations to or the removal of a water-pipe laid through such intervening land, the council may, upon the application of such first-named owner or occupier, enter such intervening land and carry out the work on his behalf and at his cost, and for such purposes the provisions of sections sixteen and sixty-four of the Principal Act shall be applicable; but any amount paid by or recovered from the council for compensation as in those sections provided shall not be recoverable from the applicant.

Power of council to lay pipes and drains through intervening land.

10. Where, in the opinion of the council, it is desirable in the interests of the health of any persons that the water of the council should be supplied to any land in respect of which water-rates are payable, the council may give notice in writing to the occupier of such land, or where the land is unoccupied, to the owner thereof, requiring him to lay pipes and apply fittings in the manner described in such notice to supply the water of the council to such land.

Occupiers or owners to make connections with water-mains.

The occupier or owner to whom any such notice is given may within twenty-one days after the giving of such notice appeal therefrom to the nearest court of petty sessions, and such court, on the hearing of such appeal, may amend or cancel the notice or dismiss the appeal, and make such order as to costs as it may think just.

If the notice is not so appealed from, and the said occupier or owner does not within twenty-one days after the giving of the notice lay the pipes and apply the fittings as described in the notice, or if on appeal the court by its order amends the notice or dismisses the appeal, and the said occupier or owner does not within twenty-one days after such order has been made lay the pipes and apply the fittings in the manner described in the notice or the amended notice, as the case may be, the council may lay the pipes and attach the fittings as aforesaid, and may on the expiration of twenty-one days after demand in writing has been made by the council to the said occupier or owner, recover from such occupier or owner the expenses incurred by the council in so laying the pipes and attaching the fittings by the like proceedings as if such expenses were a water-rate; but any court in which proceedings are taken to recover such expenses may if it thinks fit order such expenses and any costs incurred in the action to be paid by instalments.



*Country Towns Water and Sewerage (Amendment).*

Persons liable to make connections may apply to have work done on deferred payments.

11. (1) Where under the Principal Act or this Act the owner or occupier of any land is liable or has been required by the council to construct any works in connection with water supply or sewerage, such owner or occupier may make application in writing to the council for such works to be carried out 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 carrying out of such works under the direction of the council at a price or sum and upon terms agreed upon, and for the payment of such price or sum by the applicant 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.

Council upon completion of work to give notice to applicant.

(2) Upon the execution by the applicant of such agreement, 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 days on which the quarterly instalments of payment will fall due.

(3) Where the price or sum agreed upon between the council and any applicant under this section exceeds fifteen pounds, the Colonial Treasurer may, on the application of the council, advance such price or sum to the council from the Consolidated Revenue Fund.

Such price or sum shall be repaid by the council at any time or times, and by any instalments agreed upon between the council and the said Treasurer, with interest at the rate of five per centum per annum from the date of the advance, but so that the amount of the advance, with interest as aforesaid, shall be repaid within three years from the completion of the works.

To compel drainage of undrained land.

12. (1) Where any land within a municipality is without a drain sufficient for effectual drainage, the council thereof shall, by written notice, require the owner or occupier of such land, within a reasonable time therein specified, to make a covered or uncovered drain or drains emptying,—

(a) in the case of sewage, into any sewer; and

(b) in the case of storm-water and other drainage, into any storm-water drain

which the council are entitled to use, and which is not more than one hundred feet from such land; and,—

(c) in the case where there is no such sewer or storm-water drain, into such other place, not being under any building, as the council may direct.

Such drain or drains shall be of such material and size, and laid at such levels and with such fall as, on the report of their surveyor, the council may think necessary.



*Country Towns Water and Sewerage (Amendment).*

(2) Where in the opinion of the council greater expense would be incurred in causing the drains of two or more separate portions of land to empty into an existing sewer or storm-water drain pursuant to this section, than in constructing a new sewer or storm-water drain and causing such drains to empty therein, the council may construct such new sewer or storm-water drain, and by notice as aforesaid require the owners or occupiers of such separate portions of land to cause their drains to empty therein.

The council shall apportion as they deem just the expenses of the construction of such new sewer or storm-water drain among the owners of the several portions of land, and recover in a summary manner the sums so apportioned from such owners, or may, by order, declare the same to be private improvement expenses.

(3) If any such notice is not complied with, such owner or occupier shall be liable to a penalty not exceeding twenty pounds, and after conviction to a further penalty not exceeding five pounds for every day such offence continues.

In addition to or in substitution for this penalty, the council may, at the expiration of the time specified in the notice, do the work required, and recover in a summary way the expenses so incurred from the owner or owners, or may by order declare the same to be private improvement expenses.

*3.—Powers of Minister as to works.*

13. For the purpose of determining whether any work of water supply, sewerage, or drainage should be constructed, or determining the place where such work should be constructed, or the mode in which it should be carried out, or for the purpose of inspecting any such work constructed or in course of construction, the Minister and his officers and servants may, with horses and vehicles, enter any land and take levels of the same and other lands, and set out such parts thereof as he may think necessary, and dig, break, and trench the soil of such land, sink trial holes, and remove any earth, stone, minerals, trees, and other things dug out of the same. Compensation for any damage caused by the exercise of the powers conferred by this section shall be ascertained and paid, and may be recovered in the way provided by the Principal Act in respect of compensation for damages for the occupation of land under that Act.

Minister may enter lands for purpose of making surveys.

14. For the purpose of carrying out or protecting any works of water supply, sewerage, or drainage, the Minister may enter any lands whatsoever, whether a garden, orchard, plantation, park, planted walk, avenue, or ground ornamentally planted, and whether such lands are 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.

Further powers to Minister to take and lease land.

If



*Country Towns Water and Sewerage (Amendment).*

If the Minister and the owner of such lands cannot agree within ninety days from the date of entry by the Minister 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, or any other terms or 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 decree or order of the Supreme Court in its equity jurisdiction.

Minister to have powers of Council during construction of works.

15. During the construction by the Governor, or the Minister, of any works of water supply, sewerage, or drainage, and until those works are taken over by the council, the Minister in respect of the said works may exercise the powers conferred, and shall be subject to the duties and liabilities imposed on the council by the provisions of Parts II and III of the Principal Act or by this Part of this Act, and any enactments amending the same; and in other respects the said provisions shall, during the period aforesaid, apply to and in respect of such works.

Power to make alterations in and additions to works.

16. It shall be deemed to have been and shall be lawful for the Governor to carry out such alterations, modifications, and extensions of and additions to any works of water supply, sewerage, or drainage, as he thinks desirable, whether such works have been constructed by the Governor and notified as complete, or not so notified, or constructed by the Minister or the council.

Such alterations, modifications, extensions, and additions shall be taken over by the council, paid for, and otherwise dealt with in the same way as works constructed by the Minister, and for that purpose the provisions of the Country Towns Water Supply and Sewerage Acts, 1880-1905 shall apply in respect thereof.

Governor may construct works of water supply to be used for supplying power.

17. The Governor at the request of the council may construct and complete works of water supply, or any alterations or extensions of or additions to then existing works of water supply, to be used in part for supplying power to drive machinery. And the provisions of the Country Towns Water and Sewerage Acts, 1880-1905, relating to works of water supply, shall apply to works, alterations, extensions, and additions constructed under the authority of this section:

Provided that, on and after the notification of the completion of the work, or of the alterations, extensions, or additions aforesaid, the council shall repay yearly such percentage of the cost of the same as may be agreed upon between the Minister and the council into the banking account kept under the provisions of this Act.

Construction of works for benefit of adjacent municipalities.

18. (1) It shall be lawful for the Governor to carry out any works, being either original works or alterations, modifications or extensions



*Country Towns Water and Sewerage (Amendment).*

extensions of or additions to existing works, of water supply, sewerage, or drainage within any municipality for the purpose of that municipality, and of any other adjoining or adjacent municipality.

(2) The provisions of the Country Towns Water and Sewerage Acts, 1880-1905, shall apply to such works: Apportionment of cost of works.

Provided that upon the said works being taken over by the council, the periodical payments to the Colonial Treasurer of the cost of such works shall be apportioned between the municipality within which the works are constructed and the other adjoining or adjacent municipalities aforesaid, as agreed between the Minister and the councils of such municipalities:

Provided also that in the case of works for water supply the annual proportion of such periodical payments to be made by such adjoining or adjacent municipalities shall be based on a minimum quantity of water to be supplied, any additional quantity required being paid for to the Colonial Treasurer at such rate as may be agreed upon between the Minister and all the councils on the completion of the works and applied in liquidation of the cost of such work.

19. If the Minister at any time deems it necessary, in the construction of any works of water supply, sewerage, or drainage, that the position or level of any works vested in any person and laid in or under any street should be altered, he may, by notice in writing, require the said person to make the said alteration 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. Works in any street to be altered when necessary.

If such notice is not complied with, the Minister may cause the required alteration to be made, but no such alteration shall be made which will permanently injure such works or affect their use.

20. Where any work of water supply, sewerage, or drainage 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, notwithstanding anything to the contrary in section one hundred and sixteen of the Principal Act. Minister to substitute roads in certain cases.

*4.—Powers of Minister and Council.*

21. The Governor or the Minister or a council constructing any works of water supply, sewerage, or drainage may make and enter into contracts and agreements with any person for the acquisition by purchase or otherwise of any rights to be exercised on or over any land, including the right to construct works, lay pipes and drains, and use, maintain, protect, replace, repair, and clean the same. Acquisition of rights over land.



*Country Towns Water and Sewerage (Amendment).*

Construction and  
fixing of stand-pipes.

22. (1) Where in the opinion of the Governor or the Minister, or a council constructing any works of water supply, it is undesirable to lay reticulation pipes in a municipality, it shall be lawful for the Governor or the Minister, or council to construct and fix in place of such reticulation pipes a stand-pipe or stand-pipes for the supply of water, and in such case the council upon taking over or constructing the works, may make and levy rates in respect of all ratable property in the municipality.

Rates for water  
within area  
prescribed.

(2) The council may make by-laws for determining, levying, and collecting the rates, and such rates may vary according to the distance from any such stand-pipe of the land so rated; provided that no such rate shall exceed one shilling in the pound on the valuation or assessment of any of such land. The payment of such rate in respect of any land shall entitle the occupier of the same to take water for domestic purposes from any such stand-pipe or from the main to the value of the amount of the rate so paid, calculated at such sum as may be prescribed by the by-laws of the council, not exceeding five shillings for every one thousand gallons of water.

The council may make by-laws providing for the supplying of water from such stand-pipes.

Charges for water.

(3) The council may make by-laws fixing charges for water which the council is hereby authorised to supply from any such stand-pipe or from the main for other than domestic purposes, or for use outside the municipality.

Incorporation.

(4) The provisions of the Country Towns Water and Sewerage Acts, 1880-1905, shall apply to rates and charges levied and imposed under this section.

*5.—Storm-water drains.*

Proclamation as to  
storm-water drains  
and sewers.

23. The Governor may, by proclamation in the Gazette, direct that any storm-water drains and sewers therein mentioned, constructed by him before or after the commencement of this Act, together with any lands and buildings used in connection therewith shall be, and the same, together with the administration and management thereof shall thereupon be taken over by the council 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 Act fifty-seventh Victoria number nineteen and this Act, and upon any further terms or conditions which the Governor may in any case appoint.

The fixing of the  
boundaries of  
drainage areas.

24. The boundaries of any drainage area in respect of storm-water drains and sewers taken over by the council in pursuance of the last preceding section may be fixed in the following manner:—

(a) the council may, by resolution, define the boundaries of such area

(b)



*Country Towns Water and Sewerage (Amendment).*

- (b) on such resolution being passed, the council shall cause notice of the same to be published in the Gazette, and twice in some newspaper or newspapers circulating in the municipality, stating that an appeal against such definition of the boundaries may be made under this Act within thirty days from the date of the last of such publications ;
- (c) within such thirty days any person interested may appeal against such definition of boundaries to a stipendiary or police magistrate, appointed by the Governor in that behalf, and sitting in the municipality in open court ;
- (d) such magistrate shall hear such appeal, and for that purpose shall have the powers of a court of petty sessions, and may make such alterations in the boundaries of the area as he may think just, having regard to the benefit derived or to be derived by the owners or occupiers of land from the construction and use of the said work :
- (e) the boundaries as defined by the council, with such alterations as may be made therein on appeal as aforesaid, shall be the boundaries of such area for the purposes of this Act.

**25.** The council may make by-laws—

Valuations and rates.

- (a) prescribing the method of valuing land within the boundaries of such drainage area. But the valuation of any land shall not exceed in any year the valuation (if any) of such land during the same or the next preceding year under the Municipalities Act, 1897 ;
- (b) prescribing the rate to be paid in respect of any such land according to the benefit which, in the opinion of the council, accrues to the land from the construction of the drains or sewers. But no such rate shall exceed the amount of five pounds per centum per annum of the valuation or assessment of the land : Provided that a minimum rate of one shilling may be imposed by by-law ;
- (c) for carrying into effect the provisions of this Act relating to storm-water drains and sewers, and valuations and rates in respect of the same.

**26.** The council may impose any rates prescribed as aforesaid, and may recover them from the owners or occupiers of the lands in respect of which they are payable, and shall for that purpose have the powers granted to the council in respect of sewerage rates by the Principal Act and this Act.

Imposition and recovery of rates.

Any sewerage rate imposed on land shall be in addition to any drainage rate imposed thereon under this section.

*Work*



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*Country Towns Water and Sewerage (Amendment).*

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*Work taken over by council before completion.*

Work may be taken over before final completion.

27. (1) When any work partly constructed by the Governor but not completed is, in the opinion of the Minister, so far constructed as to be of use to the council, he may report that fact to the Governor. The Governor shall notify such fact in the Gazette, and thereupon the council shall take over the work and the administration and management thereof. The council shall thereupon have all the powers and obligations conferred and imposed on a council by the Country Towns Water and Sewerage Acts, 1880-1905.

(2) The Minister shall certify the amount actually expended in such construction up to the day of the notification by the Governor as aforesaid, together with interest at the rate of four per centum per annum on the sums making up such amount, calculated from the time such sums were expended. Interest from the said day at the rate of four per centum per annum on the amount so certified shall annually be paid by the council to the Colonial Treasurer, and shall be carried to the Consolidated Revenue Fund.

(3) Like action may be taken at any time, and the above provisions of this section shall apply when the work has been further constructed and before completion.

Interest to cease on works being finally taken over.

28. When such work has been finally completed and taken over by the council, and the cost of the work and the interest thereon have been certified under the Country Towns Water and Sewerage Acts, 1880-1905, all payments of interest under the last preceding section shall cease.

*Computation of interest.*

Interest with respect to works computed at four per centum

29. With respect to works constructed at any time by the Governor and taken over after the commencement of this Act by a council under the Country Towns Water Supply and Sewerage Acts, 1880-1905—

- (a) the computations of interest under section two of the Act fifty-seventh Victoria number nineteen shall be made on the basis of four per centum per annum instead of three and a half per centum per annum, as in that section provided. To carry out this provision the words "four per centum" are substituted for the words "three and a half per centum" wherever occurring in that section;
- (b) in computing the amount of interest as aforesaid, credit shall be given for any payments of interest under this Act in respect of a work taken over by the council before completion.



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*Country Towns Water and Sewerage (Amendment).*

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## PART III.

## ASSESSMENTS, RATES, AND CHARGES.

1.—*Assessment of land for rates.*

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

- (a) Where land has frontage to a street or public highway along which, throughout the whole length of such frontage, a service water-pipe of the council is laid, so much of the land as is situate within a distance of two hundred and fifty yards from the water-pipe shall be subject to the rate, although the land is not actually supplied with water from any water-pipe of the council.
- (b) Where land has frontage to a street or public highway along which, throughout part of the length of such frontage, a service water-pipe of the council is laid, so much of the land as is situate within a distance of two hundred and fifty yards from the water-pipe, measured in a direction at right angles to such pipe, shall be subject to the rate, although the land is not actually supplied with water from any water-pipe of the council.
- (c) Where land has no frontage to a street or public highway along which a water-pipe of the council is laid, but a water-pipe is laid to some part of the land, so much of the land as is situate within two hundred and fifty yards from the water-pipe laid in the street or public highway, measured in a direction at right angles to such pipe, shall be subject to the rate, although the land is not actually supplied with water from any water-pipe of the council:

Provided that any land otherwise ratable shall be exempt from the rate if in a case under subsection (a) or (b) such land cannot be supplied with water from a stand-pipe at least three feet in height from the natural surface of the ground at the building line, or in a case under subsection (c), such land cannot be so supplied from a similar stand-pipe at some point on such land:

Provided also that no person shall be exempt from payment of water rates by reason only that the water supplied by the council has become unfit for dietetic purposes. The council may, from time to time, levy such reduced rate for the period during which such water shall be unfit for dietetic purposes as it may consider reasonable.



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Crown land ratable.

**31.** Any land vested in His Majesty or in any person on behalf of His Majesty, not being land vested in the Railway Commissioners of New South Wales, and any land in the occupation of the Crown, if the valuation or assessment of the land has been approved by the Minister, shall be subject to water rates, although the land is not actually supplied with water from any water-pipe of the council, and shall be also subject to sewerage rates.

Council may make valuation, &amp;c., in certain cases.

**32.** (1) Where any land which would be subject to rates under the Country Towns Water and Sewerage Acts, 1880-1905, if the same had been included in any valuation by the council under the Municipalities Act, 1897, is not included in any such valuation, and in any case where part only of the land included in a valuation by the council as aforesaid would be subject to rates as aforesaid, the council may cause an assessment of such land to be made from time to time, and may by by-laws determine, make, and levy the rate to be paid in respect of such land:

Provided that such rates and the exercise of the powers hereby conferred upon the council shall be in all other respects subject to the provisions of the first mentioned Acts.

(2) The enactments contained in the following subsections shall be applicable in respect to any such assessment:—

Notice of assessment.

(a) The council shall, as soon as practicable, cause notice of the amount of any such assessment to be served upon the occupier, or if there is no occupier upon the owner, of the land assessed.

Appeal from assessment.

(b) Such occupier or owner may, within twenty-eight days after the service of such notice appeal against such assessment, and shall for such purpose and before the expiration of such twenty-eight days, give notice in writing to the council of his intention to appeal, stating the grounds of such appeal.

Hearing of such appeal.

(c) Such appeal shall be heard by a court of petty sessions held within the petty sessions district in or nearest to which the land is situated on some day to be fixed by the council. Notice of the day and place of the hearing of the appeal shall be published by advertisement in the Gazette, and in some newspaper published or circulating in such petty sessions district at least seven clear days before the hearing of such appeal; and such court may hear and determine the same, and award such relief in the premises as the justice of the case may require, and such decision shall be final and conclusive as regards the matter of such appeal; and the assessment book of the council shall, if necessary, be amended in accordance with such decision.

No appeal unless notice.

(d) No appeal shall be heard unless such notice has been given as aforesaid; and if, on the hearing of any such appeal, the court is of opinion that the same is frivolous or vexatious, it



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it may award such costs, not exceeding two pounds, as it may think fit against the appellant, which may be recovered by the council in the same manner as costs in any proceedings before a court of petty sessions.

Costs.

- (e) After the expiration of the twenty-eight days so prescribed as aforesaid without any notice of appeal, or upon the decision of any such appeal, and the necessary alterations (if any) being made in the assessment book of the council, the same 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 is made and new assessment book is completed and confirmed in manner aforesaid.

Confirmation of assessment book.

- (f) Any occupier of land who, on the request of any valuer appointed by the council to make such assessment as aforesaid (who is hereby authorised to make inquiries as to the matters hereinafter mentioned) refuses or wilfully omits to disclose, or wilfully misstates to such valuer the name of the owner of such land, 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 land who, on the request of such valuers refuses or wilfully omits to disclose, or wilfully misstates anything required for or calculated to affect such assessment, shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty on occupier for misstatement.

33. 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 upon by the council and the person to be supplied.

Council may supply water by measure or otherwise.

34. Notwithstanding anything contained in the Principal Act, the council shall not be compellable to supply water to any person whomsoever.

Council not compellable to supply water.

35. 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 subject to water rate exceeds the quantity which, at such price not exceeding five shillings per thousand gallons, as is fixed by by-law of the council, would be supplied by the council on payment of an amount equal to the water rate payable in respect of the said land, the council by resolution notified to the said person under the hand of the council clerk, may require the said person within a time named in the notice to enter into a contract with the council for the supply of water to the land at a price fixed by the resolution and named in the notice, or to affix or cause to be affixed a meter and to pay for the water supplied according to the scale prescribed for the supply of water by measure.

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

If



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If the said person after such notification refuses or neglects to enter into the said contract, or to affix or cause to be affixed the meter within the time above mentioned, or having entered into the said contract, or affixed or caused to be affixed the meter, neglects or refuses to pay any money or charges due in respect of water supplied to the land, the council may cut off the supply of the water. But the said person shall, in either of the above cases, be nevertheless liable to pay any water rate determined, made, or levied in respect of the said land.

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

**36.** (1) The council by resolution may exempt any public hospital or charitable institution from water rate and on passing a resolution for that purpose may supply water free of charge to any such hospital or institution as aforesaid subject to the 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: Provided that the council may make by-laws increasing the quantity of water which may be supplied as aforesaid to the hospital or institution.
- (b) For the purposes of the last preceding subsection the number of persons resident as aforesaid shall be the average number of persons so resident during the half-year immediately preceding the period in respect of which charges would be payable.
- (c) 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 prescribed for the supply of water by measure.

Revocation of resolution.

(2) Any such resolution may be revoked or altered by the council.

Supervision of the water supply to hospitals and charitable institutions.

(3) 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 supply of the water, and may give such directions as the council may by resolution prescribe to prevent waste of the water.

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

Council may exempt certain buildings from payment of rates.

**37.** The council by resolution may exempt from the payment of water rates and sewerage and drainage rates (including rates due and unpaid at 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 due and unpaid as aforesaid) any building used exclusively as a Sunday school; and may revoke or alter any exemption so granted.

**38.**



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38. (1) Notwithstanding anything contained in the Principal Act, the council by by-law may determine, make, and levy any water rate not exceeding ten per centum per annum on the amount of the valuation or assessment of all land liable for water rates under the Country Towns Water and Sewerage Acts, 1880-1905, and determine, make, and levy any minimum water rate on such land, whatever the valuation or assessment thereof may be.

Maximum water rates.

Minimum rates.

(2) Notwithstanding anything contained in the Principal Act, the council by by-law may make and levy any sewerage rate not exceeding ten per centum per annum on the amount of the valuation or assessment of all land liable for sewerage rates under the Country Towns Water and Sewerage Acts, 1880-1905, and make and levy any minimum sewerage rate on such land, whatever the valuation or assessment thereof may be.

Maximum sewerage rates.

Minimum rates.

*2.—Recovery of rates and charges.*

39. Every rate, charge, and sum due to the council under the Country Towns Water and Sewerage Acts, 1880-1905, shall be paid by and be recoverable from the owner or occupier of the land subject to the rate, charge, or sum; and every such rate shall be paid in advance by equal half-yearly payments on the first day of January and the first day of July in each year.

Rates and charges recoverable from owner or occupier; rates payable half-yearly.

40. If any person liable to pay any such rate, charge, or sum refuses or neglects to pay the same after a notice demanding payment has been served in the prescribed manner on the occupier, or if there is no occupier upon the owner, of the land subject to such rate, charge, or sum, the council may recover the same with costs in any court of competent jurisdiction.

Recovery of rates and charges.

On service of another such notice as aforesaid on the person then in occupation of such land, and liable to pay the rate, charge, or sum, and on such person failing to comply therewith, the mayor of the municipality may issue a warrant under his hand to the bailiff or other person named therein which shall be his authority to levy such rate, charge, or sum, with costs not exceeding the scale prescribed in Schedule A hereto, by distress and sale of the goods and chattels then being on such land, and in the occupation of the person aforesaid: Provided that no such warrant shall authorise the seizure or sale of any bedstead, bedding, culinary articles in domestic use, or tools of trade.

Distress and sale.

In the event of any such distress and sale not realising sufficient to pay the amount levied together with costs as aforesaid, the mayor may from time to time cause further and other distress and sale to be made as aforesaid until such amount and costs as aforesaid have been fully paid, or may recover by action in any court of competent jurisdiction so much of the said amount and costs as is then due from the person liable to pay the said rate, charge, or sum,



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Disposal of proceeds  
of sale.

41. Out of the moneys arising from the sale of the goods and chattels the bailiff or other person executing the warrant shall first pay the costs aforesaid, and shall then pay the amount for which such distress and sale were made, and pay over the surplus (if any) to the person whose goods have been sold.

Form of warrant of  
distress.

42. The warrant of distress may be in the form or to the effect of Schedule B hereto; and in all cases where a distress may lawfully be made every police constable shall, upon being so required by any bailiff or other person distraining, aid in making a distress or sale pursuant to such warrant, and for refusing so to do shall be liable to a penalty not exceeding five pounds:

Warrant authorises  
bailiff to remain on  
premises.

43. (1) Any warrant issued shall be a good and sufficient authority to the bailiff or other person executing the same, or to his assistant, to remain on the premises during the interval between the making of the distress and the sale of the goods and chattels seized, whether such authority is expressed in the warrant or not; and every distress and sale in pursuance of a warrant shall, subject to the provisions of the Country Towns Water and Sewerage Acts, 1880-1905, be conducted and carried out as nearly as practicable in accordance with the provisions of the Landlord and Tenant Act, 1899.

Bailiff may sell by  
auction without  
license.

(2) The council may appoint some competent person to be its bailiff for the purpose of levying by distress and sale any such rates, charges, and sums; and any bailiff so appointed shall have power and authority to sell by public auction any goods and chattels seized under any warrant of distress aforesaid without taking out any license as an auctioneer.

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

44. All such rates, charges, and sums where the amount sought to be recovered does not exceed the sum of thirty pounds may be sued for and recovered under the Small Debts Recovery Act, 1899, in addition to the mode of recovery provided by 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 the exercise of their summary jurisdiction.

Rates and charges to  
be a charge on land.

45. All such rates, charges, and sums payable after the commencement of this Act in respect of any land shall be a charge upon the land for two years from the time such rates, charges, and sums first become payable; and if at the expiration of the time named the owner of such land is unknown to the council after diligent inquiry made, the council shall within three months from the expiration of such time publish a notice in the Gazette and in a newspaper circulating in the municipality in which the land is situated, containing particulars of the same and of the amount due thereon as aforesaid, and upon such publication the said amount together with interest thereon at the rate of five per centum per annum from the date on which such rates, charges, and sums first became payable, shall become

and



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and remain a charge on the said land until payment thereof, and may be recovered by action in any court of competent jurisdiction from any person who is the owner at the time such action is brought :

Provided that in the event of the land being occupied after the publication of any such notice nothing herein contained shall prevent the council from recovering by action as aforesaid from the occupier any rates, charges, and sums and interest as aforesaid due in respect of such land.

46. (1) Where any rates, charges, or sums due to the council under the Country Towns Water and Sewerage Acts, 1880-1905, in respect of any land, have been unpaid for a period of four years, and after diligent search the council is unable to discover the name and address within New South Wales of the owner, and is unable to recover the rates, charges, or sums due, the council may cause to be published in three consecutive issues of the Gazette, and in three consecutive issues of a newspaper circulating in the municipality or place within which such land is situated, or the place nearest thereto, a notice setting out the total amount so due as aforesaid, and demanding payment of the same, with any interest thereon payable under this Act, within one year from the date of the first publication as aforesaid.

Council may lease  
land for overdue  
rates or charges.

If after one year from the first publication of such notice all or any part of the amount set out therein is still unpaid, the council may take possession of such land and hold the same against any other person whomsoever, and so long as the whole or any part of the said amount or of any rate, charge, or sum lawfully accruing due since the publication of the notice or any interest thereon remains unpaid, may let such land from year to year or for a term not exceeding seven years, or (in case of unoccupied land which is not built upon or cultivated, or appurtenant to or used in connection with any building or premises, whether such land is used for the purpose of depasturing horses, cattle, or sheep thereon, or is not so used) for a term not exceeding twenty-one years, and may receive the rents thereof, and shall apply the same towards the payment of any rates, charges, and sums then due with interest as aforesaid, and hold any surplus for the owner of the land.

Upon the application of any person who, but for the provisions of this section would be entitled to the possession of such land, the Supreme Court or a Judge thereof may, upon satisfactory proof of title and upon payment into Court of any such rates, charges, sums and interest (if any) then due and unpaid, order the council to deliver up to the applicant possession of such land, and to pay over to the applicant any such surplus as aforesaid : Provided that the rights of a lessee of the council under this section shall not be affected by any order made as aforesaid, but that, on the making of the order, the lessee shall attorn to the applicant.



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Land may be sold  
under order of  
Supreme Court.

(2) In lieu of letting or continuing to let such land the council may, by petition to the Supreme Court or any Judge thereof, apply for a sale of the land described in such notice, or any part thereof, and the Court or Judge, on being satisfied by affidavit or otherwise that the amount set out in such notice was lawfully due at the time of the first publication of such notice, and that all or any part thereof remains unpaid at the date of the application, and that all conditions have happened, all things have been done, and all times have elapsed as required by the provisions of this section to entitle the council to let or continue to let the said land, and that the council cannot, by letting or continuing to let the land, realise sufficient revenue to provide for all expenses payable in respect of such land, and for the rates, charges, sums and interest then lawfully due and owing to the council or to accrue due in respect thereof, may order the sale of such land or of any part thereof by the Master or other officer of the Court by public auction on a date named in such order.

The proceeds of such sale shall be paid into Court, and the Court or Judge may order that there be paid out of such proceeds to the council in priority to any mortgage or other charge on the land all rates, charges, and sums due up to the time of such sale, with interest at the rate of five per centum per annum from the due date of such rates, charges and sums, and all other charges, together with all costs of and attending search at the lands titles office, or the office for the registration of deeds, for the name and address of the owner or mortgagee, and the costs of and attending the publication of the notices, and the application to the Court or Judge, and of and attending the sale as aforesaid, and that the balance be subject to any future or other orders of the Court, and may further order that the conveyance or deed of assurance, as the case may require, be executed by the Master or other officer of the Court in such form as may be approved by the Court or Judge.

Such conveyance or deed of assurance shall vest the legal estate in the land sold in the purchaser free from all encumbrances and trusts.

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

47. The power to cut off water conferred on the council by section forty-five of the Principal Act may 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 supply, sewerage, or drainage, as well as in the cases in that section mentioned.

Right of occupier to  
set off payments as  
against rent.

48. Where any owner or lessor of any land assessed is by contract liable to pay any rate, charge, or sum under the Country Towns Water and Sewerage Acts, 1880-1905, and such rate, charge, or sum has been required from and paid by any lessee or occupier, or where an occupier pays rates for a period prior to or extending beyond his



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his term of occupancy, such lessee or occupier may set off the amount so paid against any rent then due from him to such owner or lessor in respect of such land, and any receipt by or on behalf of the council for such payment shall be a discharge of rent and evidence of payment to the amount specified therein.

If the amount so paid exceeds the rent then due, such lessee or occupier may set off such excess against accruing rent, or in such case, or in case no rent is then due, may recover such excess or amount as the case may be by action as for money paid to the use of the owner or lessor.

49. Where any such rate, charge, or sum has been recovered from and paid by a mortgagee of any land he may, unless he is liable to pay the same under or by virtue of his mortgage, recover the same by action from the mortgagor as for money paid to his use, with costs as between attorney and client, or add any amount so paid by him to the mortgage debt, and charge interest on the same at the rate specified in the mortgage.

Mortgagee may recover rates paid from mortgagor.

## PART IV.

## FINANCIAL.

1.—*Debts.*

50. Where in a municipality no rate has been established for lighting with gas or otherwise, or for the construction or maintenance of works in connection with such lighting, and no moneys have been borrowed by the council by way of special loan for the purpose of constructing or purchasing gas-works, it shall be lawful for the Colonial Treasurer to declare, by notification in the Gazette, that no debts (whether incurred before or after the said notification) payable to him and charged or chargeable under the Country Towns Water and Sewerage Acts, 1880–1905, upon the revenues of the said municipality shall be charged or chargeable upon such of the said revenues as may be derived from lighting rates thereafter to be established for lighting with gas or otherwise, or from works in connection with such lighting, and thereupon the said debts shall cease to be so charged or chargeable.

Treasurer may declare that charge under Water and Sewerage Acts shall not affect certain rates or revenues.

And the said Treasurer may, by notification as aforesaid, alter or revoke any notification made under this section.

51. (1) Instead of the Minister for Public Works certifying under subsection two of section two of the Act fifty-seventh Victoria number nineteen, the annual sums payable under that subsection by a borough or municipal district, the Colonial Treasurer shall so certify, and the provisions of the said subsection relating to such certification by the said Minister shall be deemed to relate to the certification under this section by the said Treasurer.

Certain matters under 57 Vic. No. 19 to be certified by the Treasurer.

(2)



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(2) Notwithstanding anything to the contrary in section two of the Act fifty-seventh Victoria number nineteen, the rate of interest payable as in the said section mentioned shall be fixed by the Governor, but shall not exceed four per centum per annum.

**2.—Loans under the Act of 1887.**

Second or subsequent loans.

**52.** (1) 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 to be made to the council as hereinafter mentioned.

(2) Upon notification in the Gazette of the amount of the loan, and upon the council entering into a bond to His Majesty (which the council is hereby authorised to do) binding the corporate body of the municipality in such sums and upon such terms and conditions as the Governor may have prescribed, the Colonial Treasurer, on being authorised by the Governor in writing under his hand, may pay to the council by way of loan out of any money voted by Parliament for that purpose, such sums (not exceeding the value, estimated by the Minister, of the works constructed by the council) as have been agreed upon by the Minister and the council as above mentioned.

Incorporation of sec. 125 of Principal Act to include amendments in that section by the Act of 1894.

(3) Every loan made under this section shall be subject 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: Provided that interest shall, under section two of the Act fifty-seventh Victoria number nineteen, be calculated at the rate of four per centum instead of three and a half per centum per annum.

Application of section 125 of the Principal Act.

**53.** Any references to or incorporation of any provisions of section one hundred and twenty-five of the Principal Act in the Country Towns Water and Sewerage Act Extension Act of 1887 shall, as from the commencement of the Act fifty-seventh Victoria number nineteen, be deemed to apply to those provisions as amended by the last-named Act.

**3.—Duties of Council.**

Council to provide for management and repairs of works and payment of instalments.

**54.** It shall be the duty of the council, subject to the provisions of the Country Towns Water and Sewerage Acts, 1880-1905, to determine, make, and levy such rates and charges as are sufficient to provide for the annual payment of—

- (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)



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- (b) the cost of keeping the water, sewerage, and drainage works of the council in repair and efficient working order; and
- (c) the instalments and other sums due to the Colonial Treasurer for or in respect of such works.

For the purpose of securing the performance by the council of the above provisions, the Minister, by some officer appointed by him in that behalf, may 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 inspection the said officer shall have the powers of the council in that behalf.

55. If upon any such inspection the Minister is of opinion that the water, sewerage, or drainage works of the council are not kept in repair and efficient working order, the Minister may cause such repairs to be made to the 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 if the council do not pay the same within twenty-one days after demand made by the Minister, the Minister may recover the same on behalf of His Majesty in any court of competent jurisdiction.

56. (1) Every council shall in the months of January and July in each year furnish to the Colonial Treasurer in the manner prescribed a statement of the receipts and expenditure of the council in the administration of the Country Towns Water and Sewerage Acts, 1880-1905, duly audited by some person appointed in that behalf by the council, and such other returns as may be prescribed.

Council to make half-yearly statement of accounts.

(2) The Governor may make regulations prescribing the manner in which the accounts of councils in administering the said Acts shall be kept, and the manner in which the statement above mentioned 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 Gazette, and thereupon shall have the force of law, and shall be laid before Parliament without delay.

57. The council shall keep a separate banking account for all moneys received and paid under the Country Towns Water and Sewerage Acts, 1880-1905, and all moneys received under the said Acts shall be paid into the said banking account, and shall not be paid out of that account, except for services authorised by or under the said Acts, or for the payment of instalments or other moneys due to the Minister or the Colonial Treasurer under the said Acts.

Council to keep separate banking account.

58. The Governor may, in respect of any work hereafter to be constructed by the Minister for any council, by notification in the Gazette direct what sum shall be set aside by such council out of the revenue

Sum to be set aside for renewals and repairs of works.



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revenue derived from such works for the purpose of effecting renewals or repairs thereto. Such sum shall be paid into an account of the council to be called the "Renewals Account," and shall not be drawn upon except for the purpose of effecting renewals or repairs to the said works. In case any doubt arises as to the necessity for such renewals or repairs the question shall be decided by the said Minister, whose decision shall be final.

*4.—Reduction of debt.*

Reduction of annual  
payments certified in  
respect of works.

59. (1) Where the annual payments by any municipality in respect of works of water supply, sewerage, or drainage have, before or after the commencement of this Act, been certified under Part I of the Act fifty-seven Victoria number nineteen or this Act, the Colonial Treasurer, if he is of opinion that the revenues of the municipality are insufficient to provide for such payments, may reduce the amount of such payments for a period fixed by him not exceeding three years to such amount as he may think fit.

If, at the expiration of such period, or at the expiration of any subsequent period, during which an adjustment of the amount of such annual payments takes effect under this section, the said Treasurer is of opinion that the circumstances of the municipality have changed in any respect, he may further reduce the said amount or may increase it for a period not exceeding three years, but so that such increased amount shall not exceed the amount originally certified as aforesaid.

Such amount as so altered (whether by reduction or increase) shall be notified by the Colonial Treasurer in the Gazette, and thereupon shall be the amount annually payable during the period fixed as aforesaid :

Provided that no alteration or adjustment under this section of the amount of any annual payments shall affect the liability of a council or of a municipality for any principal moneys owing in respect of any such works as aforesaid.

Rates and charges  
for water imposed  
while reduction has  
effect.

(2) Where in pursuance of this section any reduction has been made in the amount of any annual payments in respect of any works of water supply, then, during the time that such amount stands at less than the amount originally certified in respect of those works, there is hereby imposed on all lands within that municipality subject to water rates, a rate of two shillings in the pound on the valuation or assessment of such lands, and a charge of five shillings per one thousand gallons for water supplied.

Rates for sewerage.

(3) Where any such reduction has been made in the amount of any annual payments in respect of any works of sewerage, then during the time that such amount stands at less than the amount originally certified in respect of those works, there is hereby imposed on all lands within that municipality subject to sewerage rates, a rate of one shilling in the pound on the valuation or assessment of such lands.

(4)



*Country Towns Water and Sewerage (Amendment).*

(4) Where any such reduction has been made in the Rates for drainage. amount of any annual payments in respect of any works of drainage, then during the time that such amount stands at less than the amount originally certified in respect of those works, there is hereby imposed on all lands within the drainage area fixed in pursuance of this Act such rate or rates, to be prescribed by the by-laws of the council, as will be equal to a rate of ninepence in the pound on the assessed value of all land within the drainage area.

(5) The provisions of the Country Towns Water and Incorporation. Sewerage Acts, 1880-1905, shall apply to rates and charges imposed by this section as if they were imposed by by-laws.

## PART V.

## MISCELLANEOUS.

1.—*Miscellaneous provisions.*

60. Any of the contracts or classes of contracts mentioned in Contracts as the by-laws of the council may be made by the council in writing prescribed may be under the hand of the mayor of the municipality without affixing made under hand of thereto the seal of the council. And contracts so made may in like the mayor. manner be varied and discharged.

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.

61. Notwithstanding section nine of the Principal Act, or any Boundaries of water proclamation made or to be made thereunder, the boundaries of any district to be water district within which water is authorised to be supplied to the boundaries of inhabitants of any borough or municipal district shall be the boundaries municipality. for the time being of such borough or municipal district; and all the provisions of the Principal Act relating to water districts shall apply to water districts as constituted by this section.

62. Where the owner or occupier of any land within a water Penalty for district or a catchment area, or any reservoir or source of water supply, nuisance to water does or permits to be done on such land any act, or permits to remain district, catchment thereon any matter or thing which in the opinion of the council is area, or reservoir likely to injure the water supply, and after notice thereof in writing or source of water given to him by or on behalf of the council, neglects or refuses to supply. discontinue doing such act, or to remove such matter or thing, he shall be liable to a penalty not exceeding ten pounds, and a further penalty of two pounds for each day after the first day from the receipt of such notice that such offence continues.



*Country Towns Water and Sewerage (Amendment).*

Water-works for  
Hillgrove.

**63.** The works for the supply of water for the town of Hillgrove which have been constructed by the Minister, together with all other works in connection with such supply which may be in course of construction, shall be subject to the provisions of the Country Towns Water and Sewerage Acts, 1880-1905, and shall, in pursuance of and subject to the provisions of the said Acts, be taken over by the council of the borough of Hillgrove.

*2.—Supplemental.*

Service of notices by  
post.

**64.** Notwithstanding anything in the Principal Act, any notice required by the Country Towns Water and Sewerage Acts, 1880-1905, or any by-laws or regulations made thereunder, to be sent or served, may be sent or served by post, and it shall not be necessary that such service by post should be by registered letter.

Occupier must state  
name of owner.

**65.** The occupier of any land who, on being required by any officer of the council to state the name of the owner of such land or of the person receiving or authorised to receive the rents of the same, refuses or wilfully omits to disclose, or wilfully misstates to such officer, the name of the said owner or person shall be liable to a penalty not exceeding five pounds.

No jurisdiction  
ousted on the ground  
that title to land is  
in question.

**66.** In any proceedings for recovering rates, charges, or sums due to the council no jurisdiction otherwise competent shall be ousted upon the ground that the proceedings raise a question of title to land.

Assessment book  
prima facie evidence.

**67.** The assessment book of the council made under the provisions of the Municipalities Act, 1897, and any entry made therein shall, if it purports to be signed by the mayor and sealed with the seal of the corporation be prima facie evidence of the facts therein stated without proof of the said signature or seal.

Legal proceedings  
may be taken in the  
name of the Council.  
53 Vic. No. 16, s. 25.

**68.** All informations, complaints, or other legal proceedings under the Country Towns Water and Sewerage Acts, 1880-1905, or under any by-law made under the said Acts may be laid, made, and taken in the name of the council, by any duly appointed officer of the council.

Additional powers to  
make by-laws.

**69.** The council may, under and subject to the provisions in that behalf of the Country Towns Water and Sewerage Acts, 1880-1905, make by-laws—

- (a) regulating the examination of persons applying for licenses, and the granting of licenses;
- (b) prescribing the contracts and classes of contracts which may be made under the hand of the mayor of the municipality;
- (c) regulating the mode in which water shall be supplied to land, and whether by meter or not;
- (d) generally for carrying out the provisions of the Country Towns Water and Sewerage Acts, 1880-1905.



*Country Towns Water and Sewerage (Amendment).*

70. 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 council, and if not in session then within fourteen days after the commencement of the next session.

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.

## SCHEDULES.

## SCHEDULE A.

*Table of Costs.*

	s.	d.
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.		
For inventory, sale, commission, and delivery of goods not exceeding one shilling in the pound on the net proceeds of the sale.		

## SCHEDULE B.

*Warrant of distress.*

New South Wales } To constable at , or bailiff (as  
to wit. } the case may be).

Whereas of in New South Wales has been rated at the sum of per annum for the water rate [or charge, or is liable to pay the sum of due to the council of the municipality of ] as the occupier [or owner] of certain land situate in street in and now occupied by ; and whereas the sum of being due and payable on account of the said rate, charge, or sum [as the case may be] on the day of in the year of our Lord one thousand nine hundred and , and was duly demanded by the collector of rates for on the day of in the year of the said who has not yet paid the same. These are therefore to require and authorise you forthwith to levy the said sum of together with costs of the presents by distress and sale of the goods and chattels found by you in the said land according to law, and that you certify to me on the day of what you shall do by virtue of this warrant.

Given under my hand this day of in the year of our Lord  
one thousand nine hundred and  
Mayor of the municipality of .

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

FREDK. M. DARLEY,

State Government House,  
Sydney, 9th December, 1905.

Lieutenant-Governor.



TO ALL WHOM THESE PRESENTS SHALL COME, I greet you with the most hearty wishes of health and prosperity, and with the assurance of my ever affectionate remembrance.

I have the honor to acknowledge the receipt of your letter of the 10th inst., and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

EXTRACTS

FROM THE

REPORT OF THE

COMMISSIONERS OF THE

LAND OFFICE

FOR THE YEAR

ENDING

THE 31ST

DECEMBER

1871

AND

THE

PROGRESS

OF THE

LANDS

OF THE

STATE

OF NEW YORK

IN

THE

YEAR

1871



# COUNTRY TOWNS WATER AND SEWERAGE (AMENDMENT) BILL.

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*SCHEDULE of Amendments referred to in Message of 21st November, 1905.*

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Page 6, clause 12, line 34. *After "covered" insert "or uncovered"*  
Page 6, clause 12, line 41. *After "such" omit "covered cesspool or"*

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COUNTRY TO BE WATER AND RAILROAD (AMENDMENT) BILL

SCHEDULE of Amendments referred to in Message of 24th February 1905.

Page 6, clause 15, line 11. After "and" insert "or improvement".  
Page 6, clause 15, line 11. After "and" insert "or improvement".



*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, 15 November, 1905. }*

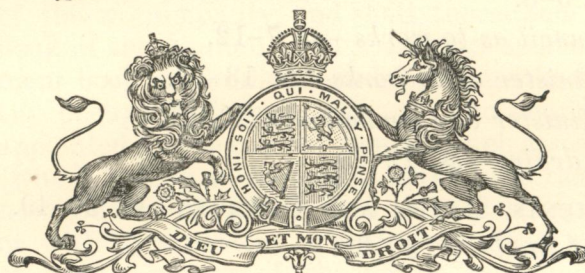
*RICHD. A. ARNOLD,  
Clerk of the Legislative Assembly.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.*

*Legislative Council Chamber,  
Sydney, 7th December, 1905. }*

*JOHN J. CALVERT,  
Clerk of the Parliaments.*

## New South Wales.



ANNO QUINTO

## EDWARDI VII REGIS.

\*\*\*\*\*

Act No. , 1905.

An Act to amend the law relating to the water supply, sewerage, and drainage of country towns; 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; and for purposes consequent thereon or incidental thereto.

**B**E it enacted by the King'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

### PART I.

#### PRELIMINARY.

1. This Act shall be construed with the Country Towns Short title and  
Water and Sewerage Act of 1880, the Country Towns Water and incorporation of Acts.  
Sewerage Act Extension Act of 1887, and so much of the Country  
Towns

54756

28—A

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



*Country Towns Water and Sewerage (Amendment).*

Towns and Hunter District Water Supply and Sewerage Acts Extension Act of 1894 as amends the first-mentioned Acts or either of them, and may be cited as the "Country Towns Water and Sewerage (Amendment) Act, 1905."

5      2. This Act is divided into Parts as follows :—

Division of Act.

PART I.—PRELIMINARY—ss. 1-4.

PART II.—WORKS—ss. 5-28.

1.—*Licenses*—ss. 5-6.

2.—*Powers of council as to works*—ss. 7-12.

10      3.—*Powers of Minister as to works*—ss. 13-19.

4.—*Powers of Minister and council*—ss. 20, 21.

5.—*Storm-water drains*—ss. 22-29.

PART III.—ASSESSMENTS, RATES, AND CHARGES—ss. 30-49.

1.—*Assessment of land*—ss. 30-38.

15      2.—*Recovery of rates and charges*—ss. 39-49.

PART IV.—FINANCIAL—ss. 50-59.

1.—*Debts*—ss. 50-51.

2.—*Loans under Act of 1887*—ss. 52, 53.

3.—*Duties of council*—ss. 54-58.

20      4.—*Reduction of debt*—s. 59.

PART V.—MISCELLANEOUS—ss. 60-70.

1.—*Miscellaneous*—ss. 60-63.

2.—*Supplemental*—ss. 64-70.

25      3. Sections fifty-four, sixty, sixty-one, seventy-seven, and eighty-eight of the Principal Act, and so much of section thirteen of the said Act as 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.

30      4. (1) In this and in any other Act and in any by-laws or regulations— Definitions.

35      "Country Towns Water and Sewerage Acts, 1880-1905," 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, and this Act.



*Country Towns Water and Sewerage (Amendment).*

(2) In this Act and in any by-laws or regulations made thereunder, unless the context otherwise indicates,—

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

5 “ Minister ” means Minister for Public Works.

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

10 “ Prescribed ” means prescribed by the Country Towns Water and Sewerage Acts, 1880–1905, or any by-laws or regulations made thereunder.

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

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

“ Works of water supply, sewerage, or drainage ” means such works constructed under the Country Towns Water and Sewerage Acts, 1880–1905.

PART II.

20 WORKS OF WATER SUPPLY AND DRAINAGE.

1.—*Licenses.*

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

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

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

35 (4) Any unlicensed person who, not being under the immediate supervision of a licensed person, commences or performs any such work, and any person who knowing that a person is unlicensed employs him 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.



*Country Towns Water and Sewerage (Amendment).*

(5) The council may direct and compel all defective and improper work done by an unlicensed person without the required supervision to be removed or altered to its satisfaction, and may, by its 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 person knowing him to be unlicensed.

Council may remove work done by unlicensed person.

(6) No license 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 of council alone to have validity.

6. No person, without having previously obtained in the manner prescribed the consent of the council, or of some person authorised by the council in that behalf, shall 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.

Permits to tap water-mains.

*2.—Powers of Council as to works.*

7. The council by its officers or servants may at any reasonable hours enter any land and inspect any works and may construct any works and do any things therein or thereon authorised by the Country Towns Water and Sewerage Acts, 1880-1905.

Council may enter land and do works.

8. (1) Where there appears to be any escape of water or sewage, the council may open up any ground under which any pipes, drains, or sewers of the council, laid or made under the Country Towns Water and Sewerage Acts, 1880-1905, or any pipes, drains, or sewers communicating therewith are situate, and 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.

(2) Except in cases of emergency the council shall, before opening any ground, give at least twenty-four hours' notice to the person in possession of or having the control or management of the same.

Council to give notice before opening ground.

In opening any ground and doing any work in pursuance of this section, 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 any of 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, and such compensation may be recovered in any court of competent jurisdiction.

(3) If upon examination it is 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,

Recovery of expenses.



*Country Towns Water and Sewerage (Amendment).*

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 supplied with water, or drained, as the case may be.

- 5        9. Where land has no frontage to a street or highway along which a water-pipe of the council is laid, and the owner or occupier is not able to obtain the consent of the owner and occupier of the land intervening between his land and the water-pipe to the laying of a water-pipe through such land to his land, or to necessary repairs or alterations to or the removal of a water-pipe laid through such intervening land, the council may, upon the application of such first-named owner or occupier, enter such intervening land and carry out the work on his behalf and at his cost, and for such purposes the provisions of sections sixteen and sixty-four of the Principal Act shall be applicable; but any amount paid by or recovered from the council for compensation as in those sections provided shall not be recoverable from the applicant.

Power of council to lay pipes and drains through intervening land.

10. Where, in the opinion of the council, it is desirable in the interests of the health of any persons that the water of the council should be supplied to any land in respect of which water-rates are payable, the council may give notice in writing to the occupier of such land, or where the land is unoccupied, to the owner thereof, requiring him to lay pipes and apply fittings in the manner described in such notice to supply the water of the council to such land.

Occupiers or owners to make connections with water-mains.

- The occupier or owner to whom any such notice is given may within twenty-one days after the giving of such notice appeal therefrom to the nearest court of petty sessions, and such court, on the hearing of such appeal, may amend or cancel the notice or dismiss the appeal, and make such order as to costs as it may think just.

- If the notice is not so appealed from, and the said occupier or owner does not within twenty-one days after the giving of the notice lay the pipes and apply the fittings as described in the notice, or if on appeal the court by its order amends the notice or dismisses the appeal, and the said occupier or owner does not within twenty-one days after such order has been made lay the pipes and apply the fittings in the manner described in the notice or the amended notice, as the case may be, the council may lay the pipes and attach the fittings as aforesaid, and may on the expiration of twenty-one days after demand in writing has been made by the council to the said occupier or owner, recover from such occupier or owner the expenses incurred by the council in so laying the pipes and attaching the fittings by the like proceedings as if such expenses were a water-rate; but any court in which proceedings are taken to recover such expenses may if it thinks fit order such expenses and any costs incurred in the action to be paid by instalments.



*Country Towns Water and Sewerage (Amendment).*

11. (1) Where under the Principal Act or this Act the owner or occupier of any land is liable or has been required by the council to construct any works in connection with water supply or sewerage, such owner or occupier may make application in writing to the council <sup>Persons liable to make connections may apply to have work done on deferred payments.</sup> for such works to be carried out 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 carrying out of such works under the direction of the council at a price or sum and upon terms agreed upon, and for the payment of such price or sum by the applicant 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.
- 15 (2) Upon the execution by the applicant of such agreement, 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 days on which the quarterly instalments of payment will fall due. <sup>Council upon completion of work to give notice to applicant.</sup>
- 20 (3) Where the price or sum agreed upon between the council and any applicant under this section exceeds fifteen pounds, the Colonial Treasurer may, on the application of the council, advance such price or sum to the council from the Consolidated Revenue Fund. Such price or sum shall be repaid by the council at any time or times, and by any instalments agreed upon between the council and the said Treasurer, with interest at the rate of five per centum per annum from the date of the advance, but so that the amount of the advance, with interest as aforesaid, shall be repaid within three years from the completion of the works.
- 30 12. (1) Where any land within a municipality is without a drain sufficient for effectual drainage, the council thereof shall, by written notice, require the owner or occupier of such land, within a reasonable time therein specified, to make a covered or uncovered drain or drains emptying,— <sup>To compel drainage of undrained land.</sup>
- 35 (a) in the case of sewage, into any sewer; and  
 (b) in the case of storm-water and other drainage, into any storm-water drain which the council are entitled to use, and which is not more than one hundred feet from such land; and,—
- 40 (c) in the case where there is no such sewer or storm-water drain, into such covered—cesspool—or other place, not being under any building, as the council may direct.
- Such drain or drains shall be of such material and size, and laid at such levels and with such fall as, on the report of their  
 45 surveyor, the council may think necessary.



*Country Towns Water and Sewerage (Amendment).*

(2) Where in the opinion of the council greater expense would be incurred in causing the drains of two or more separate portions of land to empty into an existing sewer or storm-water drain pursuant to this section, than in constructing a new sewer or storm-water drain and causing such drains to empty therein, the council may construct such new sewer or storm-water drain, and by notice as aforesaid require the owners or occupiers of such separate portions of land to cause their drains to empty therein.

The council shall apportion as they deem just the expenses of the construction of such new sewer or storm-water drain among the owners of the several portions of land, and recover in a summary manner the sums so apportioned from such owners, or may, by order, declare the same to be private improvement expenses.

(3) If any such notice is not complied with, such owner or occupier shall be liable to a penalty not exceeding twenty pounds, and after conviction to a further penalty not exceeding five pounds for every day such offence continues.

In addition to or in substitution for this penalty, the council may, at the expiration of the time specified in the notice, do the work required, and recover in a summary way the expenses so incurred from the owner or owners, or may by order declare the same to be private improvement expenses.

*3.—Powers of Minister as to works.*

13. For the purpose of determining whether any work of water supply, sewerage, or drainage should be constructed, or determining the place where such work should be constructed, or the mode in which it should be carried out, or for the purpose of inspecting any such work constructed or in course of construction, the Minister and his officers and servants may, with horses and vehicles, enter any land and take levels of the same and other lands, and set out such parts thereof as he may think necessary, and dig, break, and trench the soil of such land, sink trial holes, and remove any earth, stone, minerals, trees, and other things dug out of the same. Compensation for any damage caused by the exercise of the powers conferred by this section shall be ascertained and paid, and may be recovered in the way provided by the Principal Act in respect of compensation for damages for the occupation of land under that Act.

Minister may enter lands for purpose of making surveys.

14. For the purpose of carrying out or protecting any works of water supply, sewerage, or drainage, the Minister may enter any lands whatsoever, whether a garden, orchard, plantation, park, planted walk, avenue, or ground ornamentally planted, and whether such lands are 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.

Further powers Minister to take lease land.

If



*Country Towns Water and Sewerage (Amendment).*

If the Minister and the owner of such lands cannot agree within ninety days from the date of entry by the Minister 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  
 5 stipulated for, or any other terms or 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  
 10 them, and may be enforced in every respect as a decree or order of the Supreme Court in its equity jurisdiction.

15 15. During the construction by the Governor, or the Minister, of any works of water supply, sewerage, or drainage, and until those works are taken over by the council, the Minister in respect of the said works  
 15 may exercise the powers conferred, and shall be subject to the duties and liabilities imposed on the council by the provisions of Parts II and III of the Principal Act or by this Part of this Act, and any enactments amending the same; and in other respects the said provisions shall, during the period aforesaid, apply to and in respect of such works.

Minister to have powers of Council during construction of works

20 16. It shall be deemed to have been and shall be lawful for the Governor to carry out such alterations, modifications, and extensions of and additions to any works of water supply, sewerage, or drainage, as he thinks desirable, whether such works have been constructed by the Governor and notified as complete, or not so notified, or constructed  
 25 by the Minister or the council.

Power to make alterations in and additions to works.

Such alterations, modifications, extensions, and additions shall be taken over by the council, paid for, and otherwise dealt with in the same way as works constructed by the Minister, and for that purpose the provisions of the Country Towns Water Supply and Sewerage  
 30 Acts, 1880-1905 shall apply in respect thereof.

17. The Governor at the request of the council may construct and complete works of water supply, or any alterations or extensions of or additions to then existing works of water supply, to be used in part for supplying power to drive machinery. And the provisions of  
 35 the Country Towns Water and Sewerage Acts, 1880-1905, relating to works of water supply, shall apply to works, alterations, extensions, and additions constructed under the authority of 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,  
 40 the council shall repay yearly such percentage of the cost of the same as may be agreed upon between the Minister and the council into the banking account kept under the provisions of this Act.

18. (1) It shall be lawful for the Governor to carry out any works, being either original works or alterations, modifications or  
 extensions

Construction of works for benefit of adjacent municipalities.



*Country Towns Water and Sewerage (Amendment).*

extensions of or additions to existing works, of water supply, sewerage, or drainage within any municipality for the purpose of that municipality, and of any other adjoining or adjacent municipality.

(2) The provisions of the Country Towns Water and Sewerage Acts, 1880-1905, shall apply to such works: Apportionment of cost of works.

Provided that upon the said works being taken over by the council, the periodical payments to the Colonial Treasurer of the cost of such works shall be apportioned between the municipality within which the works are constructed and the other adjoining or adjacent municipalities aforesaid, as agreed between the Minister and the councils of such municipalities:

Provided also that in the case of works for water supply the annual proportion of such periodical payments to be made by such adjoining or adjacent municipalities shall be based on a minimum quantity of water to be supplied, any additional quantity required being paid for to the Colonial Treasurer at such rate as may be agreed upon between the Minister and all the councils on the completion of the works and applied in liquidation of the cost of such work.

19. If the Minister at any time deems it necessary, in the construction of any works of water supply, sewerage, or drainage, that the position or level of any works vested in any person and laid in or under any street should be altered, he may, by notice in writing, require the said person to make the said alteration 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. Works in any street to be altered when necessary.

If such notice is not complied with, the Minister may cause the required alteration to be made, but no such alteration shall be made which will permanently injure such works or affect their use.

20. Where any work of water supply, sewerage, or drainage 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, notwithstanding anything to the contrary in section one hundred and sixteen of the Principal Act. Minister to substitute roads in certain cases.

*4.—Powers of Minister and Council.*

21. The Governor or the Minister or a council constructing any works of water supply, sewerage, or drainage may make and enter into contracts and agreements with any person for the acquisition by purchase or otherwise of any rights to be exercised on or over any land, including the right to construct works, lay pipes and drains, and use, maintain, protect, replace, repair, and clean the same. Acquisition of rights over land.



*Country Towns Water and Sewerage (Amendment).*

22. (1) Where in the opinion of the Governor or the Minister, or a council constructing any works of water supply, it is undesirable to lay reticulation pipes in a municipality, it shall be lawful for the Governor or the Minister, or council to construct and fix in place of 5 such reticulation pipes a stand-pipe or stand-pipes for the supply of water, and in such case the council upon taking over or constructing the works, may make and levy rates in respect of all ratable property in the municipality.

Construction and  
fixing of stand-pipes.

10 (2) The council may make by-laws for determining, levying, and collecting the rates, and such rates may vary according to the distance from any such stand-pipe of the land so rated; provided that no such rate shall exceed one shilling in the pound on the valuation or assessment of any of such land. The payment of such rate in respect of any land shall entitle the occupier of the same to take 15 water for domestic purposes from any such stand-pipe or from the main to the value of the amount of the rate so paid, calculated at such sum as may be prescribed by the by-laws of the council, not exceeding five shillings for every one thousand gallons of water.

Rates for water  
within area  
prescribed.

20 The council may make by-laws providing for the supplying of water from such stand-pipes.

(3) The council may make by-laws fixing charges for water which the council is hereby authorised to supply from any such stand-pipe or from the main for other than domestic purposes, or for use outside the municipality.

Charges for water.

25 (4) The provisions of the Country Towns Water and Sewerage Acts, 1880-1905, shall apply to rates and charges levied and imposed under this section.

Incorporation.

*5.—Storm-water drains.*

23. The Governor may, by proclamation in the Gazette, direct 30 that any storm-water drains and sewers therein mentioned, constructed by him before or after the commencement of this Act, together with any lands and buildings used in connection therewith shall be, and the same, together with the administration and management thereof shall thereupon be taken over by the council upon the terms and 35 conditions prescribed in subsections one to seven of section one hundred and twenty-five of the Principal Act, as amended by the Act fifty-seventh Victoria number nineteen and this Act, and upon any further terms or conditions which the Governor may in any case appoint.

Proclamation as to  
storm-water drains  
and sewers.

24. The boundaries of any drainage area in respect of storm- 40 water drains and sewers taken over by the council in pursuance of the last preceding section may be fixed in the following manner:—

The fixing of the  
boundaries of  
drainage areas.

(a) the council may, by resolution, define the boundaries of such area

(b)



*Country Towns Water and Sewerage (Amendment).*

- 5 (b) on such resolution being passed, the council shall cause notice of the same to be published in the Gazette, and twice in some newspaper or newspapers circulating in the municipality, stating that an appeal against such definition of the boundaries may be made under this Act within thirty days from the date of the last of such publications ;
- 10 (c) within such thirty days any person interested may appeal against such definition of boundaries to a stipendiary or police magistrate, appointed by the Governor in that behalf, and sitting in the municipality in open court ;
- 15 (d) such magistrate shall hear such appeal, and for that purpose shall have the powers of a court of petty sessions, and may make such alterations in the boundaries of the area as he may think just, having regard to the benefit derived or to be derived by the owners or occupiers of land from the construction and use of the said work :
- (e) the boundaries as defined by the council, with such alterations as may be made therein on appeal as aforesaid, shall be the boundaries of such area for the purposes of this Act.

20 **25.** The council may make by-laws—

Valuations and rates.

- 25 (a) prescribing the method of valuing land within the boundaries of such drainage area. But the valuation of any land shall not exceed in any year the valuation (if any) of such land during the same or the next preceding year under the Municipalities Act, 1897 ;
- 30 (b) prescribing the rate to be paid in respect of any such land according to the benefit which, in the opinion of the council, accrues to the land from the construction of the drains or sewers. But no such rate shall exceed the amount of five pounds per centum per annum of the valuation or assessment of the land : Provided that a minimum rate of one shilling may be imposed by by-law ;
- 35 (c) for carrying into effect the provisions of this Act relating to storm-water drains and sewers, and valuations and rates in respect of the same.

**26.** The council may impose any rates prescribed as aforesaid, and may recover them from the owners or occupiers of the lands in respect of which they are payable, and shall for that purpose have the powers granted to the council in respect of sewerage rates by the Principal Act and this Act.

Imposition and recovery of rates.

Any sewerage rate imposed on land shall be in addition to any drainage rate imposed thereon under this section.

*Work*



*Country Towns Water and Sewerage (Amendment).**Work taken over by council before completion.*

27. (1) When any work partly constructed by the Governor but not completed is, in the opinion of the Minister, so far constructed as to be of use to the council, he may report that fact to the Governor. Work may be taken over before final completion.
- 5 The Governor shall notify such fact in the Gazette, and thereupon the council shall take over the work and the administration and management thereof. The council shall thereupon have all the powers and obligations conferred and imposed on a council by the Country Towns Water and Sewerage Acts, 1880-1905.
- 10 (2) The Minister shall certify the amount actually expended in such construction up to the day of the notification by the Governor as aforesaid, together with interest at the rate of four per centum per annum on the sums making up such amount, calculated from the time such sums were expended. Interest from the said day at the rate of
- 15 four per centum per annum on the amount so certified shall annually be paid by the council to the Colonial Treasurer, and shall be carried to the Consolidated Revenue Fund.
- (3) Like action may be taken at any time, and the above provisions of this section shall apply when the work has been further
- 20 constructed and before completion.
23. When such work has been finally completed and taken over by the council, and the cost of the work and the interest thereon have been certified under the Country Towns Water and Sewerage Acts, 1880-1905, all payments of interest under the last preceding section
- 25 shall cease. Interest to cease on works being finally taken over.

*Computation of interest.*

29. With respect to works constructed at any time by the Governor and taken over after the commencement of this Act by a council under the Country Towns Water Supply and Sewerage Acts, Interest with respect to works computed at four per centum.
- 30 1880-1905—
- (a) the computations of interest under section two of the Act fifty-seventh Victoria number nineteen shall be made on the basis of four per centum per annum instead of three and a half per centum per annum, as in that section provided. To carry out
- 35 this provision the words "four per centum" are substituted for the words "three and a half per centum" wherever occurring in that section;
- (b) in computing the amount of interest as aforesaid, credit shall
- 40 be given for any payments of interest under this Act in respect of a work taken over by the council before completion.



*Country Towns Water and Sewerage (Amendment).*

PART III.

ASSESSMENTS, RATES, AND CHARGES.

1.—*Assessment of land for rates.*

30. Notwithstanding anything contained in the Principal Act, <sup>What land liable for</sup> the council may, under that Act, make by-laws for determining, <sup>water rate,</sup> making, and levying the water rate to be paid in respect of land, subject to the following conditions:—

10 (a) Where land has frontage to a street or public highway along which, throughout the whole length of such frontage, a service water-pipe of the council is laid, so much of the land as is situate within a distance of two hundred and fifty yards from the water-pipe shall be subject to the rate, although the land is not actually supplied with water from any water-pipe of the council.

15 (b) Where land has frontage to a street or public highway along which, throughout part of the length of such frontage, a service water-pipe of the council is laid, so much of the land as is situate within a distance of two hundred and fifty yards from the water-pipe, measured in a direction at right angles to such pipe, shall be subject to the rate, although the land is not actually supplied with water from any water-pipe of the council.

20 (c) Where land has no frontage to a street or public highway along which a water-pipe of the council is laid, but a water-pipe is laid to some part of the land, so much of the land as is situate within two hundred and fifty yards from the water-pipe laid in the street or public highway, measured in a direction at right angles to such pipe, shall be subject to the rate, although the land is not actually supplied with water from any water-pipe of the council:

25 Provided that any land otherwise ratable shall be exempt from the rate if in a case under subsection (a) or (b) such land cannot be supplied with water from a stand-pipe at least three feet in height from the natural surface of the ground at the building line, or in a case 30 under subsection (c), such land cannot be so supplied from a similar stand-pipe at some point on such land:

35 Provided also that no person shall be exempt from payment of water rates by reason only that the water supplied by the council has become unfit for dietetic purposes. The council may, from time to time, levy such reduced rate for the period during which such water shall be unfit for dietetic purposes as it may consider reasonable.



*Country Towns Water and Sewerage (Amendment).*

31. Any land vested in His Majesty or in any person on behalf of His Majesty, not being land vested in the Railway Commissioners of New South Wales, and any land in the occupation of the Crown, if the valuation or assessment of the land has been approved by the Minister, shall be subject to water rates, although the land is not actually supplied with water from any water-pipe of the council, and shall be also subject to sewerage rates. Crown land ratable.

32. (1) Where any land which would be subject to rates under the Country Towns Water and Sewerage Acts, 1880-1905, if the same had been included in any valuation by the council under the Municipalities Act, 1897, is not included in any such valuation, and in any case where part only of the land included in a valuation by the council as aforesaid would be subject to rates as aforesaid, the council may cause an assessment of such land to be made from time to time, and may by by-laws determine, make, and levy the rate to be paid in respect of such land : Council may make valuation, &c., in certain cases.

Provided that such rates and the exercise of the powers hereby conferred upon the council shall be in all other respects subject to the provisions of the first mentioned Acts.

(2) The enactments contained in the following subsections shall be applicable in respect to any such assessment :—

- (a) The council shall, as soon as practicable, cause notice of the amount of any such assessment to be served upon the occupier, or if there is no occupier upon the owner, of the land assessed. Notice of assessment.
- 25 (b) Such occupier or owner may, within twenty-eight days after the service of such notice appeal against such assessment, and shall for such purpose and before the expiration of such twenty-eight days, give notice in writing to the council of his intention to appeal, stating the grounds of such appeal. Appeal from assessment.
- 30 (c) Such appeal shall be heard by a court of petty sessions held within the petty sessions district in or nearest to which the land is situated on some day to be fixed by the council. Notice of the day and place of the hearing of the appeal shall be published by advertisement in the Gazette, and in some newspaper published or circulating in such petty sessions district at least seven clear days before the hearing of such appeal ; and such court may hear and determine the same, and award such relief in the premises as the justice of the case may require, and such decision shall be final and conclusive as regards the matter of such appeal ; and the assessment book of the council shall, if necessary, be amended in accordance with such decision. Hearing of such appeal.
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- 40
- (d) No appeal shall be heard unless such notice has been given as aforesaid ; and if, on the hearing of any such appeal, the court is of opinion that the same is frivolous or vexatious, No appeal unless notice.
- 45

it



*Country Towns Water and Sewerage (Amendment).*

- it may award such costs, not exceeding two pounds, as it may think fit against the appellant, which may be recovered by the council in the same manner as costs in any proceedings before a court of petty sessions. Costs.
- 5 (e) After the expiration of the twenty-eight days so prescribed as aforesaid without any notice of appeal, or upon the decision of any such appeal, and the necessary alterations (if any) being made in the assessment book of the council, the same shall be confirmed by the council, and signed by the mayor Confirmation of assessment book.
- 10 of the municipality, and shall thereupon be the assessment book of the council until a new rate is made and new assessment book is completed and confirmed in manner aforesaid.
- (f) Any occupier of land who, on the request of any valuer appointed by the council to make such assessment as aforesaid Penalty on occupier for misstatement.
- 15 (who is hereby authorised to make inquiries as to the matters hereinafter mentioned) refuses or wilfully omits to disclose, or wilfully misstates to such valuer the name of the owner of such land, 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 land who, on the request of such valuers refuses or wilfully omits to disclose, or wilfully misstates anything required for or calculated to affect such assessment, shall for every such offence be liable to a penalty not exceeding five pounds.
- 20
- 25 **33.** 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 upon by the council and the person to be supplied. Council may supply water by measure or otherwise.
- 30 **34.** Notwithstanding anything contained in the Principal Act, the council shall not be compellable to supply water to any person whomsoever. Council not compellable to supply water.
- 35.** 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 subject to water rate exceeds the quantity which, at such price not exceeding five shillings per thousand gallons, as is fixed by by-law of the council, would be supplied by the council on payment of an amount equal to the water rate payable in respect of the said land, the council by resolution notified to the said person under the hand of the council clerk, may require the said person within a time named in the notice to enter into a contract with the council for the supply of water to the land at a price fixed by the resolution and named in the notice, or to affix or cause to be affixed a meter and to pay for the water supplied according to the scale prescribed for the supply of water by measure. Council may require certain persons to enter into agreement to take water.
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- 45

If



*Country Towns Water and Sewerage (Amendment).*

If the said person after such notification refuses or neglects to enter into the said contract, or to affix or cause to be affixed the meter within the time above mentioned, or having entered into the said contract, or affixed or caused to be affixed the meter, neglects or  
 5 refuses to pay any money or charges due in respect of water supplied to the land, the council may cut off the supply of the water. But the said person shall, in either of the above cases, be nevertheless liable to pay any water rate determined, made, or levied in respect of the said land.

10 **36.** (1) The council by resolution may exempt any public hospital or charitable institution from water rate and on passing a resolution for that purpose may supply water free of charge to any such hospital or institution as aforesaid subject to the following conditions:—

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

15 (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: Provided that the council may make by-laws increasing the quantity of water which may be  
 20 supplied as aforesaid to the hospital or institution.

(b) For the purposes of the last preceding subsection the number of persons resident as aforesaid shall be the average number of persons so resident during the half-year immediately preceding the period in respect of which charges would be  
 25 payable.

(c) 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 prescribed for the supply of water by measure.

30 (2) Any such resolution may be revoked or altered by the council.

Revocation of resolution.

(3) 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  
 35 hospital or institution and inspect any works therein used for the supply of the water, and may give such directions as the council may by resolution prescribe to prevent waste of the water.

Supervision of the water supply to hospitals and charitable institutions.

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

40 **37.** The council by resolution may exempt from the payment of water rates and sewerage and drainage rates (including rates due and unpaid at 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 due and  
 45 unpaid as aforesaid) any building used exclusively as a Sunday school; and may revoke or alter any exemption so granted.

Council may exempt certain buildings from payment of rates.



*Country Towns Water and Sewerage (Amendment).*

38. (1) Notwithstanding anything contained in the Principal Act, the council by by-law may determine, make, and levy any water rate not exceeding ten per centum per annum on the amount of the valuation or assessment of all land liable for water rates under the  
 5 Country Towns Water and Sewerage Acts, 1880-1905, and determine, make, and levy any minimum water rate on such land, whatever the valuation or assessment thereof may be.

Maximum water rates.

Minimum rates.

(2) Notwithstanding anything contained in the Principal Act, the council by by-law may make and levy any sewerage rate not  
 10 exceeding ten per centum per annum on the amount of the valuation or assessment of all land liable for sewerage rates under the Country Towns Water and Sewerage Acts, 1880-1905, and make and levy any minimum sewerage rate on such land, whatever the valuation or  
 assessment thereof may be.

Maximum sewerage rates.

Minimum rates.

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*2.—Recovery of rates and charges.*

39. Every rate, charge, and sum due to the council under the Country Towns Water and Sewerage Acts, 1880-1905, shall be paid by  
 and be recoverable from the owner or occupier of the land subject to the rate, charge, or sum; and every such rate shall be paid in  
 20 advance by equal half-yearly payments on the first day of January and the first day of July in each year.

Rates and charges recoverable from owner or occupier; rates payable half-yearly.

40. If any person liable to pay any such rate, charge, or sum refuses or neglects to pay the same after a notice demanding payment has been served in the prescribed manner on the occupier, or if there  
 25 is no occupier upon the owner, of the land subject to such rate, charge, or sum, the council may recover the same with costs in any court of competent jurisdiction.

Recovery of rates and charges.

On service of another such notice as aforesaid on the person then in occupation of such land, and liable to pay the rate, charge,  
 30 or sum, and on such person failing to comply therewith, the mayor of the municipality may issue a warrant under his hand to the bailiff or other person named therein which shall be his authority to levy such rate, charge, or sum, with costs not exceeding the scale prescribed in Schedule A hereto, by distress and sale of the goods and chattels  
 35 then being on such land, and in the occupation of the person aforesaid: Provided that no such warrant shall authorise the seizure or sale of any bedstead, bedding, culinary articles in domestic use, or tools of trade.

Distress and sale.

In the event of any such distress and sale not realising sufficient to pay the amount levied together with costs as aforesaid, the mayor  
 40 may from time to time cause further and other distress and sale to be made as aforesaid until such amount and costs as aforesaid have been fully paid, or may recover by action in any court of competent jurisdiction so much of the said amount and costs as is then due from the person liable to pay the said rate, charge, or sum.



*Country Towns Water and Sewerage (Amendment).*

41. Out of the moneys arising from the sale of the goods and chattels the bailiff or other person executing the warrant shall first pay the costs aforesaid, and shall then pay the amount for which such distress and sale were made, and pay over the surplus (if any) to the person whose goods have been sold.

Disposal of proceeds of sale.

42. The warrant of distress may be in the form or to the effect of Schedule B hereto; and in all cases where a distress may lawfully be made every police constable shall, upon being so required by any bailiff or other person distraining, aid in making a distress or sale pursuant to such warrant, and for refusing so to do shall be liable to a penalty not exceeding five pounds:

Form of warrant of distress.

43. (1) Any warrant issued shall be a good and sufficient authority to the bailiff or other person executing the same, or to his assistant, to remain on the premises during the interval between the making of the distress and the sale of the goods and chattels seized, whether such authority is expressed in the warrant or not; and every distress and sale in pursuance of a warrant shall, subject to the provisions of the Country Towns Water and Sewerage Acts, 1880-1905, be conducted and carried out as nearly as practicable in accordance with the provisions of the Landlord and Tenant Act, 1899.

Warrant authorises bailiff to remain on premises.

(2) The council may appoint some competent person to be its bailiff for the purpose of levying by distress and sale any such rates, charges, and sums; and any bailiff so appointed shall have power and authority to sell by public auction any goods and chattels seized under any warrant of distress aforesaid without taking out any license as an auctioneer.

Bailiff may sell by auction without license.

44. All such rates, charges, and sums where the amount sought to be recovered does not exceed the sum of thirty pounds may be sued for and recovered under the Small Debts Recovery Act, 1899, in addition to the mode of recovery provided by 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 the exercise of their summary jurisdiction.

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

45. All such rates, charges, and sums payable after the commencement of this Act in respect of any land shall be a charge upon the land for two years from the time such rates, charges, and sums first become payable; and if at the expiration of the time named the owner of such land is unknown to the council after diligent inquiry made, the council shall within three months from the expiration of such time publish a notice in the Gazette and in a newspaper circulating in the municipality in which the land is situated, containing particulars of the same and of the amount due thereon as aforesaid, and upon such publication the said amount together with interest thereon at the rate of five per centum per annum from the date on which such rates, charges, and sums first became payable, shall become

Rates and charges to be a charge on land.

and



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*Country Towns Water and Sewerage (Amendment).*

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and remain a charge on the said land until payment thereof, and may be recovered by action in any court of competent jurisdiction from any person who is the owner at the time such action is brought :

Provided that in the event of the land being occupied after the  
5 publication of any such notice nothing herein contained shall prevent the council from recovering by action as aforesaid from the occupier any rates, charges, and sums and interest as aforesaid due in respect of such land.

46. (1) Where any rates, charges, or sums due to the council  
10 under the Country Towns Water and Sewerage Acts, 1880-1905, in respect of any land, have been unpaid for a period of four years, and after diligent search the council is unable to discover the name and address within New South Wales of the owner, and is unable to recover the rates, charges, or sums due, the council may cause to be published  
15 in three consecutive issues of the Gazette, and in three consecutive issues of a newspaper circulating in the municipality or place within which such land is situated, or the place nearest thereto, a notice setting out the total amount so due as aforesaid, and demanding payment of the same, with any interest thereon payable under this  
20 Act, within one year from the date of the first publication as aforesaid.

Council may lease  
land for overdue  
rates or charges.

If after one year from the first publication of such notice all or any part of the amount set out therein is still unpaid, the council may take possession of such land and hold the same against any other person whomsoever, and so long as the whole or any part of the  
25 said amount or of any rate, charge, or sum lawfully accruing due since the publication of the notice or any interest thereon remains unpaid, may let such land from year to year or for a term not exceeding seven years, or (in case of unoccupied land which is not built upon or cultivated, or appurtenant to or used in connection with any building  
30 or premises, whether such land is used for the purpose of depasturing horses, cattle, or sheep thereon, or is not so used) for a term not exceeding twenty-one years, and may receive the rents thereof, and shall apply the same towards the payment of any rates, charges, and sums then due with interest as aforesaid, and hold any surplus for the  
35 owner of the land.

Upon the application of any person who, but for the provisions of this section would be entitled to the possession of such land, the Supreme Court or a Judge thereof may, upon satisfactory proof of title and upon payment into Court of any such rates, charges, sums  
40 and interest (if any) then due and unpaid, order the council to deliver up to the applicant possession of such land, and to pay over to the applicant any such surplus as aforesaid : Provided that the rights of a lessee of the council under this section shall not be affected by any order made as aforesaid, but that, on the making of the order, the lessee  
45 shall attorn to the applicant.



*Country Towns Water and Sewerage (Amendment).*

(2) In lieu of letting or continuing to let such land the council may, by petition to the Supreme Court or any Judge thereof, apply for a sale of the land described in such notice, or any part thereof, and the Court or Judge, on being satisfied by affidavit or otherwise that the amount set out in such notice was lawfully due at the time of the first publication of such notice, and that all or any part thereof remains unpaid at the date of the application, and that all conditions have happened, all things have been done, and all times have elapsed as required by the provisions of this section to entitle the council to let or continue to let the said land, and that the council cannot, by letting or continuing to let the land, realise sufficient revenue to provide for all expenses payable in respect of such land, and for the rates, charges, sums and interest then lawfully due and owing to the council or to accrue due in respect thereof, may order the sale of such land or of any part thereof by the Master or other officer of the Court by public auction on a date named in such order.

Land may be sold  
under order of  
Supreme Court.

The proceeds of such sale shall be paid into Court, and the Court or Judge may order that there be paid out of such proceeds to the council in priority to any mortgage or other charge on the land all rates, charges, and sums due up to the time of such sale, with interest at the rate of five per centum per annum from the due date of such rates, charges and sums, and all other charges, together with all costs of and attending search at the lands titles office, or the office for the registration of deeds, for the name and address of the owner or mortgagee, and the costs of and attending the publication of the notices, and the application to the Court or Judge, and of and attending the sale as aforesaid, and that the balance be subject to any future or other orders of the Court, and may further order that the conveyance or deed of assurance, as the case may require, be executed by the Master or other officer of the Court in such form as may be approved by the Court or Judge.

Such conveyance or deed of assurance shall vest the legal estate in the land sold in the purchaser free from all encumbrances and trusts.

47. The power to cut off water conferred on the council by section forty-five of the Principal Act may 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 supply, sewerage, or drainage, as well as in the cases in that section mentioned.

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

48. Where any owner or lessor of any land assessed is by contract liable to pay any rate, charge, or sum under the Country Towns Water and Sewerage Acts, 1880-1905, and such rate, charge, or sum has been required from and paid by any lessee or occupier, or where an occupier pays rates for a period prior to or extending beyond his

Right of occupier to  
set off payments as  
against rent.



*Country Towns Water and Sewerage (Amendment).*

his term of occupancy, such lessee or occupier may set off the amount so paid against any rent then due from him to such owner or lessor in respect of such land, and any receipt by or on behalf of the council for such payment shall be a discharge of rent and evidence of payment 5 to the amount specified therein.

If the amount so paid exceeds the rent then due, such lessee or occupier may set off such excess against accruing rent, or in such case, or in case no rent is then due, may recover such excess or amount as the case may be by action as for money paid to the use of the owner 10 or lessor.

49. Where any such rate, charge, or sum has been recovered from and paid by a mortgagee of any land he may, unless he is liable to pay the same under or by virtue of his mortgage, recover the same by action from the mortgagor as for money paid to his use, with costs 15 as between attorney and client, or add any amount so paid by him to the mortgage debt, and charge interest on the same at the rate specified in the mortgage.

Mortgagee may recover rates paid from mortgagor.

PART IV.

FINANCIAL.

1.—*Debts.*

20

50. Where in a municipality no rate has been established for lighting with gas or otherwise, or for the construction or maintenance of works in connection with such lighting, and no moneys have been borrowed by the council by way of special loan for the purpose 25 of constructing or purchasing gas-works, it shall be lawful for the Colonial Treasurer to declare, by notification in the Gazette, that no debts (whether incurred before or after the said notification) payable to him and charged or chargeable under the Country Towns Water and Sewerage Acts, 1880–1905, upon the revenues of the said 30 municipality shall be charged or chargeable upon such of the said revenues as may be derived from lighting rates thereafter to be established for lighting with gas or otherwise, or from works in connection with such lighting, and thereupon the said debts shall cease to be so charged or chargeable.

Treasurer may declare that charge under Water and Sewerage Acts shall not affect certain rates or revenues.

35 And the said Treasurer may, by notification as aforesaid, alter or revoke any notification made under this section.

51. (1) Instead of the Minister for Public Works certifying under subsection two of section two of the Act fifty-seventh Victoria number 19 nineteen, the annual sums payable under that subsection by a borough 40 or municipal district, the Colonial Treasurer shall so certify, and the provisions of the said subsection relating to such certification by the said Minister shall be deemed to relate to the certification under this section by the said Treasurer.

Certain matters under 57 Vic. No. 19 to be certified by the Treasurer.

(2)



*Country Towns Water and Sewerage (Amendment).*

(2) Notwithstanding anything to the contrary in section two of the Act fifty-seventh Victoria number nineteen, the rate of interest payable as in the said section mentioned shall be fixed by the Governor, but shall not exceed four per centum per annum.

5

*2.—Loans under the Act of 1887.*

52. (1) 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 to be made to the council as hereinafter mentioned.

(2) Upon notification in the Gazette of the amount of the loan, and upon the council entering into a bond to His Majesty (which the council is hereby authorised to do) binding the corporate body of the municipality in such sums and upon such terms and conditions as the Governor may have prescribed, the Colonial Treasurer, on being authorised by the Governor in writing under his hand, may pay to the council by way of loan out of any money voted by Parliament for that purpose, such sums (not exceeding the value, estimated by the Minister, of the works constructed by the council) as have been agreed upon by the Minister and the council as above mentioned.

(3) Every loan made under this section shall be subject 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: Provided that interest shall, under section two of the Act fifty-seventh Victoria number nineteen, be calculated at the rate of four per centum instead of three and a half per centum per annum.

53. Any references to or incorporation of any provisions of section one hundred and twenty-five of the Principal Act in the Country Towns Water and Sewerage Act Extension Act of 1887 shall, as from the commencement of the Act fifty-seventh Victoria number nineteen, be deemed to apply to those provisions as amended by the last-named Act.

*3.—Duties of Council.*

54. It shall be the duty of the council, subject to the provisions of the Country Towns Water and Sewerage Acts, 1880-1905, to determine, make, and levy such rates and charges as are sufficient to provide for the annual payment of—

(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)



*Country Towns Water and Sewerage (Amendment).*

- (b) the cost of keeping the water, sewerage, and drainage works of the council in repair and efficient working order; and
- (c) the instalments and other sums due to the Colonial Treasurer for or in respect of such works.

5 For the purpose of securing the performance by the council of the above provisions, the Minister, by some officer appointed by him in that behalf, may 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 inspection the said  
 10 officer shall have the powers of the council in that behalf.

55. If upon any such inspection the Minister is of opinion that the water, sewerage, or drainage works of the council are not kept in repair and efficient working order, the Minister may cause such repairs to be made to the works as he may think necessary, and for the  
 15 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 if the council do not pay the same within twenty-one days after demand made by the Minister, the  
 20 Minister may recover the same on behalf of His Majesty in any court of competent jurisdiction.

56. (1) Every council shall in the months of January and July in each year furnish to the Colonial Treasurer in the manner prescribed a statement of the receipts and expenditure of the council  
 25 in the administration of the Country Towns Water and Sewerage Acts, 1880-1905, duly audited by some person appointed in that behalf by the council, and such other returns as may be prescribed.

Council to make half-yearly statement of accounts.

(2) The Governor may make regulations prescribing the manner in which the accounts of councils in administering the said  
 30 Acts shall be kept, and the manner in which the statement above mentioned 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 Gazette, and thereupon shall have the force of law, and shall be laid  
 35 before Parliament without delay.

57. The council shall keep a separate banking account for all moneys received and paid under the Country Towns Water and Sewerage Acts, 1880-1905, and all moneys received under the said Acts shall be paid into the said banking account, and shall not be  
 40 paid out of that account, except for services authorised by or under the said Acts, or for the payment of instalments or other moneys due to the Minister or the Colonial Treasurer under the said Acts.

Council to keep separate banking account.

58. The Governor may, in respect of any work hereafter to be constructed by the Minister for any council, by notification in the  
 45 Gazette direct what sum shall be set aside by such council out of the revenue

Sum to be set aside for renewals and repairs of works.



*Country Towns Water and Sewerage (Amendment).*

revenue derived from such works for the purpose of effecting renewals or repairs thereto. Such sum shall be paid into an account of the council to be called the "Renewals Account," and shall not be drawn upon except for the purpose of effecting renewals or repairs to the  
 5 said works. In case any doubt arises as to the necessity for such renewals or repairs the question shall be decided by the said Minister, whose decision shall be final.

*4.—Reduction of debt.*

59. (1) Where the annual payments by any municipality in  
 10 respect of works of water supply, sewerage, or drainage have, before or after the commencement of this Act, been certified under Part I of the Act fifty-seven Victoria number nineteen or this Act, the Colonial Treasurer, if he is of opinion that the revenues of the municipality are insufficient to provide for such payments, may reduce the amount of  
 15 such payments for a period fixed by him not exceeding three years to such amount as he may think fit.

Reduction of annual payments certified in respect of works.

If, at the expiration of such period, or at the expiration of any subsequent period, during which an adjustment of the amount of such annual payments takes effect under this section, the said Treasurer is  
 20 of opinion that the circumstances of the municipality have changed in any respect, he may further reduce the said amount or may increase it for a period not exceeding three years, but so that such increased amount shall not exceed the amount originally certified as aforesaid.

Such amount as so altered (whether by reduction or increase)  
 25 shall be notified by the Colonial Treasurer in the Gazette, and thereupon shall be the amount annually payable during the period fixed as aforesaid:

Provided that no alteration or adjustment under this section of the amount of any annual payments shall affect the liability of a  
 30 council or of a municipality for any principal moneys owing in respect of any such works as aforesaid.

(2) Where in pursuance of this section any reduction has  
 been made in the amount of any annual payments in respect of any  
 works of water supply, then, during the time that such amount stands  
 35 at less than the amount originally certified in respect of those works, there is hereby imposed on all lands within that municipality subject to water rates, a rate of two shillings in the pound on the valuation or assessment of such lands, and a charge of five shillings per one thousand gallons for water supplied.

Rates and charges for water imposed while reduction has effect.

(3) Where any such reduction has been made in the amount  
 40 of any annual payments in respect of any works of sewerage, then during the time that such amount stands at less than the amount originally certified in respect of those works, there is hereby imposed on all lands within that municipality subject to sewerage rates, a rate  
 45 of one shilling in the pound on the valuation or assessment of such lands.

Rates for sewerage.



*Country Towns Water and Sewerage (Amendment).*

(4) Where any such reduction has been made in the amount of any annual payments in respect of any works of drainage, then during the time that such amount stands at less than the amount originally certified in respect of those works, there is hereby imposed  
 5 on all lands within the drainage area fixed in pursuance of this Act such rate or rates, to be prescribed by the by-laws of the council, as will be equal to a rate of ninepence in the pound on the assessed value of all land within the drainage area.

(5) The provisions of the Country Towns Water and  
 10 Sewerage Acts, 1880-1905, shall apply to rates and charges imposed by this section as if they were imposed by by-laws.

## PART V.

## MISCELLANEOUS.

1.—*Miscellaneous provisions.*

15 60. Any of the contracts or classes of contracts mentioned in the by-laws of the council 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 in like  
 manner be varied and discharged.

20 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.

61. Notwithstanding section nine of the Principal Act, or any proclamation made or to be made thereunder, the boundaries of any  
 25 water district within which water is authorised to be supplied to the inhabitants of any borough or municipal district shall be the boundaries for the time being of such borough or municipal district; and all the provisions of the Principal Act relating to water districts shall apply to water districts as constituted by this section.

30 62. Where the owner or occupier of any land within a water district or a catchment area, or any reservoir or source of water supply, does or permits to be done on such land any act, or permits to remain thereon any matter or thing which in the opinion of the council is likely to injure the water supply, and after notice thereof in writing  
 35 given to him by or on behalf of the council, neglects or refuses to discontinue doing such act, or to remove such matter or thing, he shall be liable to a penalty not exceeding ten pounds, and a further penalty of two pounds for each day after the first day from the receipt of such notice that such offence continues.



*Country Towns Water and Sewerage (Amendment).*

**63.** The works for the supply of water for the town of Hillgrove Water-works for Hillgrove. which have been constructed by the Minister, together with all other works in connection with such supply which may be in course of construction, shall be subject to the provisions of the Country Towns 5 Water and Sewerage Acts, 1880-1905, and shall, in pursuance of and subject to the provisions of the said Acts, be taken over by the council of the borough of Hillgrove.

*2.—Supplemental.*

10 **64.** Notwithstanding anything in the Principal Act, any notice Service of notices by post. required by the Country Towns Water and Sewerage Acts, 1880-1905, or any by-laws or regulations made thereunder, to be sent or served, may be sent or served by post, and it shall not be necessary that such service by post should be by registered letter.

15 **65.** The occupier of any land who, on being required by any Occupier must state name of owner. officer of the council to state the name of the owner of such land or of the person receiving or authorised to receive the rents of the same, refuses or wilfully omits to disclose, or wilfully misstates to such officer, the name of the said owner or person shall be liable to a penalty not exceeding five pounds.

20 **66.** In any proceedings for recovering rates, charges, or sums No jurisdiction ousted on the ground that title to land is in question. due to the council no jurisdiction otherwise competent shall be ousted upon the ground that the proceedings raise a question of title to land.

25 **67.** The assessment book of the council made under the Assessment book prima facie evidence. provisions of the Municipalities Act, 1897, and any entry made therein shall, if it purports to be signed by the mayor and sealed with the seal of the corporation be prima facie evidence of the facts therein stated without proof of the said signature or seal.

30 **68.** All informations, complaints, or other legal proceedings Legal proceedings may be taken in the name of the Council. 53 Vic. No. 16, s. 25. under the Country Towns Water and Sewerage Acts, 1880-1905, or under any by-law made under the said Acts may be laid, made, and taken in the name of the council, by any duly appointed officer of the council.

35 **69.** 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, 1880-1905, make by-laws—

- (a) regulating the examination of persons applying for licenses, and the granting of licenses ;
- 40 (b) prescribing the contracts and classes of contracts which may be made under the hand of the mayor of the municipality ;
- (c) regulating the mode in which water shall be supplied to land, and whether by meter or not ;
- (d) generally for carrying out the provisions of the Country Towns Water and Sewerage Acts, 1880-1905.



*Country Towns Water and Sewerage (Amendment).*

70. 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 council, and if not in session then within fourteen days after the commencement of the next session.

10 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.

## SCHEDULES.

## SCHEDULE A.

*Table of Costs.*

	s.	d.
15 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.		
20 For inventory, sale, commission, and delivery of goods not exceeding one shilling in the pound on the net proceeds of the sale.		

## SCHEDULE B.

*Warrant of distress.*

New South Wales } To constable at , or bailiff (as  
to wit. } the case may be).

25 Whereas of in New South Wales has been rated at the sum of per annum for the water rate [or charge, or is liable to pay the sum of due to the council of the municipality of ] as the occupier [or owner] of certain land situate in street in and now occupied by ; and whereas the sum of being due and payable on account of

30 the said rate, charge, or sum [as the case may be] on the day of in the year of our Lord one thousand nine hundred and , and was duly demanded by the collector of rates for on the day of in the year of the said who has not yet paid the same. These are therefore to require and authorise you forthwith to levy the

35 said sum of together with costs of the presents by distress and sale of the goods and chattels found by you in the said land according to law, and that you certify to me on the day of what you shall do by virtue of this warrant.

40 Given under my hand this day of in the year of our Lord one thousand nine hundred and Mayor of the municipality of .







*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, 15 November, 1905. }*

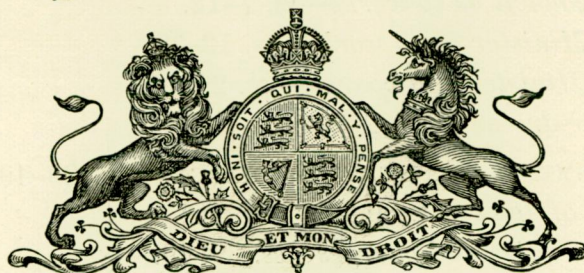
*RICHD. A. ARNOLD,  
Clerk of the Legislative Assembly.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.*

*Legislative Council Chamber,  
Sydney, December, 1905. }*

*Clerk of the Parliaments.*

## New South Wales.



ANNO QUINTO

# EDWARDI VII REGIS.

\*\*\*\*\*

Act No. , 1905.

An Act to amend the law relating to the water supply, sewerage, and drainage of country towns; 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; and for purposes consequent thereon or incidental thereto.

**B**E it enacted by the King'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

### PART I.

#### PRELIMINARY.

1. This Act shall be construed with the Country Towns Short title and incorporation of Acts.  
Water and Sewerage Act of 1880, the Country Towns Water and  
Sewerage Act Extension Act of 1887, and so much of the Country  
Towns

54756

28—A

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



*Country Towns Water and Sewerage (Amendment).*

Towns and Hunter District Water Supply and Sewerage Acts Extension Act of 1894 as amends the first-mentioned Acts or either of them, and may be cited as the "Country Towns Water and Sewerage (Amendment) Act, 1905."

5      2. This Act is divided into Parts as follows:—

Division of Act.

PART I.—PRELIMINARY—ss. 1-4.

PART II.—WORKS—ss. 5-28.

1.—*Licenses*—ss. 5-6.

2.—*Powers of council as to works*—ss. 7-12.

10      3.—*Powers of Minister as to works*—ss. 13-19.

4.—*Powers of Minister and council*—ss. 20, 21.

5.—*Storm-water drains*—ss. 22-29.

PART III.—ASSESSMENTS, RATES, AND CHARGES—ss. 30-49.

1.—*Assessment of land*—ss. 30-38.

15      2.—*Recovery of rates and charges*—ss. 39-49.

PART IV.—FINANCIAL—ss. 50-59.

1.—*Debts*—ss. 50-51.

2.—*Loans under Act of 1887*—ss. 52, 53.

3.—*Duties of council*—ss. 54-58.

20      4.—*Reduction of debt*—s. 59.

PART V.—MISCELLANEOUS—ss. 60-70.

1.—*Miscellaneous*—ss. 60-63.

2.—*Supplemental*—ss. 64-70.

25      3. Sections fifty-four, sixty, sixty-one, seventy-seven, and eighty-eight of the Principal Act, and so much of section thirteen of the said Act as 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, 30 are hereby repealed.

4. (1) In this and in any other Act and in any by-laws or regulations—

35      "Country Towns Water and Sewerage Acts, 1880-1905," 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, and this Act.



*Country Towns Water and Sewerage (Amendment).*

(2) In this Act and in any by-laws or regulations made thereunder, unless the context otherwise indicates,—

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

5 “Minister” means Minister for Public Works.

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

10 “Prescribed” means prescribed by the Country Towns Water and Sewerage Acts, 1880–1905, or any by-laws or regulations made thereunder.

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

15 “Storm-water drain or 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.

“Works of water supply, sewerage, or drainage” means such works constructed under the Country Towns Water and Sewerage Acts, 1880–1905.

PART II.

20 WORKS OF WATER SUPPLY AND DRAINAGE.

1.—*Licenses.*

5. (1) The council may, on such terms as to the passing of examinations and the payment of fees as may be prescribed, issue licenses to persons authorising them to supervise and perform works in connection with water supply, sewerage, and drainage. Council may issue licenses.

(2) The council may suspend or cancel any license issued as aforesaid. License may be cancelled.

30 (3) No person shall commence or perform any work in connection with water supply, sewerage, or drainage, which communicates with the pipes, sewers, or drains of the council, unless he is the holder of a license, or is under the immediate supervision of a licensed person. Unlicensed person not to do work except under supervision.

35 (4) Any unlicensed person who, not being under the immediate supervision of a licensed person, commences or performs any such work, and any person who knowing that a person is unlicensed employs him 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.

(5)



*Country Towns Water and Sewerage (Amendment).*

(5) The council may direct and compel all defective and improper work done by an unlicensed person without the required supervision to be removed or altered to its satisfaction, and may, by its 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 person knowing him to be unlicensed.

Council may remove work done by unlicensed person.

(6) No license 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 of council alone to have validity.

6. No person, without having previously obtained in the manner prescribed the consent of the council, or of some person authorised by the council in that behalf, shall 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.

Permits to tap water-mains.

*2.—Powers of Council as to works.*

7. The council by its officers or servants may at any reasonable hours enter any land and inspect any works and may construct any works and do any things therein or thereon authorised by the Country Towns Water and Sewerage Acts, 1880-1905.

Council may enter land and do works.

8. (1) Where there appears to be any escape of water or sewage, the council may open up any ground under which any pipes, drains, or sewers of the council, laid or made under the Country Towns Water and Sewerage Acts, 1880-1905, or any pipes, drains, or sewers communicating therewith are situate, and 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.

(2) Except in cases of emergency the council shall, before opening any ground, give at least twenty-four hours' notice to the person in possession of or having the control or management of the same.

Council to give notice before opening ground.

In opening any ground and doing any work in pursuance of this section, 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 any of 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, and such compensation may be recovered in any court of competent jurisdiction.

(3) If upon examination it is 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,

Recovery of expenses.



*Country Towns Water and Sewerage (Amendment).*

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 supplied with water, or drained, as the case may be.

- 5        9. Where land has no frontage to a street or highway along which a water-pipe of the council is laid, and the owner or occupier is not able to obtain the consent of the owner and occupier of the land intervening between his land and the water-pipe to the laying of a water-pipe through such land to his land, or to necessary repairs or alterations to or the removal of a water-pipe laid through such intervening land, the council may, upon the application of such first-named owner or occupier, enter such intervening land and carry out the work on his behalf and at his cost, and for such purposes the provisions of sections sixteen and sixty-four of the Principal Act shall be applicable; but any amount paid by or recovered from the council for compensation as in those sections provided shall not be recoverable from the applicant.

Power of council to lay pipes and drains through intervening land.

10. Where, in the opinion of the council, it is desirable in the interests of the health of any persons that the water of the council should be supplied to any land in respect of which water-rates are payable, the council may give notice in writing to the occupier of such land, or where the land is unoccupied, to the owner thereof, requiring him to lay pipes and apply fittings in the manner described in such notice to supply the water of the council to such land.

Occupiers or owners to make connections with water-mains.

- The occupier or owner to whom any such notice is given may within twenty-one days after the giving of such notice appeal therefrom to the nearest court of petty sessions, and such court, on the hearing of such appeal, may amend or cancel the notice or dismiss the appeal, and make such order as to costs as it may think just.

- If the notice is not so appealed from, and the said occupier or owner does not within twenty-one days after the giving of the notice lay the pipes and apply the fittings as described in the notice, or if on appeal the court by its order amends the notice or dismisses the appeal, and the said occupier or owner does not within twenty-one days after such order has been made lay the pipes and apply the fittings in the manner described in the notice or the amended notice, as the case may be, the council may lay the pipes and attach the fittings as aforesaid, and may on the expiration of twenty-one days after demand in writing has been made by the council to the said occupier or owner, recover from such occupier or owner the expenses incurred by the council in so laying the pipes and attaching the fittings by the like proceedings as if such expenses were a water-rate; but any court in which proceedings are taken to recover such expenses may if it thinks fit order such expenses and any costs incurred in the action to be paid by instalments.



*Country Towns Water and Sewerage (Amendment).*

11. (1) Where under the Principal Act or this Act the owner or occupier of any land is liable or has been required by the council to construct any works in connection with water supply or sewerage, such owner or occupier may make application in writing to the council for such works to be carried out 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 carrying out of such works under the direction of the council at a price or sum and upon terms agreed upon, and for the payment of such price or sum by the applicant 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.
- 15 (2) Upon the execution by the applicant of such agreement, 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 days on which the quarterly instalments of payment will fall due.
- 20 (3) Where the price or sum agreed upon between the council and any applicant under this section exceeds fifteen pounds, the Colonial Treasurer may, on the application of the council, advance such price or sum to the council from the Consolidated Revenue Fund.
- Such price or sum shall be repaid by the council at any time or times, and by any instalments agreed upon between the council and the said Treasurer, with interest at the rate of five per centum per annum from the date of the advance, but so that the amount of the advance, with interest as aforesaid, shall be repaid within three years from the completion of the works.
- 30 12. (1) Where any land within a municipality is without a drain sufficient for effectual drainage, the council thereof shall, by written notice, require the owner or occupier of such land, within a reasonable time therein specified, to make a covered or uncovered drain or drains emptying,—
- 35 (a) in the case of sewage, into any sewer; and  
(b) in the case of storm-water and other drainage, into any storm-water drain
- which the council are entitled to use, and which is not more than one hundred feet from such land; and,—
- 40 (c) in the case where there is no such sewer or storm-water drain, into such covered cesspool or other place, not being under any building, as the council may direct.
- Such drain or drains shall be of such material and size, and laid at such levels and with such fall as, on the report of their surveyor, the council may think necessary.

Persons liable to make connections may apply to have work done on deferred payments.

Council upon completion of work to give notice to applicant.

To compel drainage of undrained land.



*Country Towns Water and Sewerage (Amendment).*

(2) Where in the opinion of the council greater expense would be incurred in causing the drains of two or more separate portions of land to empty into an existing sewer or storm-water drain pursuant to this section, than in constructing a new sewer or storm-  
 5 water drain and causing such drains to empty therein, the council may construct such new sewer or storm-water drain, and by notice as aforesaid require the owners or occupiers of such separate portions of land to cause their drains to empty therein.

The council shall apportion as they deem just the expenses of  
 10 the construction of such new sewer or storm-water drain among the owners of the several portions of land, and recover in a summary manner the sums so apportioned from such owners, or may, by order, declare the same to be private improvement expenses.

(3) If any such notice is not complied with, such owner or  
 15 occupier shall be liable to a penalty not exceeding twenty pounds, and after conviction to a further penalty not exceeding five pounds for every day such offence continues.

In addition to or in substitution for this penalty, the council may, at the expiration of the time specified in the notice, do the work  
 20 required, and recover in a summary way the expenses so incurred from the owner or owners, or may by order declare the same to be private improvement expenses.

*3.—Powers of Minister as to works.*

13. For the purpose of determining whether any work of water  
 25 supply, sewerage, or drainage should be constructed, or determining the place where such work should be constructed, or the mode in which it should be carried out, or for the purpose of inspecting any such work constructed or in course of construction, the Minister and his officers and servants may, with horses and vehicles, enter any land  
 30 and take levels of the same and other lands, and set out such parts thereof as he may think necessary, and dig, break, and trench the soil of such land, sink trial holes, and remove any earth, stone, minerals, trees, and other things dug out of the same. Compensation for any damage caused by the exercise of the powers conferred by this section  
 35 shall be ascertained and paid, and may be recovered in the way provided by the Principal Act in respect of compensation for damages for the occupation of land under that Act.

Minister may enter lands for purpose of making surveys.

14. For the purpose of carrying out or protecting any works  
 of water supply, sewerage, or drainage, the Minister may enter any  
 40 lands whatsoever, whether a garden, orchard, plantation, park, planted walk, avenue, or ground ornamentally planted, and whether such lands are 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.

Further powers to Minister to take and lease land.

If



*Country Towns Water and Sewerage (Amendment).*

If the Minister and the owner of such lands cannot agree within ninety days from the date of entry by the Minister 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, or any other terms or 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 decree or order of the Supreme Court in its equity jurisdiction.

15. During the construction by the Governor, or the Minister, of any works of water supply, sewerage, or drainage, and until those works are taken over by the council, the Minister in respect of the said works may exercise the powers conferred, and shall be subject to the duties and liabilities imposed on the council by the provisions of Parts II and III of the Principal Act or by this Part of this Act, and any enactments amending the same; and in other respects the said provisions shall, during the period aforesaid, apply to and in respect of such works.

Minister to have powers of Council during construction of works

20 16. It shall be deemed to have been and shall be lawful for the Governor to carry out such alterations, modifications, and extensions of and additions to any works of water supply, sewerage, or drainage, as he thinks desirable, whether such works have been constructed by the Governor and notified as complete, or not so notified, or constructed by the Minister or the council.

Power to make alterations in and additions to works.

Such alterations, modifications, extensions, and additions shall be taken over by the council, paid for, and otherwise dealt with in the same way as works constructed by the Minister, and for that purpose the provisions of the Country Towns Water Supply and Sewerage Acts, 1880-1905 shall apply in respect thereof.

17. The Governor at the request of the council may construct and complete works of water supply, or any alterations or extensions of or additions to then existing works of water supply, to be used in part for supplying power to drive machinery. And the provisions of the Country Towns Water and Sewerage Acts, 1880-1905, relating to works of water supply, shall apply to works, alterations, extensions, and additions constructed under the authority of 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 council shall repay yearly such percentage of the cost of the same as may be agreed upon between the Minister and the council into the banking account kept under the provisions of this Act.

18. (1) It shall be lawful for the Governor to carry out any works, being either original works or alterations, modifications or extensions

Construction of works for benefit of adjacent municipalities.



*Country Towns Water and Sewerage (Amendment).*

extensions of or additions to existing works, of water supply, sewerage, or drainage within any municipality for the purpose of that municipality, and of any other adjoining or adjacent municipality.

(2) The provisions of the Country Towns Water and Sewerage Acts, 1880-1905, shall apply to such works: Apportionment of cost of works.

Provided that upon the said works being taken over by the council, the periodical payments to the Colonial Treasurer of the cost of such works shall be apportioned between the municipality within which the works are constructed and the other adjoining or adjacent municipalities aforesaid, as agreed between the Minister and the councils of such municipalities:

Provided also that in the case of works for water supply the annual proportion of such periodical payments to be made by such adjoining or adjacent municipalities shall be based on a minimum quantity of water to be supplied, any additional quantity required being paid for to the Colonial Treasurer at such rate as may be agreed upon between the Minister and all the councils on the completion of the works and applied in liquidation of the cost of such work.

19. If the Minister at any time deems it necessary, in the construction of any works of water supply, sewerage, or drainage, that the position or level of any works vested in any person and laid in or under any street should be altered, he may, by notice in writing, require the said person to make the said alteration 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. Works in any street to be altered when necessary.

If such notice is not complied with, the Minister may cause the required alteration to be made, but no such alteration shall be made which will permanently injure such works or affect their use.

20. Where any work of water supply, sewerage, or drainage 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, notwithstanding anything to the contrary in section one hundred and sixteen of the Principal Act. Minister to substitute roads in certain cases.

*4.—Powers of Minister and Council.*

21. The Governor or the Minister or a council constructing any works of water supply, sewerage, or drainage may make and enter into contracts and agreements with any person for the acquisition by purchase or otherwise of any rights to be exercised on or over any land, including the right to construct works, lay pipes and drains, and use, maintain, protect, replace, repair, and clean the same. Acquisition of rights over land.



*Country Towns Water and Sewerage (Amendment).*

22. (1) Where in the opinion of the Governor or the Minister, or a council constructing any works of water supply, it is undesirable to lay reticulation pipes in a municipality, it shall be lawful for the Governor or the Minister, or council to construct and fix in place of 5 such reticulation pipes a stand-pipe or stand-pipes for the supply of water, and in such case the council upon taking over or constructing the works, may make and levy rates in respect of all ratable property in the municipality.

Construction and  
fixing of stand-pipes.

(2) The council may make by-laws for determining, levying, 10 and collecting the rates, and such rates may vary according to the distance from any such stand-pipe of the land so rated; provided that no such rate shall exceed one shilling in the pound on the valuation or assessment of any of such land. The payment of such rate in respect of any land shall entitle the occupier of the same to take 15 water for domestic purposes from any such stand-pipe or from the main to the value of the amount of the rate so paid, calculated at such sum as may be prescribed by the by-laws of the council, not exceeding five shillings for every one thousand gallons of water.

Rates for water  
within area  
prescribed.

The council may make by-laws providing for the supplying of 20 water from such stand-pipes.

(3) The council may make by-laws fixing charges for water which the council is hereby authorised to supply from any such stand-pipe or from the main for other than domestic purposes, or for use outside the municipality.

Charges for water.

25 (4) The provisions of the Country Towns Water and Sewerage Acts, 1880-1905, shall apply to rates and charges levied and imposed under this section.

Incorporation.

*5.—Storm-water drains.*

23. The Governor may, by proclamation in the Gazette, direct 30 that any storm-water drains and sewers therein mentioned, constructed by him before or after the commencement of this Act, together with any lands and buildings used in connection therewith shall be, and the same, together with the administration and management thereof shall thereupon be taken over by the council upon the terms and 35 conditions prescribed in subsections one to seven of section one hundred and twenty-five of the Principal Act, as amended by the Act fifty-seventh Victoria number nineteen and this Act, and upon any further terms or conditions which the Governor may in any case appoint.

Proclamation as to  
storm-water drains  
and sewers.

24. The boundaries of any drainage area in respect of storm- 40 water drains and sewers taken over by the council in pursuance of the last preceding section may be fixed in the following manner:—

The fixing of the  
boundaries of  
drainage areas.

(a) the council may, by resolution, define the boundaries of such area

(b)



*Country Towns Water and Sewerage (Amendment).*

- 5 (b) on such resolution being passed, the council shall cause notice of the same to be published in the Gazette, and twice in some newspaper or newspapers circulating in the municipality, stating that an appeal against such definition of the boundaries may be made under this Act within thirty days from the date of the last of such publications ;
- 10 (c) within such thirty days any person interested may appeal against such definition of boundaries to a stipendiary or police magistrate, appointed by the Governor in that behalf, and sitting in the municipality in open court ;
- 15 (d) such magistrate shall hear such appeal, and for that purpose shall have the powers of a court of petty sessions, and may make such alterations in the boundaries of the area as he may think just, having regard to the benefit derived or to be derived by the owners or occupiers of land from the construction and use of the said work :
- (e) the boundaries as defined by the council, with such alterations as may be made therein on appeal as aforesaid, shall be the boundaries of such area for the purposes of this Act.

20 **25.** The council may make by-laws—

Valuations and rates.

- 25 (a) prescribing the method of valuing land within the boundaries of such drainage area. But the valuation of any land shall not exceed in any year the valuation (if any) of such land during the same or the next preceding year under the Municipalities Act, 1897 ;
- 30 (b) prescribing the rate to be paid in respect of any such land according to the benefit which, in the opinion of the council, accrues to the land from the construction of the drains or sewers. But no such rate shall exceed the amount of five pounds per centum per annum of the valuation or assessment of the land : Provided that a minimum rate of one shilling may be imposed by by-law ;
- 35 (c) for carrying into effect the provisions of this Act relating to storm-water drains and sewers, and valuations and rates in respect of the same.

**26.** The council may impose any rates prescribed as aforesaid, and may recover them from the owners or occupiers of the lands in respect of which they are payable, and shall for that purpose have the powers granted to the council in respect of sewerage rates by the Principal Act and this Act.

Imposition and recovery of rates.

Any sewerage rate imposed on land shall be in addition to any drainage rate imposed thereon under this section.

*Work*



*Country Towns Water and Sewerage (Amendment).**Work taken over by council before completion.*

27. (1) When any work partly constructed by the Governor but not completed is, in the opinion of the Minister, so far constructed as to be of use to the council, he may report that fact to the Governor. Work may be taken over before final completion.

5 The Governor shall notify such fact in the Gazette, and thereupon the council shall take over the work and the administration and management thereof. The council shall thereupon have all the powers and obligations conferred and imposed on a council by the Country Towns Water and Sewerage Acts, 1880-1905.

10 (2) The Minister shall certify the amount actually expended in such construction up to the day of the notification by the Governor as aforesaid, together with interest at the rate of four per centum per annum on the sums making up such amount, calculated from the time such sums were expended. Interest from the said day at the rate of  
15 four per centum per annum on the amount so certified shall annually be paid by the council to the Colonial Treasurer, and shall be carried to the Consolidated Revenue Fund.

(3) Like action may be taken at any time, and the above provisions of this section shall apply when the work has been further  
20 constructed and before completion.

28. When such work has been finally completed and taken over by the council, and the cost of the work and the interest thereon have been certified under the Country Towns Water and Sewerage Acts, 1880-1905, all payments of interest under the last preceding section  
25 shall cease. Interest to cease on works being finally taken over.

*Computation of interest.*

29. With respect to works constructed at any time by the Governor and taken over after the commencement of this Act by a council under the Country Towns Water Supply and Sewerage Acts,  
30 1880-1905— Interest with respect to works computed at four per centum.

(a) the computations of interest under section two of the Act fifty-seventh Victoria number nineteen shall be made on the basis of four per centum per annum instead of three and a half per centum per annum, as in that section provided. To carry out  
35 this provision the words "four per centum" are substituted for the words "three and a half per centum" wherever occurring in that section;

(b) in computing the amount of interest as aforesaid, credit shall be given for any payments of interest under this Act in  
40 respect of a work taken over by the council before completion.



*Country Towns Water and Sewerage (Amendment).*

## PART III.

## ASSESSMENTS, RATES, AND CHARGES.

1.—*Assessment of land for rates.*

30. Notwithstanding anything contained in the Principal Act, <sup>What land liable for</sup> the council may, under that Act, make by-laws for determining, <sup>water rate.</sup> making, and levying the water rate to be paid in respect of land, subject to the following conditions :—

- 10 (a) Where land has frontage to a street or public highway along which, throughout the whole length of such frontage, a service water-pipe of the council is laid, so much of the land as is situate within a distance of two hundred and fifty yards from the water-pipe shall be subject to the rate, although the land is not actually supplied with water from any water-pipe of the council.
- 15 (b) Where land has frontage to a street or public highway along which, throughout part of the length of such frontage, a service water-pipe of the council is laid, so much of the land as is situate within a distance of two hundred and fifty yards from the water-pipe, measured in a direction at right angles to such pipe, shall be subject to the rate, although the land is not actually supplied with water from any water-pipe of the council.
- 20 (c) Where land has no frontage to a street or public highway along which a water-pipe of the council is laid, but a water-pipe is laid to some part of the land, so much of the land as is situate within two hundred and fifty yards from the water-pipe laid in the street or public highway, measured in a direction at right angles to such pipe, shall be subject to the rate, although the land is not actually supplied with water from any water-pipe of the council :
- 25
- 30

Provided that any land otherwise ratable shall be exempt from the rate if in a case under subsection (a) or (b) such land cannot be supplied with water from a stand-pipe at least three feet in height from the natural surface of the ground at the building line, or in a case   
35 under subsection (c), such land cannot be so supplied from a similar stand-pipe at some point on such land :

Provided also that no person shall be exempt from payment of water rates by reason only that the water supplied by the council has become unfit for dietetic purposes. The council may, from time to   
40 time, levy such reduced rate for the period during which such water shall be unfit for dietetic purposes as it may consider reasonable.



*Country Towns Water and Sewerage (Amendment).*

31. Any land vested in His Majesty or in any person on behalf of His Majesty, not being land vested in the Railway Commissioners of New South Wales, and any land in the occupation of the Crown, if the valuation or assessment of the land has been approved by the Minister, shall be subject to water rates, although the land is not actually supplied with water from any water-pipe of the council, and shall be also subject to sewerage rates.

32. (1) Where any land which would be subject to rates under the Country Towns Water and Sewerage Acts, 1880-1905, if the same had been included in any valuation by the council under the Municipalities Act, 1897, is not included in any such valuation, and in any case where part only of the land included in a valuation by the council as aforesaid would be subject to rates as aforesaid, the council may cause an assessment of such land to be made from time to time, and may by by-laws determine, make, and levy the rate to be paid in respect of such land:

Provided that such rates and the exercise of the powers hereby conferred upon the council shall be in all other respects subject to the provisions of the first mentioned Acts.

(2) The enactments contained in the following subsections shall be applicable in respect to any such assessment:—

- (a) The council shall, as soon as practicable, cause notice of the amount of any such assessment to be served upon the occupier, or if there is no occupier upon the owner, of the land assessed.
- (b) Such occupier or owner may, within twenty-eight days after the service of such notice appeal against such assessment, and shall for such purpose and before the expiration of such twenty-eight days, give notice in writing to the council of his intention to appeal, stating the grounds of such appeal.
- (c) Such appeal shall be heard by a court of petty sessions held within the petty sessions district in or nearest to which the land is situated on some day to be fixed by the council. Notice of the day and place of the hearing of the appeal shall be published by advertisement in the Gazette, and in some newspaper published or circulating in such petty sessions district at least seven clear days before the hearing of such appeal; and such court may hear and determine the same, and award such relief in the premises as the justice of the case may require, and such decision shall be final and conclusive as regards the matter of such appeal; and the assessment book of the council shall, if necessary, be amended in accordance with such decision.
- (d) No appeal shall be heard unless such notice has been given as aforesaid; and if, on the hearing of any such appeal, the court is of opinion that the same is frivolous or vexatious,

Crown land ratable.

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

Notice of assessment.

Appeal from assessment.

Hearing of such appeal.

No appeal unless notice.

it



*Country Towns Water and Sewerage (Amendment).*

- it may award such costs, not exceeding two pounds, as it may think fit against the appellant, which may be recovered by the council in the same manner as costs in any proceedings before a court of petty sessions. Costs.
- 5 (e) After the expiration of the twenty-eight days so prescribed as aforesaid without any notice of appeal, or upon the decision of any such appeal, and the necessary alterations (if any) being made in the assessment book of the council, the same 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 is made and new assessment book is completed and confirmed in manner aforesaid. Confirmation of assessment book.
- 10 (f) Any occupier of land who, on the request of any valuer appointed by the council to make such assessment as aforesaid (who is hereby authorised to make inquiries as to the matters hereinafter mentioned) refuses or wilfully omits to disclose, or wilfully misstates to such valuer the name of the owner of such land, 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 land who, on the request of such valuers refuses or wilfully omits to disclose, or wilfully misstates anything required for or calculated to affect such assessment, shall for every such offence be liable to a penalty not exceeding five pounds. Penalty on occupier for misstatement.
- 15 20 25
33. 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 upon by the council and the person to be supplied. Council may supply water by measure or otherwise.
- 30 34. Notwithstanding anything contained in the Principal Act, the council shall not be compellable to supply water to any person whomsoever. Council not compellable to supply water.
- 35 40 45 35. 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 subject to water rate exceeds the quantity which, at such price not exceeding five shillings per thousand gallons, as is fixed by by-law of the council, would be supplied by the council on payment of an amount equal to the water rate payable in respect of the said land, the council by resolution notified to the said person under the hand of the council clerk, may require the said person within a time named in the notice to enter into a contract with the council for the supply of water to the land at a price fixed by the resolution and named in the notice, or to affix or cause to be affixed a meter and to pay for the water supplied according to the scale prescribed for the supply of water by measure. Council may require certain persons to enter into agreement to take water.
- If



*Country Towns Water and Sewerage (Amendment).*

If the said person after such notification refuses or neglects to enter into the said contract, or to affix or cause to be affixed the meter within the time above mentioned, or having entered into the said contract, or affixed or caused to be affixed the meter, neglects or  
 5 refuses to pay any money or charges due in respect of water supplied to the land, the council may cut off the supply of the water. But the said person shall, in either of the above cases, be nevertheless liable to pay any water rate determined, made, or levied in respect of the said land.

10 **36.** (1) The council by resolution may exempt any public hospital or charitable institution from water rate and on passing a  
 resolution for that purpose may supply water free of charge to any  
 such hospital or institution as aforesaid subject to the following  
 conditions:—

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

15 (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: Provided that the council may make  
 20 by-laws increasing the quantity of water which may be supplied as aforesaid to the hospital or institution.

(b) For the purposes of the last preceding subsection the number of persons resident as aforesaid shall be the average number of persons so resident during the half-year immediately  
 25 preceding the period in respect of which charges would be payable.

(c) 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 pre-  
 scribed for the supply of water by measure.

30 (2) Any such resolution may be revoked or altered by the  
 council. Revocation of resolution.

(3) 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  
 35 hospital or institution and inspect any works therein used for the supply of the water, and may give such directions as the council may by resolution prescribe to prevent waste of the water.

Supervision of the water supply to hospitals and charitable institutions.

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

40 **37.** The council by resolution may exempt from the payment of water rates and sewerage and drainage rates (including rates due and unpaid at 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 due and  
 45 unpaid as aforesaid) any building used exclusively as a Sunday school; and may revoke or alter any exemption so granted.

Council may exempt certain buildings from payment of rates.

**38.**



*Country Towns Water and Sewerage (Amendment).*

38. (1) Notwithstanding anything contained in the Principal Act, the council by by-law may determine, make, and levy any water rate not exceeding ten per centum per annum on the amount of the valuation or assessment of all land liable for water rates under the Country Towns Water and Sewerage Acts, 1880-1905, and determine, make, and levy any minimum water rate on such land, whatever the valuation or assessment thereof may be.

Maximum water rates.

Minimum rates.

(2) Notwithstanding anything contained in the Principal Act, the council by by-law may make and levy any sewerage rate not exceeding ten per centum per annum on the amount of the valuation or assessment of all land liable for sewerage rates under the Country Towns Water and Sewerage Acts, 1880-1905, and make and levy any minimum sewerage rate on such land, whatever the valuation or assessment thereof may be.

Maximum sewerage rates.

Minimum rates.

15

*2.—Recovery of rates and charges.*

39. Every rate, charge, and sum due to the council under the Country Towns Water and Sewerage Acts, 1880-1905, shall be paid by and be recoverable from the owner or occupier of the land subject to the rate, charge, or sum; and every such rate shall be paid in advance by equal half-yearly payments on the first day of January and the first day of July in each year.

Rates and charges recoverable from owner or occupier; rates payable half-yearly.

40. If any person liable to pay any such rate, charge, or sum refuses or neglects to pay the same after a notice demanding payment has been served in the prescribed manner on the occupier, or if there is no occupier upon the owner, of the land subject to such rate, charge, or sum, the council may recover the same with costs in any court of competent jurisdiction.

Recovery of rates and charges.

On service of another such notice as aforesaid on the person then in occupation of such land, and liable to pay the rate, charge, or sum, and on such person failing to comply therewith, the mayor of the municipality may issue a warrant under his hand to the bailiff or other person named therein which shall be his authority to levy such rate, charge, or sum, with costs not exceeding the scale prescribed in Schedule A hereto, by distress and sale of the goods and chattels then being on such land, and in the occupation of the person aforesaid: Provided that no such warrant shall authorise the seizure or sale of any bedstead, bedding, culinary articles in domestic use, or tools of trade.

Distress and sale.

In the event of any such distress and sale not realising sufficient to pay the amount levied together with costs as aforesaid, the mayor may from time to time cause further and other distress and sale to be made as aforesaid until such amount and costs as aforesaid have been fully paid, or may recover by action in any court of competent jurisdiction so much of the said amount and costs as is then due from the person liable to pay the said rate, charge, or sum.



*Country Towns Water and Sewerage (Amendment).*

41. Out of the moneys arising from the sale of the goods and chattels the bailiff or other person executing the warrant shall first pay the costs aforesaid, and shall then pay the amount for which such distress and sale were made, and pay over the surplus (if any) to the person whose goods have been sold.

Disposal of proceeds of sale.

42. The warrant of distress may be in the form or to the effect of Schedule B hereto; and in all cases where a distress may lawfully be made every police constable shall, upon being so required by any bailiff or other person distraining, aid in making a distress or sale pursuant to such warrant, and for refusing so to do shall be liable to a penalty not exceeding five pounds:

Form of warrant of distress.

43. (1) Any warrant issued shall be a good and sufficient authority to the bailiff or other person executing the same, or to his assistant, to remain on the premises during the interval between the making of the distress and the sale of the goods and chattels seized, whether such authority is expressed in the warrant or not; and every distress and sale in pursuance of a warrant shall, subject to the provisions of the Country Towns Water and Sewerage Acts, 1880-1905, be conducted and carried out as nearly as practicable in accordance with the provisions of the Landlord and Tenant Act, 1899.

Warrant authorises bailiff to remain on premises.

(2) The council may appoint some competent person to be its bailiff for the purpose of levying by distress and sale any such rates, charges, and sums; and any bailiff so appointed shall have power and authority to sell by public auction any goods and chattels seized under any warrant of distress aforesaid without taking out any license as an auctioneer.

Bailiff may sell by auction without license.

44. All such rates, charges, and sums where the amount sought to be recovered does not exceed the sum of thirty pounds may be sued for and recovered under the Small Debts Recovery Act, 1899, in addition to the mode of recovery provided by 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 the exercise of their summary jurisdiction.

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

45. All such rates, charges, and sums payable after the commencement of this Act in respect of any land shall be a charge upon the land for two years from the time such rates, charges, and sums first become payable; and if at the expiration of the time named the owner of such land is unknown to the council after diligent inquiry made, the council shall within three months from the expiration of such time publish a notice in the Gazette and in a newspaper circulating in the municipality in which the land is situated, containing particulars of the same and of the amount due thereon as aforesaid, and upon such publication the said amount together with interest thereon at the rate of five per centum per annum from the date on which such rates, charges, and sums first became payable, shall become

Rates and charges to be a charge on land.

and



*Country Towns Water and Sewerage (Amendment).*

and remain a charge on the said land until payment thereof, and may be recovered by action in any court of competent jurisdiction from any person who is the owner at the time such action is brought :

Provided that in the event of the land being occupied after the  
5 publication of any such notice nothing herein contained shall prevent the council from recovering by action as aforesaid from the occupier any rates, charges, and sums and interest as aforesaid due in respect of such land.

46. (1) Where any rates, charges, or sums due to the council  
10 under the Country Towns Water and Sewerage Acts, 1880-1905, in respect of any land, have been unpaid for a period of four years, and after diligent search the council is unable to discover the name and address within New South Wales of the owner, and is unable to recover the rates, charges, or sums due, the council may cause to be published  
15 in three consecutive issues of the Gazette, and in three consecutive issues of a newspaper circulating in the municipality or place within which such land is situated, or the place nearest thereto, a notice setting out the total amount so due as aforesaid, and demanding payment of the same, with any interest thereon payable under this  
20 Act, within one year from the date of the first publication as aforesaid.

Council may lease  
land for overdue  
rates or charges.

If after one year from the first publication of such notice all or any part of the amount set out therein is still unpaid, the council may take possession of such land and hold the same against any other person whomsoever, and so long as the whole or any part of the  
25 said amount or of any rate, charge, or sum lawfully accruing due since the publication of the notice or any interest thereon remains unpaid, may let such land from year to year or for a term not exceeding seven years, or (in case of unoccupied land which is not built upon or cultivated, or appurtenant to or used in connection with any building  
30 or premises, whether such land is used for the purpose of depasturing horses, cattle, or sheep thereon, or is not so used) for a term not exceeding twenty-one years, and may receive the rents thereof, and shall apply the same towards the payment of any rates, charges, and sums then due with interest as aforesaid, and hold any surplus for the  
35 owner of the land.

Upon the application of any person who, but for the provisions of this section would be entitled to the possession of such land, the Supreme Court or a Judge thereof may, upon satisfactory proof of title and upon payment into Court of any such rates, charges, sums  
40 and interest (if any) then due and unpaid, order the council to deliver up to the applicant possession of such land, and to pay over to the applicant any such surplus as aforesaid : Provided that the rights of a lessee of the council under this section shall not be affected by any order made as aforesaid, but that, on the making of the order, the lessee  
45 shall attorn to the applicant.



*Country Towns Water and Sewerage (Amendment).*

(2) In lieu of letting or continuing to let such land the council may, by petition to the Supreme Court or any Judge thereof, apply for a sale of the land described in such notice, or any part thereof, and the Court or Judge, on being satisfied by affidavit or  
 5 otherwise that the amount set out in such notice was lawfully due at the time of the first publication of such notice, and that all or any part thereof remains unpaid at the date of the application, and that all conditions have happened, all things have been done, and all times have elapsed as required by the provisions of this section to entitle the  
 10 council to let or continue to let the said land, and that the council cannot, by letting or continuing to let the land, realise sufficient revenue to provide for all expenses payable in respect of such land, and for the rates, charges, sums and interest then lawfully due and owing to the council or to accrue due in respect thereof, may order the sale of such  
 15 land or of any part thereof by the Master or other officer of the Court by public auction on a date named in such order.

Land may be sold  
under order of  
Supreme Court.

The proceeds of such sale shall be paid into Court, and the Court or Judge may order that there be paid out of such proceeds to the council in priority to any mortgage or other charge on the land all  
 20 rates, charges, and sums due up to the time of such sale, with interest at the rate of five per centum per annum from the due date of such rates, charges and sums, and all other charges, together with all costs of and attending search at the lands titles office, or the office for the registration of deeds, for the name and address of the owner or  
 25 mortgagee, and the costs of and attending the publication of the notices, and the application to the Court or Judge, and of and attending the sale as aforesaid, and that the balance be subject to any future or other orders of the Court, and may further order that the conveyance or deed of assurance, as the case may require, be executed  
 30 by the Master or other officer of the Court in such form as may be approved by the Court or Judge.

Such conveyance or deed of assurance shall vest the legal estate in the land sold in the purchaser free from all encumbrances and trusts.

35 47. The power to cut off water conferred on the council by section forty-five of the Principal Act may 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 supply, sewerage, or drainage, as well as in the  
 40 cases in that section mentioned.

Water may be cut  
off for non-payment  
of rates

48. Where any owner or lessor of any land assessed is by contract liable to pay any rate, charge, or sum under the Country Towns Water and Sewerage Acts, 1880-1905, and such rate, charge, or sum has been required from and paid by any lessee or occupier, or  
 45 where an occupier pays rates for a period prior to or extending beyond his

Right of occupier to  
set off payments as  
against rent.



*Country Towns Water and Sewerage (Amendment).*

his term of occupancy, such lessee or occupier may set off the amount so paid against any rent then due from him to such owner or lessor in respect of such land, and any receipt by or on behalf of the council for such payment shall be a discharge of rent and evidence of payment  
5 to the amount specified therein.

If the amount so paid exceeds the rent then due, such lessee or occupier may set off such excess against accruing rent, or in such case, or in case no rent is then due, may recover such excess or amount as the case may be by action as for money paid to the use of the owner  
10 or lessor.

49. Where any such rate, charge, or sum has been recovered from and paid by a mortgagee of any land he may, unless he is liable to pay the same under or by virtue of his mortgage, recover the same by action from the mortgagor as for money paid to his use, with costs  
15 as between attorney and client, or add any amount so paid by him to the mortgage debt, and charge interest on the same at the rate specified in the mortgage.

Mortgagee may recover rates paid from mortgagor.

## PART IV.

## FINANCIAL.

1.—*Debts.*

20 50. Where in a municipality no rate has been established for lighting with gas or otherwise, or for the construction or maintenance of works in connection with such lighting, and no moneys have been borrowed by the council by way of special loan for the purpose  
25 of constructing or purchasing gas-works, it shall be lawful for the Colonial Treasurer to declare, by notification in the Gazette, that no debts (whether incurred before or after the said notification) payable to him and charged or chargeable under the Country Towns Water and Sewerage Acts, 1880–1905, upon the revenues of the said  
30 municipality shall be charged or chargeable upon such of the said revenues as may be derived from lighting rates thereafter to be established for lighting with gas or otherwise, or from works in connection with such lighting, and thereupon the said debts shall cease to be so charged or chargeable.

Treasurer may declare that charge under Water and Sewerage Acts shall not affect certain rates or revenues.

35 And the said Treasurer may, by notification as aforesaid, alter or revoke any notification made under this section.

51. (1) Instead of the Minister for Public Works certifying under subsection two of section two of the Act fifty-seventh Victoria number nineteen, the annual sums payable under that subsection by a borough  
40 or municipal district, the Colonial Treasurer shall so certify, and the provisions of the said subsection relating to such certification by the said Minister shall be deemed to relate to the certification under this section by the said Treasurer.

Certain matters under 57 Vic. No. 19 to be certified by the Treasurer.

(2)



*Country Towns Water and Sewerage (Amendment).*

(2) Notwithstanding anything to the contrary in section two of the Act fifty-seventh Victoria number nineteen, the rate of interest payable as in the said section mentioned shall be fixed by the Governor, but shall not exceed four per centum per annum.

5

*2.—Loans under the Act of 1887.*

**52.** (1) 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 to be made to the council as hereinafter mentioned.

(2) Upon notification in the Gazette of the amount of the loan, and upon the council entering into a bond to His Majesty (which the council is hereby authorised to do) binding the corporate body of the municipality in such sums and upon such terms and conditions as the Governor may have prescribed, the Colonial Treasurer, on being authorised by the Governor in writing under his hand, may pay to the council by way of loan out of any money voted by Parliament for that purpose, such sums (not exceeding the value, estimated by the Minister, of the works constructed by the council) as have been agreed upon by the Minister and the council as above mentioned.

(3) Every loan made under this section shall be subject 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: Provided that interest shall, under section two of the Act fifty-seventh Victoria number nineteen, be calculated at the rate of four per centum instead of three and a half per centum per annum.

**53.** Any references to or incorporation of any provisions of section one hundred and twenty-five of the Principal Act in the Country Towns Water and Sewerage Act Extension Act of 1887 shall, as from the commencement of the Act fifty-seventh Victoria number nineteen, be deemed to apply to those provisions as amended by the last-named Act.

*3.—Duties of Council.*

**54.** It shall be the duty of the council, subject to the provisions of the Country Towns Water and Sewerage Acts, 1880–1905, to determine, make, and levy such rates and charges as are sufficient to provide for the annual payment of—

(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)

Council to provide for management and repairs of works and payment of instalments.



*Country Towns Water and Sewerage (Amendment).*

- (b) the cost of keeping the water, sewerage, and drainage works of the council in repair and efficient working order; and
- (c) the instalments and other sums due to the Colonial Treasurer for or in respect of such works.

5 For the purpose of securing the performance by the council of the above provisions, the Minister, by some officer appointed by him in that behalf, may 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 inspection the said  
 10 officer shall have the powers of the council in that behalf.

55. If upon any such inspection the Minister is of opinion that the water, sewerage, or drainage works of the council are not kept in repair and efficient working order, the Minister may cause such repairs to be made to the works as he may think necessary, and for the  
 15 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 if the council do not pay the same within twenty-one days after demand made by the Minister, the  
 20 Minister may recover the same on behalf of His Majesty in any court of competent jurisdiction.

56. (1) Every council shall in the months of January and July in each year furnish to the Colonial Treasurer in the manner prescribed a statement of the receipts and expenditure of the council  
 25 in the administration of the Country Towns Water and Sewerage Acts, 1880-1905, duly audited by some person appointed in that behalf by the council, and such other returns as may be prescribed.

Council to make half-yearly statement of accounts.

(2) The Governor may make regulations prescribing the manner in which the accounts of councils in administering the said  
 30 Acts shall be kept, and the manner in which the statement above mentioned 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 Gazette, and thereupon shall have the force of law, and shall be laid  
 35 before Parliament without delay.

57. The council shall keep a separate banking account for all moneys received and paid under the Country Towns Water and Sewerage Acts, 1880-1905, and all moneys received under the said Acts shall be paid into the said banking account, and shall not be  
 40 paid out of that account, except for services authorised by or under the said Acts, or for the payment of instalments or other moneys due to the Minister or the Colonial Treasurer under the said Acts.

Council to keep separate banking account.

58. The Governor may, in respect of any work hereafter to be constructed by the Minister for any council, by notification in the  
 45 Gazette direct what sum shall be set aside by such council out of the revenue

Sum to be set aside for renewals and repairs of works.



*Country Towns Water and Sewerage (Amendment).*

revenue derived from such works for the purpose of effecting renewals or repairs thereto. Such sum shall be paid into an account of the council to be called the "Renewals Account," and shall not be drawn upon except for the purpose of effecting renewals or repairs to the  
 5 said works. In case any doubt arises as to the necessity for such renewals or repairs the question shall be decided by the said Minister, whose decision shall be final.

*4.—Reduction of debt.*

59. (1) Where the annual payments by any municipality in  
 10 respect of works of water supply, sewerage, or drainage have, before or after the commencement of this Act, been certified under Part I of the Act fifty-seven Victoria number nineteen or this Act, the Colonial Treasurer, if he is of opinion that the revenues of the municipality are insufficient to provide for such payments, may reduce the amount of  
 15 such payments for a period fixed by him not exceeding three years to such amount as he may think fit.

Reduction of annual payments certified in respect of works.

If, at the expiration of such period, or at the expiration of any subsequent period, during which an adjustment of the amount of such annual payments takes effect under this section, the said Treasurer is  
 20 of opinion that the circumstances of the municipality have changed in any respect, he may further reduce the said amount or may increase it for a period not exceeding three years, but so that such increased amount shall not exceed the amount originally certified as aforesaid.

Such amount as so altered (whether by reduction or increase)  
 25 shall be notified by the Colonial Treasurer in the Gazette, and thereupon shall be the amount annually payable during the period fixed as aforesaid:

Provided that no alteration or adjustment under this section of the amount of any annual payments shall affect the liability of a  
 30 council or of a municipality for any principal moneys owing in respect of any such works as aforesaid.

(2) Where in pursuance of this section any reduction has  
 been made in the amount of any annual payments in respect of any  
 works of water supply, then, during the time that such amount stands  
 35 at less than the amount originally certified in respect of those works, there is hereby imposed on all lands within that municipality subject to water rates, a rate of two shillings in the pound on the valuation or assessment of such lands, and a charge of five shillings per one thousand gallons for water supplied.

Rates and charges for water imposed while reduction has effect.

(3) Where any such reduction has been made in the amount  
 40 of any annual payments in respect of any works of sewerage, then during the time that such amount stands at less than the amount originally certified in respect of those works, there is hereby imposed on all lands within that municipality subject to sewerage rates, a rate  
 45 of one shilling in the pound on the valuation or assessment of such lands.

Rates for sewerage.

(4)



*Country Towns Water and Sewerage (Amendment).*

(4) Where any such reduction has been made in the amount of any annual payments in respect of any works of drainage, then during the time that such amount stands at less than the amount originally certified in respect of those works, there is hereby imposed 5 on all lands within the drainage area fixed in pursuance of this Act such rate or rates, to be prescribed by the by-laws of the council, as will be equal to a rate of ninepence in the pound on the assessed value of all land within the drainage area. Rates for drainage.

(5) The provisions of the Country Towns Water and Sewerage Acts, 1880-1905, shall apply to rates and charges imposed by this section as if they were imposed by by-laws. Incorporation.

## PART V.

## MISCELLANEOUS.

1.—*Miscellaneous provisions.*

15 60. Any of the contracts or classes of contracts mentioned in the by-laws of the council 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 in like manner be varied and discharged. Contracts as prescribed may be made under hand of the mayor.

20 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.

25 61. Notwithstanding section nine of the Principal Act, or any proclamation made or to be made thereunder, the boundaries of any water district within which water is authorised to be supplied to the inhabitants of any borough or municipal district shall be the boundaries for the time being of such borough or municipal district; and all the provisions of the Principal Act relating to water districts shall apply to water districts as constituted by this section. Boundaries of water district to be boundaries of municipality.

30 62. Where the owner or occupier of any land within a water district or a catchment area, or any reservoir or source of water supply, does or permits to be done on such land any act, or permits to remain thereon any matter or thing which in the opinion of the council is likely to injure the water supply, and after notice thereof in writing 35 given to him by or on behalf of the council, neglects or refuses to discontinue doing such act, or to remove such matter or thing, he shall be liable to a penalty not exceeding ten pounds, and a further penalty of two pounds for each day after the first day from the receipt of such notice that such offence continues. Penalty for nuisance to water district, catchment area, or reservoir or source of water supply.



*Country Towns Water and Sewerage (Amendment).*

**63.** The works for the supply of water for the town of Hillgrove <sup>Water-works for Hillgrove.</sup> which have been constructed by the Minister, together with all other works in connection with such supply which may be in course of construction, shall be subject to the provisions of the Country Towns <sup>5</sup> Water and Sewerage Acts, 1880-1905, and shall, in pursuance of and subject to the provisions of the said Acts, be taken over by the council of the borough of Hillgrove.

*2.—Supplemental.*

**64.** Notwithstanding anything in the Principal Act, any notice <sup>Service of notices by post.</sup> required by the Country Towns Water and Sewerage Acts, 1880-1905, or any by-laws or regulations made thereunder, to be sent or served, may be sent or served by post, and it shall not be necessary that such service by post should be by registered letter.

**65.** The occupier of any land who, on being required by any <sup>Occupier must state name of owner.</sup> officer of the council to state the name of the owner of such land or of the person receiving or authorised to receive the rents of the same, refuses or wilfully omits to disclose, or wilfully misstates to such officer, the name of the said owner or person shall be liable to a penalty not exceeding five pounds.

**66.** In any proceedings for recovering rates, charges, or sums <sup>No jurisdiction ousted on the ground that title to land is in question.</sup> due to the council no jurisdiction otherwise competent shall be ousted upon the ground that the proceedings raise a question of title to land.

**67.** The assessment book of the council made under the <sup>Assessment book prima facie evidence.</sup> provisions of the Municipalities Act, 1897, and any entry made therein shall, if it purports to be signed by the mayor and sealed with the seal of the corporation be prima facie evidence of the facts therein stated without proof of the said signature or seal.

**68.** All informations, complaints, or other legal proceedings <sup>Legal proceedings may be taken in the name of the Council. 53 Vic. No. 16, s. 25.</sup> under the Country Towns Water and Sewerage Acts, 1880-1905, or under any by-law made under the said Acts may be laid, made, and taken in the name of the council, by any duly appointed officer of the council.

**69.** The council may, under and subject to the provisions in <sup>Additional powers to make by-laws.</sup> that behalf of the Country Towns Water and Sewerage Acts, 1880-1905, make by-laws—

- (a) regulating the examination of persons applying for licenses, and the granting of licenses ;
- (b) prescribing the contracts and classes of contracts which may be made under the hand of the mayor of the municipality ;
- (c) regulating the mode in which water shall be supplied to land, and whether by meter or not ;
- (d) generally for carrying out the provisions of the Country Towns Water and Sewerage Acts, 1880-1905.



*Country Towns Water and Sewerage (Amendment).*

70. 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 council, and if not in session then within fourteen days after the commencement of the next session.

10 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.

SCHEDULES.

SCHEDULE A.

*Table of Costs.*

		s.	d.
15	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.		
20	For inventory, sale, commission, and delivery of goods not exceeding one shilling in the pound on the net proceeds of the sale.		

SCHEDULE B.

*Warrant of distress.*

New South Wales } To constable at , or bailiff (as  
to wit. } the case may be).

25 Whereas of in New South Wales has been rated at the sum of per annum for the water rate [or charge, or is liable to pay the sum of due to the council of the municipality of ] as the occupier [or owner] of certain land situate in street in and now occupied by ; and whereas the sum of being due and payable on account of

30 the said rate, charge, or sum [as the case may be] on the day of in the year of our Lord one thousand nine hundred and , and was duly demanded by the collector of rates for on the day of in the year of the said who has not yet paid the same. These are therefore to require and authorise you forthwith to levy the

35 said sum of together with costs of the presents by distress and sale of the goods and chattels found by you in the said land according to law, and that you certify to me on the day of what you shall do by virtue of this warrant.

40 Given under my hand this day of in the year of our Lord one thousand nine hundred and Mayor of the municipality of .



10. The provisions of section fourteen of the Principal Act shall apply to any person or persons who are liable to be assessed under the provisions of this Act.

11. The provisions of section fifteen of the Principal Act shall apply to any person or persons who are liable to be assessed under the provisions of this Act.

### SCHEDULE A

#### SCHEDULE A

Table of Rates

12. The rates of the various classes of property shall be as follows:—

### SCHEDULE B

Table of Rates

13. The rates of the various classes of property shall be as follows:—

14. The rates of the various classes of property shall be as follows:—

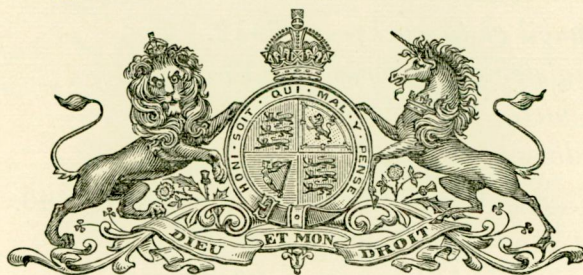


*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly Chamber,  
Sydney, 15 November, 1905.* }

*RICHD. A. ARNOLD,  
Clerk of the Legislative Assembly.*

## New South Wales.



ANNO QUINTO

EDWARDI VII REGIS.

\*\*\*\*\*

Act No. , 1905.

An Act to amend the law relating to the water supply, sewerage, and drainage of country towns; 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; and for purposes consequent thereon or incidental thereto.

**B**E it enacted by the King'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

### PART I.

#### PRELIMINARY.

1. This Act shall be construed with the Country Towns Short title and  
Water and Sewerage Act of 1880, the Country Towns Water and incorporation of Acts.  
Sewerage Act Extension Act of 1887, and so much of the Country  
Towns



*Country Towns Water and Sewerage (Amendment).*

Towns and Hunter District Water Supply and Sewerage Acts Extension Act of 1894 as amends the first-mentioned Acts or either of them, and may be cited as the "Country Towns Water and Sewerage (Amendment) Act, 1905."

5      2. This Act is divided into Parts as follows :—

Division of Act.

PART I.—PRELIMINARY—ss. 1-4.

PART II.—WORKS—ss. 5-28.

1.—*Licenses*—ss. 5-6.

2.—*Powers of council as to works*—ss. 7-12.

10      3.—*Powers of Minister as to works*—ss. 13-19.

4.—*Powers of Minister and council*—ss. 20, 21.

5.—*Storm-water drains*—ss. 22-29.

PART III.—ASSESSMENTS, RATES, AND CHARGES—ss. 30-49.

1.—*Assessment of land*—ss. 30-38.

15      2.—*Recovery of rates and charges*—ss. 39-49.

PART IV.—FINANCIAL—ss. 50-59.

1.—*Debts*—ss. 50-51.

2.—*Loans under Act of 1887*—ss. 52, 53.

3.—*Duties of council*—ss. 54-58.

20      4.—*Reduction of debt*—s. 59.

PART V.—MISCELLANEOUS—ss. 60-70.

1.—*Miscellaneous*—ss. 60-63.

2.—*Supplemental*—ss. 64-70.

25      3. Sections fifty-four, sixty, sixty-one, seventy-seven, and eighty-eight of the Principal Act, and so much of section thirteen of the said Act as 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.

30      4. (1) In this and in any other Act and in any by-laws or regulations—

35      "Country Towns Water and Sewerage Acts, 1880-1905," 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, and this Act.



*Country Towns Water and Sewerage (Amendment).*

(2) In this Act and in any by-laws or regulations made thereunder, unless the context otherwise indicates,—

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

5 “Minister” means Minister for Public Works.

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

10 “Prescribed” means prescribed by the Country Towns Water and Sewerage Acts, 1880–1905, or any by-laws or regulations made thereunder.

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

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

“Works of water supply, sewerage, or drainage” means such works constructed under the Country Towns Water and Sewerage Acts, 1880–1905.

## PART II.

## 20 WORKS OF WATER SUPPLY AND DRAINAGE.

1.—*Licenses.*

5. (1) The council may, on such terms as to the passing of examinations and the payment of fees as may be prescribed, issue licenses to persons authorising them to supervise and perform works in connection with water supply, sewerage, and drainage. Council may issue licenses.

25 (2) The council may suspend or cancel any license issued as aforesaid. License may be cancelled.

30 (3) No person shall commence or perform any work in connection with water supply, sewerage, or drainage, which communicates with the pipes, sewers, or drains of the council, unless he is the holder of a license, or is under the immediate supervision of a licensed person. Unlicensed person not to do work except under supervision.

35 (4) Any unlicensed person who, not being under the immediate supervision of a licensed person, commences or performs any such work, and any person who knowing that a person is unlicensed employs him 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.

(5)



*Country Towns Water and Sewerage (Amendment).*

(5) The council may direct and compel all defective and improper work done by an unlicensed person without the required supervision to be removed or altered to its satisfaction, and may, by its 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 person knowing him to be unlicensed.

Council may remove work done by unlicensed person.

(6) No license 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 of council alone to have validity.

6. No person, without having previously obtained in the manner prescribed the consent of the council, or of some person authorised by the council in that behalf, shall 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.

Permits to tap water-mains.

*2.—Powers of Council as to works.*

7. The council by its officers or servants may at any reasonable hours enter any land and inspect any works and may construct any works and do any things therein or thereon authorised by the Country Towns Water and Sewerage Acts, 1880-1905.

Council may enter land and do works.

8. (1) Where there appears to be any escape of water or sewage, the council may open up any ground under which any pipes, drains, or sewers of the council, laid or made under the Country Towns Water and Sewerage Acts, 1880-1905, or any pipes, drains, or sewers communicating therewith are situate, and 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.

(2) Except in cases of emergency the council shall, before opening any ground, give at least twenty-four hours' notice to the person in possession of or having the control or management of the same.

Council to give notice before opening ground.

In opening any ground and doing any work in pursuance of this section, 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 any of 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, and such compensation may be recovered in any court of competent jurisdiction.

(3) If upon examination it is 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,

Recovery of expenses.



*Country Towns Water and Sewerage (Amendment).*

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 supplied with water, or drained, as the case may be.

- 5        9. Where land has no frontage to a street or highway along which a water-pipe of the council is laid, and the owner or occupier is not able to obtain the consent of the owner and occupier of the land intervening between his land and the water-pipe to the laying of a water-pipe through such land to his land, or to necessary repairs or alterations to or the removal of a water-pipe laid through such intervening land, the council may, upon the application of such first-named owner or occupier, enter such intervening land and carry out the work on his behalf and at his cost, and for such purposes the provisions of sections sixteen and sixty-four of the Principal Act shall be applicable; but any amount paid by or recovered from the council for compensation as in those sections provided shall not be recoverable from the applicant.

Power of council to lay pipes and drains through intervening land.

- 10       10. Where, in the opinion of the council, it is desirable in the interests of the health of any persons that the water of the council should be supplied to any land in respect of which water-rates are payable, the council may give notice in writing to the occupier of such land, or where the land is unoccupied, to the owner thereof, requiring him to lay pipes and apply fittings in the manner described in such notice to supply the water of the council to such land.

Occupiers or owners to make connections with water-mains.

The occupier or owner to whom any such notice is given may within twenty-one days after the giving of such notice appeal therefrom to the nearest court of petty sessions, and such court, on the hearing of such appeal, may amend or cancel the notice or dismiss the appeal, and make such order as to costs as it may think just.

- 30       If the notice is not so appealed from, and the said occupier or owner does not within twenty-one days after the giving of the notice lay the pipes and apply the fittings as described in the notice, or if on appeal the court by its order amends the notice or dismisses the appeal, and the said occupier or owner does not within twenty-one days after such order has been made lay the pipes and apply the fittings in the manner described in the notice or the amended notice, as the case may be, the council may lay the pipes and attach the fittings as aforesaid, and may on the expiration of twenty-one days after demand in writing has been made by the council to the said occupier or owner, recover from such occupier or owner the expenses incurred by the council in so laying the pipes and attaching the fittings by the like proceedings as if such expenses were a water-rate; but any court in which proceedings are taken to recover such expenses may if it thinks fit order such expenses and any costs incurred in the action to be paid by instalments.



*Country Towns Water and Sewerage (Amendment).*

11. (1) Where under the Principal Act or this Act the owner or occupier of any land is liable or has been required by the council to construct any works in connection with water supply or sewerage, such owner or occupier may make application in writing to the council for such works to be carried out 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 carrying out of such works under the direction of the council at a price or sum and upon terms agreed upon, and for the payment of such price or sum by the applicant 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.

(2) Upon the execution by the applicant of such agreement, 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 days on which the quarterly instalments of payment will fall due.

Council upon completion of work to give notice to applicant.

(3) Where the price or sum agreed upon between the council and any applicant under this section exceeds fifteen pounds, the Colonial Treasurer may, on the application of the council, advance such price or sum to the council from the Consolidated Revenue Fund.

Such price or sum shall be repaid by the council at any time or times, and by any instalments agreed upon between the council and the said Treasurer, with interest at the rate of five per centum per annum from the date of the advance, but so that the amount of the advance, with interest as aforesaid, shall be repaid within three years from the completion of the works.

12. (1) Where any land within a municipality is without a drain sufficient for effectual drainage, the council thereof shall, by written notice, require the owner or occupier of such land, within a reasonable time therein specified, to make a covered drain or drains emptying,—

To compel drainage of undrained land.

(a) in the case of sewage, into any sewer; and  
(b) in the case of storm-water and other drainage, into any storm-water drain

which the council are entitled to use, and which is not more than one hundred feet from such land; and,—

(c) in the case where there is no such sewer or storm-water drain, into such covered cesspool or other place, not being under any building, as the council may direct.

Such drain or drains shall be of such material and size, and laid at such levels and with such fall as, on the report of their surveyor, the council may think necessary.

(2)



*Country Towns Water and Sewerage (Amendment).*

(2) Where in the opinion of the council greater expense would be incurred in causing the drains of two or more separate portions of land to empty into an existing sewer or storm-water drain pursuant to this section, than in constructing a new sewer or storm-water drain and causing such drains to empty therein, the council may construct such new sewer or storm-water drain, and by notice as aforesaid require the owners or occupiers of such separate portions of land to cause their drains to empty therein.

The council shall apportion as they deem just the expenses of the construction of such new sewer or storm-water drain among the owners of the several portions of land, and recover in a summary manner the sums so apportioned from such owners, or may, by order, declare the same to be private improvement expenses.

(3) If any such notice is not complied with, such owner or occupier shall be liable to a penalty not exceeding twenty pounds, and after conviction to a further penalty not exceeding five pounds for every day such offence continues.

In addition to or in substitution for this penalty, the council may, at the expiration of the time specified in the notice, do the work required, and recover in a summary way the expenses so incurred from the owner or owners, or may by order declare the same to be private improvement expenses.

*3.—Powers of Minister as to works.*

13. For the purpose of determining whether any work of water supply, sewerage, or drainage should be constructed, or determining the place where such work should be constructed, or the mode in which it should be carried out, or for the purpose of inspecting any such work constructed or in course of construction, the Minister and his officers and servants may, with horses and vehicles, enter any land and take levels of the same and other lands, and set out such parts thereof as he may think necessary, and dig, break, and trench the soil of such land, sink trial holes, and remove any earth, stone, minerals, trees, and other things dug out of the same. Compensation for any damage caused by the exercise of the powers conferred by this section shall be ascertained and paid, and may be recovered in the way provided by the Principal Act in respect of compensation for damages for the occupation of land under that Act.

Minister may enter lands for purpose of making surveys.

14. For the purpose of carrying out or protecting any works of water supply, sewerage, or drainage, the Minister may enter any lands whatsoever, whether a garden, orchard, plantation, park, planted walk, avenue, or ground ornamentally planted, and whether such lands are 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.

Further powers to Minister to take and lease land.

If



*Country Towns Water and Sewerage (Amendment).*

If the Minister and the owner of such lands cannot agree within ninety days from the date of entry by the Minister 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, or any other terms or 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 decree or order of the Supreme Court in its equity jurisdiction.

15. During the construction by the Governor, or the Minister, of any works of water supply, sewerage, or drainage, and until those works are taken over by the council, the Minister in respect of the said works may exercise the powers conferred, and shall be subject to the duties and liabilities imposed on the council by the provisions of Parts II and III of the Principal Act or by this Part of this Act, and any enactments amending the same; and in other respects the said provisions shall, during the period aforesaid, apply to and in respect of such works.

16. It shall be deemed to have been and shall be lawful for the Governor to carry out such alterations, modifications, and extensions of and additions to any works of water supply, sewerage, or drainage, as he thinks desirable, whether such works have been constructed by the Governor and notified as complete, or not so notified, or constructed by the Minister or the council.

Such alterations, modifications, extensions, and additions shall be taken over by the council, paid for, and otherwise dealt with in the same way as works constructed by the Minister, and for that purpose the provisions of the Country Towns Water Supply and Sewerage Acts, 1880-1905 shall apply in respect thereof.

17. The Governor at the request of the council may construct and complete works of water supply, or any alterations or extensions of or additions to then existing works of water supply, to be used in part for supplying power to drive machinery. And the provisions of the Country Towns Water and Sewerage Acts, 1880-1905, relating to works of water supply, shall apply to works, alterations, extensions, and additions constructed under the authority of this section:

Provided that, on and after the notification of the completion of the work, or of the alterations, extensions, or additions aforesaid, the council shall repay yearly such percentage of the cost of the same as may be agreed upon between the Minister and the council into the banking account kept under the provisions of this Act.

18. (1) It shall be lawful for the Governor to carry out any works, being either original works or alterations, modifications or extensions

Minister to have powers of Council during construction of works

Power to make alterations in and additions to works.

Governor may construct works of water supply to be used for supplying power.

Construction of works for benefit of adjacent municipalities.



*Country Towns Water and Sewerage (Amendment).*

extensions of or additions to existing works, of water supply, sewerage, or drainage within any municipality for the purpose of that municipality, and of any other adjoining or adjacent municipality.

- (2) The provisions of the Country Towns Water and Sewerage Acts, 1880-1905, shall apply to such works: Apportionment of cost of works.

Provided that upon the said works being taken over by the council, the periodical payments to the Colonial Treasurer of the cost of such works shall be apportioned between the municipality within which the works are constructed and the other adjoining or adjacent municipalities aforesaid, as agreed between the Minister and the councils of such municipalities:

- Provided also that in the case of works for water supply the annual proportion of such periodical payments to be made by such adjoining or adjacent municipalities shall be based on a minimum quantity of water to be supplied, any additional quantity required being paid for to the Colonial Treasurer at such rate as may be agreed upon between the Minister and all the councils on the completion of the works and applied in liquidation of the cost of such work.

19. If the Minister at any time deems it necessary, in the construction of any works of water supply, sewerage, or drainage, that the position or level of any works vested in any person and laid in or under any street should be altered, he may, by notice in writing, require the said person to make the said alteration 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. Works in any street to be altered when necessary.

If such notice is not complied with, the Minister may cause the required alteration to be made, but no such alteration shall be made which will permanently injure such works or affect their use.

20. Where any work of water supply, sewerage, or drainage 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, notwithstanding anything to the contrary in section one hundred and sixteen of the Principal Act. Minister to substitute roads in certain cases.

*4.—Powers of Minister and Council.*

21. The Governor or the Minister or a council constructing any works of water supply, sewerage, or drainage may make and enter into contracts and agreements with any person for the acquisition by purchase or otherwise of any rights to be exercised on or over any land, including the right to construct works, lay pipes and drains, and use, maintain, protect, replace, repair, and clean the same. Acquisition of rights over land.



*Country Towns Water and Sewerage (Amendment).*

22. (1) Where in the opinion of the Governor or the Minister, Construction and fixing of stand-pipes. or a council constructing any works of water supply, it is undesirable to lay reticulation pipes in a municipality, it shall be lawful for the Governor or the Minister, or council to construct and fix in place of  
 5 such reticulation pipes a stand-pipe or stand-pipes for the supply of water, and in such case the council upon taking over or constructing the works, may make and levy rates in respect of all ratable property in the municipality.

(2) The council may make by-laws for determining, levying, Rates for water within area prescribed. and collecting the rates, and such rates may vary according to the distance from any such stand-pipe of the land so rated; provided that no such rate shall exceed one shilling in the pound on the valuation or assessment of any of such land. The payment of such rate in  
 15 water for domestic purposes from any such stand-pipe or from the main to the value of the amount of the rate so paid, calculated at such sum as may be prescribed by the by-laws of the council, not exceeding five shillings for every one thousand gallons of water.

The council may make by-laws providing for the supplying of  
 20 water from such stand-pipes.

(3) The council may make by-laws fixing charges for water Charges for water. which the council is hereby authorised to supply from any such stand-pipe or from the main for other than domestic purposes, or for use outside the municipality.

25 (4) The provisions of the Country Towns Water and Incorporation. Sewerage Acts, 1880-1905, shall apply to rates and charges levied and imposed under this section.

*5.—Storm-water drains.*

23. The Governor may, by proclamation in the Gazette, direct Proclamation as to storm-water drains and sewers. that any storm-water drains and sewers therein mentioned, constructed by him before or after the commencement of this Act, together with any lands and buildings used in connection therewith shall be, and the same, together with the administration and management thereof shall thereupon be taken over by the council upon the terms and  
 35 conditions prescribed in subsections one to seven of section one hundred and twenty-five of the Principal Act, as amended by the Act fifty-seventh Victoria number nineteen and this Act, and upon any further terms or conditions which the Governor may in any case appoint.

24. The boundaries of any drainage area in respect of storm- The fixing of the boundaries of drainage areas. water drains and sewers taken over by the council in pursuance of the last preceding section may be fixed in the following manner:—

(a) the council may, by resolution, define the boundaries of such area

(b)



*Country Towns Water and Sewerage (Amendment).*

- 5 (b) on such resolution being passed, the council shall cause notice of the same to be published in the Gazette, and twice in some newspaper or newspapers circulating in the municipality, stating that an appeal against such definition of the boundaries may be made under this Act within thirty days from the date of the last of such publications ;
- 10 (c) within such thirty days any person interested may appeal against such definition of boundaries to a stipendiary or police magistrate, appointed by the Governor in that behalf, and sitting in the municipality in open court ;
- 15 (d) such magistrate shall hear such appeal, and for that purpose shall have the powers of a court of petty sessions, and may make such alterations in the boundaries of the area as he may think just, having regard to the benefit derived or to be derived by the owners or occupiers of land from the construction and use of the said work :
- (e) the boundaries as defined by the council, with such alterations as may be made therein on appeal as aforesaid, shall be the boundaries of such area for the purposes of this Act.

20 **25.** The council may make by-laws—

Valuations and rates.

- 25 (a) prescribing the method of valuing land within the boundaries of such drainage area. But the valuation of any land shall not exceed in any year the valuation (if any) of such land during the same or the next preceding year under the Municipalities Act, 1897 ;
- 30 (b) prescribing the rate to be paid in respect of any such land according to the benefit which, in the opinion of the council, accrues to the land from the construction of the drains or sewers. But no such rate shall exceed the amount of five pounds per centum per annum of the valuation or assessment of the land : Provided that a minimum rate of one shilling may be imposed by by-law ;
- 35 (c) for carrying into effect the provisions of this Act relating to storm-water drains and sewers, and valuations and rates in respect of the same.

26. The council may impose any rates prescribed as aforesaid, and may recover them from the owners or occupiers of the lands in respect of which they are payable, and shall for that purpose have the powers granted to the council in respect of sewerage rates by the  
40 Principal Act and this Act.

Lap-itation and  
recovery of rates.

Any sewerage rate imposed on land shall be in addition to any drainage rate imposed thereon under this section.

*Work*



*Country Towns Water and Sewerage (Amendment).**Work taken over by council before completion.*

27. (1) When any work partly constructed by the Governor but not completed is, in the opinion of the Minister, so far constructed as to be of use to the council, he may report that fact to the Governor. Work may be taken over before final completion.
- 5 The Governor shall notify such fact in the Gazette, and thereupon the council shall take over the work and the administration and management thereof. The council shall thereupon have all the powers and obligations conferred and imposed on a council by the Country Towns Water and Sewerage Acts, 1880-1905.
- 10 (2) The Minister shall certify the amount actually expended in such construction up to the day of the notification by the Governor as aforesaid, together with interest at the rate of four per centum per annum on the sums making up such amount, calculated from the time such sums were expended. Interest from the said day at the rate of
- 15 four per centum per annum on the amount so certified shall annually be paid by the council to the Colonial Treasurer, and shall be carried to the Consolidated Revenue Fund.

- (3) Like action may be taken at any time, and the above provisions of this section shall apply when the work has been further
- 20 constructed and before completion.

28. When such work has been finally completed and taken over by the council, and the cost of the work and the interest thereon have been certified under the Country Towns Water and Sewerage Acts, 1880-1905, all payments of interest under the last preceding section
- 25 shall cease. Interest to cease on works being finally taken over.

*Computation of interest.*

29. With respect to works constructed at any time by the Governor and taken over after the commencement of this Act by a council under the Country Towns Water Supply and Sewerage Acts, 1880-1905— Interest with respect to works computed at four per centum.
- 30 1880-1905—

- (a) the computations of interest under section two of the Act fifty-seventh Victoria number nineteen shall be made on the basis of four per centum per annum instead of three and a half per centum per annum, as in that section provided. To carry out
- 35 this provision the words "four per centum" are substituted for the words "three and a half per centum" wherever occurring in that section;
- (b) in computing the amount of interest as aforesaid, credit shall
- 40 be given for any payments of interest under this Act in respect of a work taken over by the council before completion.



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*Country Towns Water and Sewerage (Amendment).*

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## PART III.

## ASSESSMENTS, RATES, AND CHARGES.

1.—*Assessment of land for rates.*

30. Notwithstanding anything contained in the Principal Act, <sup>What land liable for</sup> the council may, under that Act, make by-laws for determining, <sup>water rate.</sup> making, and levying the water rate to be paid in respect of land, subject to the following conditions :—

- 10 (a) Where land has frontage to a street or public highway along which, throughout the whole length of such frontage, a service water-pipe of the council is laid, so much of the land as is situate within a distance of two hundred and fifty yards from the water-pipe shall be subject to the rate, although the land is not actually supplied with water from any water-pipe of the council.
- 15 (b) Where land has frontage to a street or public highway along which, throughout part of the length of such frontage, a service water-pipe of the council is laid, so much of the land as is situate within a distance of two hundred and fifty yards from the water-pipe, measured in a direction at right angles to such pipe, shall be subject to the rate, although the land is not actually supplied with water from any water-pipe of the council.
- 20 (c) Where land has no frontage to a street or public highway along which a water-pipe of the council is laid, but a water-pipe is laid to some part of the land, so much of the land as is situate within two hundred and fifty yards from the water-pipe laid in the street or public highway, measured in a direction at right angles to such pipe, shall be subject to the rate, although the land is not actually supplied with water from any water-pipe of the council :
- 25
- 30

Provided that any land otherwise ratable shall be exempt from the rate if in a case under subsection (a) or (b) such land cannot be supplied with water from a stand-pipe at least three feet in height from the natural surface of the ground at the building line, or in a case 35 under subsection (c), such land cannot be so supplied from a similar stand-pipe at some point on such land :

Provided also that no person shall be exempt from payment of water rates by reason only that the water supplied by the council has become unfit for dietetic purposes. The council may, from time to 40 time, levy such reduced rate for the period during which such water shall be unfit for dietetic purposes as it may consider reasonable.



*Country Towns Water and Sewerage (Amendment).*

31. Any land vested in His Majesty or in any person on behalf of His Majesty, not being land vested in the Railway Commissioners of New South Wales, and any land in the occupation of the Crown, if the valuation or assessment of the land has been approved by the Minister, shall be subject to water rates, although the land is not actually supplied with water from any water-pipe of the council, and shall be also subject to sewerage rates. Crown land ratable.

32. (1) Where any land which would be subject to rates under the Country Towns Water and Sewerage Acts, 1880-1905, if the same had been included in any valuation by the council under the Municipalities Act, 1897, is not included in any such valuation, and in any case where part only of the land included in a valuation by the council as aforesaid would be subject to rates as aforesaid, the council may cause an assessment of such land to be made from time to time, and may by by-laws determine, make, and levy the rate to be paid in respect of such land: Council may make valuation, &c., in certain cases.

Provided that such rates and the exercise of the powers hereby conferred upon the council shall be in all other respects subject to the provisions of the first mentioned Acts.

(2) The enactments contained in the following subsections shall be applicable in respect to any such assessment:—

- (a) The council shall, as soon as practicable, cause notice of the amount of any such assessment to be served upon the occupier, or if there is no occupier upon the owner, of the land assessed. Notice of assessment.
- 25 (b) Such occupier or owner may, within twenty-eight days after the service of such notice appeal against such assessment, and shall for such purpose and before the expiration of such twenty-eight days, give notice in writing to the council of his intention to appeal, stating the grounds of such appeal. Appeal from assessment.
- 30 (c) Such appeal shall be heard by a court of petty sessions held within the petty sessions district in or nearest to which the land is situated on some day to be fixed by the council. Notice of the day and place of the hearing of the appeal shall be published by advertisement in the Gazette, and in some newspaper published or circulating in such petty sessions district at least seven clear days before the hearing of such appeal; and such court may hear and determine the same, and award such relief in the premises as the justice of the case may require, and such decision shall be final and conclusive as regards the matter of such appeal; and the assessment book of the council shall, if necessary, be amended in accordance with such decision. Hearing of such appeal.
- 35
- 40
- 45 (d) No appeal shall be heard unless such notice has been given as aforesaid; and if, on the hearing of any such appeal, the court is of opinion that the same is frivolous or vexatious, No appeal unless notice.  
it



*Country Towns Water and Sewerage (Amendment).*

it may award such costs, not exceeding two pounds, as it may think fit against the appellant, which may be recovered by the council in the same manner as costs in any proceedings before a court of petty sessions.

Costs.

- 5 (e) After the expiration of the twenty-eight days so prescribed as aforesaid without any notice of appeal, or upon the decision of any such appeal, and the necessary alterations (if any) being made in the assessment book of the council, the same 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 is made and new assessment book is completed and confirmed in manner aforesaid.

Confirmation of assessment book.

- 10 (f) Any occupier of land who, on the request of any valuer appointed by the council to make such assessment as aforesaid (who is hereby authorised to make inquiries as to the matters hereinafter mentioned) refuses or wilfully omits to disclose, or wilfully misstates to such valuer the name of the owner of such land, 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 land who, on the request of such valuers refuses or wilfully omits to disclose, or wilfully misstates anything required for or calculated to affect such assessment, shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty on occupier for misstatement.

- 25 33. 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 upon by the council and the person to be supplied.
- 30 34. Notwithstanding anything contained in the Principal Act, the council shall not be compellable to supply water to any person whomsoever.

Council may supply water by measure or otherwise.

- 35 35. 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 subject to water rate exceeds the quantity which, at such price not exceeding five shillings per thousand gallons, as is fixed by by-law of the council, would be supplied by the council on payment of an amount equal to the water rate payable in respect of the said land, the council by resolution notified to the said person under the hand of the council clerk, may require the said person within a time named in the notice to enter into a contract with the council for the supply of water to the land at a price fixed by the resolution and named in the notice, or to affix or cause to be affixed a meter and to pay for the water supplied according to the scale prescribed for the supply of water by measure.

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

If



*Country Towns Water and Sewerage (Amendment).*

If the said person after such notification refuses or neglects to enter into the said contract, or to affix or cause to be affixed the meter within the time above mentioned, or having entered into the said contract, or affixed or caused to be affixed the meter, neglects or  
 5 refuses to pay any money or charges due in respect of water supplied to the land, the council may cut off the supply of the water. But the said person shall, in either of the above cases, be nevertheless liable to pay any water rate determined, made, or levied in respect of the said land.

10 **36.** (1) The council by resolution may exempt any public hospital or charitable institution from water rate and on passing a resolution for that purpose may supply water free of charge to any such hospital or institution as aforesaid subject to the following conditions:—

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

15 (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: Provided that the council may make by-laws increasing the quantity of water which may be  
 20 supplied as aforesaid to the hospital or institution.

(b) For the purposes of the last preceding subsection the number of persons resident as aforesaid shall be the average number of persons so resident during the half-year immediately preceding the period in respect of which charges would be  
 25 payable.

(c) 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 prescribed for the supply of water by measure.

30 (2) Any such resolution may be revoked or altered by the council.

Revocation of resolution.

(3) 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  
 35 hospital or institution and inspect any works therein used for the supply of the water, and may give such directions as the council may by resolution prescribe to prevent waste of the water.

Supervision of the water supply to hospitals and charitable institutions.

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

40 **37.** The council by resolution may exempt from the payment of water rates and sewerage and drainage rates (including rates due and unpaid at 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 due and  
 45 unpaid as aforesaid) any building used exclusively as a Sunday school; and may revoke or alter any exemption so granted.

Council may exempt certain buildings from payment of rates.

**38.**



*Country Towns Water and Sewerage (Amendment).*

**38.** (1) Notwithstanding anything contained in the Principal Act, the council by by-law may determine, make, and levy any water rate not exceeding ten per centum per annum on the amount of the valuation or assessment of all land liable for water rates under the Country Towns Water and Sewerage Acts, 1880-1905, and determine, make, and levy any minimum water rate on such land, whatever the valuation or assessment thereof may be.

Maximum water rates.

Minimum rates.

(2) Notwithstanding anything contained in the Principal Act, the council by by-law may make and levy any sewerage rate not exceeding ten per centum per annum on the amount of the valuation or assessment of all land liable for sewerage rates under the Country Towns Water and Sewerage Acts, 1880-1905, and make and levy any minimum sewerage rate on such land, whatever the valuation or assessment thereof may be.

Maximum sewerage rates.

Minimum rates.

15

*2.—Recovery of rates and charges.*

**39.** Every rate, charge, and sum due to the council under the Country Towns Water and Sewerage Acts, 1880-1905, shall be paid by and be recoverable from the owner or occupier of the land subject to the rate, charge, or sum; and every such rate shall be paid in advance by equal half-yearly payments on the first day of January and the first day of July in each year.

Rates and charges recoverable from owner or occupier; rates payable half-yearly.

**40.** If any person liable to pay any such rate, charge, or sum refuses or neglects to pay the same after a notice demanding payment has been served in the prescribed manner on the occupier, or if there is no occupier upon the owner, of the land subject to such rate, charge, or sum, the council may recover the same with costs in any court of competent jurisdiction.

Recovery of rates and charges.

On service of another such notice as aforesaid on the person then in occupation of such land, and liable to pay the rate, charge, or sum, and on such person failing to comply therewith, the mayor of the municipality may issue a warrant under his hand to the bailiff or other person named therein which shall be his authority to levy such rate, charge, or sum, with costs not exceeding the scale prescribed in Schedule A hereto, by distress and sale of the goods and chattels then being on such land, and in the occupation of the person aforesaid: Provided that no such warrant shall authorise the seizure or sale of any bedstead, bedding, culinary articles in domestic use, or tools of trade.

Distress and sale.

In the event of any such distress and sale not realising sufficient to pay the amount levied together with costs as aforesaid, the mayor may from time to time cause further and other distress and sale to be made as aforesaid until such amount and costs as aforesaid have been fully paid, or may recover by action in any court of competent jurisdiction so much of the said amount and costs as is then due from the person liable to pay the said rate, charge, or sum.



*Country Towns Water and Sewerage (Amendment).*

41. Out of the moneys arising from the sale of the goods and chattels the bailiff or other person executing the warrant shall first pay the costs aforesaid, and shall then pay the amount for which such distress and sale were made, and pay over the surplus (if any) to the person whose goods have been sold.

Disposal of proceeds of sale.

42. The warrant of distress may be in the form or to the effect of Schedule B hereto; and in all cases where a distress may lawfully be made every police constable shall, upon being so required by any bailiff or other person distraining, aid in making a distress or sale pursuant to such warrant, and for refusing so to do shall be liable to a penalty not exceeding five pounds:

Form of warrant of distress.

43. (1) Any warrant issued shall be a good and sufficient authority to the bailiff or other person executing the same, or to his assistant, to remain on the premises during the interval between the making of the distress and the sale of the goods and chattels seized, whether such authority is expressed in the warrant or not; and every distress and sale in pursuance of a warrant shall, subject to the provisions of the Country Towns Water and Sewerage Acts, 1880-1905, be conducted and carried out as nearly as practicable in accordance with the provisions of the Landlord and Tenant Act, 1899.

Warrant authorises bailiff to remain on premises.

(2) The council may appoint some competent person to be its bailiff for the purpose of levying by distress and sale any such rates, charges, and sums; and any bailiff so appointed shall have power and authority to sell by public auction any goods and chattels seized under any warrant of distress aforesaid without taking out any license as an auctioneer.

Bailiff may sell by auction without license.

44. All such rates, charges, and sums where the amount sought to be recovered does not exceed the sum of thirty pounds may be sued for and recovered under the Small Debts Recovery Act, 1899, in addition to the mode of recovery provided by 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 the exercise of their summary jurisdiction.

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

45. All such rates, charges, and sums payable after the commencement of this Act in respect of any land shall be a charge upon the land for two years from the time such rates, charges, and sums first become payable; and if at the expiration of the time named the owner of such land is unknown to the council after diligent inquiry made, the council shall within three months from the expiration of such time publish a notice in the Gazette and in a newspaper circulating in the municipality in which the land is situated, containing particulars of the same and of the amount due thereon as aforesaid, and upon such publication the said amount together with interest thereon at the rate of five per centum per annum from the date on which such rates, charges, and sums first became payable, shall become

Rates and charges to be a charge on land.

and



*Country Towns Water and Sewerage (Amendment).*

and remain a charge on the said land until payment thereof, and may be recovered by action in any court of competent jurisdiction from any person who is the owner at the time such action is brought :

Provided that in the event of the land being occupied after the publication of any such notice nothing herein contained shall prevent the council from recovering by action as aforesaid from the occupier any rates, charges, and sums and interest as aforesaid due in respect of such land.

46. (1) Where any rates, charges, or sums due to the council under the Country Towns Water and Sewerage Acts, 1880-1905, in respect of any land, have been unpaid for a period of four years, and after diligent search the council is unable to discover the name and address within New South Wales of the owner, and is unable to recover the rates, charges, or sums due, the council may cause to be published in three consecutive issues of the Gazette, and in three consecutive issues of a newspaper circulating in the municipality or place within which such land is situated, or the place nearest thereto, a notice setting out the total amount so due as aforesaid, and demanding payment of the same, with any interest thereon payable under this Act, within one year from the date of the first publication as aforesaid.

Council may lease land for overdue rates or charges.

If after one year from the first publication of such notice all or any part of the amount set out therein is still unpaid, the council may take possession of such land and hold the same against any other person whomsoever, and so long as the whole or any part of the said amount or of any rate, charge, or sum lawfully accruing due since the publication of the notice or any interest thereon remains unpaid, may let such land from year to year or for a term not exceeding seven years, or (in case of unoccupied land which is not built upon or cultivated, or appurtenant to or used in connection with any building or premises, whether such land is used for the purpose of depasturing horses, cattle, or sheep thereon, or is not so used) for a term not exceeding twenty-one years, and may receive the rents thereof, and shall apply the same towards the payment of any rates, charges, and sums then due with interest as aforesaid, and hold any surplus for the owner of the land.

Upon the application of any person who, but for the provisions of this section would be entitled to the possession of such land, the Supreme Court or a Judge thereof may, upon satisfactory proof of title and upon payment into Court of any such rates, charges, sums and interest (if any) then due and unpaid, order the council to deliver up to the applicant possession of such land, and to pay over to the applicant any such surplus as aforesaid : Provided that the rights of a lessee of the council under this section shall not be affected by any order made as aforesaid, but that, on the making of the order, the lessee shall attorn to the applicant.



*Country Towns Water and Sewerage (Amendment).*

(2) In lieu of letting or continuing to let such land the council may, by petition to the Supreme Court or any Judge thereof, apply for a sale of the land described in such notice, or any part thereof, and the Court or Judge, on being satisfied by affidavit or otherwise that the amount set out in such notice was lawfully due at the time of the first publication of such notice, and that all or any part thereof remains unpaid at the date of the application, and that all conditions have happened, all things have been done, and all times have elapsed as required by the provisions of this section to entitle the council to let or continue to let the said land, and that the council cannot, by letting or continuing to let the land, realise sufficient revenue to provide for all expenses payable in respect of such land, and for the rates, charges, sums and interest then lawfully due and owing to the council or to accrue due in respect thereof, may order the sale of such land or of any part thereof by the Master or other officer of the Court by public auction on a date named in such order.

Land may be sold  
under order of  
Supreme Court.

The proceeds of such sale shall be paid into Court, and the Court or Judge may order that there be paid out of such proceeds to the council in priority to any mortgage or other charge on the land all rates, charges, and sums due up to the time of such sale, with interest at the rate of five per centum per annum from the due date of such rates, charges and sums, and all other charges, together with all costs of and attending search at the lands titles office, or the office for the registration of deeds, for the name and address of the owner or mortgagee, and the costs of and attending the publication of the notices, and the application to the Court or Judge, and of and attending the sale as aforesaid, and that the balance be subject to any future or other orders of the Court, and may further order that the conveyance or deed of assurance, as the case may require, be executed by the Master or other officer of the Court in such form as may be approved by the Court or Judge.

Such conveyance or deed of assurance shall vest the legal estate in the land sold in the purchaser free from all encumbrances and trusts.

47. The power to cut off water conferred on the council by section forty-five of the Principal Act may 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 supply, sewerage, or drainage, as well as in the cases in that section mentioned.

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

48. Where any owner or lessor of any land assessed is by contract liable to pay any rate, charge, or sum under the Country Towns Water and Sewerage Acts, 1880-1905, and such rate, charge, or sum has been required from and paid by any lessee or occupier, or where an occupier pays rates for a period prior to or extending beyond his

Right of occupier to  
set off payments as  
against rent.



*Country Towns Water and Sewerage (Amendment).*

his term of occupancy, such lessee or occupier may set off the amount so paid against any rent then due from him to such owner or lessor in respect of such land, and any receipt by or on behalf of the council for such payment shall be a discharge of rent and evidence of payment  
5 to the amount specified therein.

If the amount so paid exceeds the rent then due, such lessee or occupier may set off such excess against accruing rent, or in such case, or in case no rent is then due, may recover such excess or amount as the case may be by action as for money paid to the use of the owner  
10 or lessor.

49. Where any such rate, charge, or sum has been recovered from and paid by a mortgagee of any land he may, unless he is liable to pay the same under or by virtue of his mortgage, recover the same by action from the mortgagor as for money paid to his use, with costs  
15 as between attorney and client, or add any amount so paid by him to the mortgage debt, and charge interest on the same at the rate specified in the mortgage.

Mortgagee may recover rates paid from mortgagor.

## PART IV.

## FINANCIAL.

20

1.—*Debts.*

50. Where in a municipality no rate has been established for lighting with gas or otherwise, or for the construction or maintenance of works in connection with such lighting, and no moneys have been borrowed by the council by way of special loan for the purpose  
25 of constructing or purchasing gas-works, it shall be lawful for the Colonial Treasurer to declare, by notification in the Gazette, that no debts (whether incurred before or after the said notification) payable to him and charged or chargeable under the Country Towns Water and Sewerage Acts, 1880–1905, upon the revenues of the said  
30 municipality shall be charged or chargeable upon such of the said revenues as may be derived from lighting rates thereafter to be established for lighting with gas or otherwise, or from works in connection with such lighting, and thereupon the said debts shall cease to be so charged or chargeable.

Treasurer may declare that charge under Water and Sewerage Acts shall not affect certain rates or revenues.

35 And the said Treasurer may, by notification as aforesaid, alter or revoke any notification made under this section.

51. (1) Instead of the Minister for Public Works certifying under subsection two of section two of the Act fifty-seventh Victoria number nineteen, the annual sums payable under that subsection by a borough  
40 or municipal district, the Colonial Treasurer shall so certify, and the provisions of the said subsection relating to such certification by the said Minister shall be deemed to relate to the certification under this section by the said Treasurer.

Certain matters under 57 Vic. No. 19 to be certified by the Treasurer.

(2)



*Country Towns Water and Sewerage (Amendment).*

(2) Notwithstanding anything to the contrary in section two of the Act fifty-seventh Victoria number nineteen, the rate of interest payable as in the said section mentioned shall be fixed by the Governor, but shall not exceed four per centum per annum.

5

2.—*Loans under the Act of 1887.*

52. (1) 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 to be made to the council as hereinafter mentioned.

(2) Upon notification in the Gazette of the amount of the loan, and upon the council entering into a bond to His Majesty (which the council is hereby authorised to do) binding the corporate body of the municipality in such sums and upon such terms and conditions as the Governor may have prescribed, the Colonial Treasurer, on being authorised by the Governor in writing under his hand, may pay to the council by way of loan out of any money voted by Parliament for that purpose, such sums (not exceeding the value, estimated by the Minister, of the works constructed by the council) as have been agreed upon by the Minister and the council as above mentioned.

(3) Every loan made under this section shall be subject 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: Provided that interest shall, under section two of the Act fifty-seventh Victoria number nineteen, be calculated at the rate of four per centum instead of three and a half per centum per annum.

53. Any references to or incorporation of any provisions of section one hundred and twenty-five of the Principal Act in the Country Towns Water and Sewerage Act Extension Act of 1887 shall, as from the commencement of the Act fifty-seventh Victoria number nineteen, be deemed to apply to those provisions as amended by the last-named Act.

3.—*Duties of Council.*

54. It shall be the duty of the council, subject to the provisions of the Country Towns Water and Sewerage Acts, 1880-1905, to determine, make, and levy such rates and charges as are sufficient to provide for the annual payment of—

- (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)



*Country Towns Water and Sewerage (Amendment).*

- (b) the cost of keeping the water, sewerage, and drainage works of the council in repair and efficient working order; and
- (c) the instalments and other sums due to the Colonial Treasurer for or in respect of such works.

5 For the purpose of securing the performance by the council of the above provisions, the Minister, by some officer appointed by him in that behalf, may 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 inspection the said  
 10 officer shall have the powers of the council in that behalf.

55. If upon any such inspection the Minister is of opinion that the water, sewerage, or drainage works of the council are not kept in repair and efficient working order, the Minister may cause such repairs to be made to the works as he may think necessary, and for the  
 15 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 if the council do not pay the same within twenty-one days after demand made by the Minister, the  
 20 Minister may recover the same on behalf of His Majesty in any court of competent jurisdiction.

56. (1) Every council shall in the months of January and July in each year furnish to the Colonial Treasurer in the manner prescribed a statement of the receipts and expenditure of the council  
 25 in the administration of the Country Towns Water and Sewerage Acts, 1880-1905, duly audited by some person appointed in that behalf by the council, and such other returns as may be prescribed.

Council to make half-yearly statement of accounts.

(2) The Governor may make regulations prescribing the manner in which the accounts of councils in administering the said  
 30 Acts shall be kept, and the manner in which the statement above mentioned 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 Gazette, and thereupon shall have the force of law, and shall be laid  
 35 before Parliament without delay.

57. The council shall keep a separate banking account for all moneys received and paid under the Country Towns Water and Sewerage Acts, 1880-1905, and all moneys received under the said Acts shall be paid into the said banking account, and shall not be  
 40 paid out of that account, except for services authorised by or under the said Acts, or for the payment of instalments or other moneys due to the Minister or the Colonial Treasurer under the said Acts.

Council to keep separate banking account.

58. The Governor may, in respect of any work hereafter to be constructed by the Minister for any council, by notification in the  
 45 Gazette direct what sum shall be set aside by such council out of the revenue

Sum to be set aside for renewals and repairs of works.



*Country Towns Water and Sewerage (Amendment).*

revenue derived from such works for the purpose of effecting renewals or repairs thereto. Such sum shall be paid into an account of the council to be called the "Renewals Account," and shall not be drawn upon except for the purpose of effecting renewals or repairs to the  
 5 said works. In case any doubt arises as to the necessity for such renewals or repairs the question shall be decided by the said Minister, whose decision shall be final.

*4.—Reduction of debt.*

59. (1) Where the annual payments by any municipality in  
 10 respect of works of water supply, sewerage, or drainage have, before or after the commencement of this Act, been certified under Part I of the Act fifty-seven Victoria number nineteen or this Act, the Colonial Treasurer, if he is of opinion that the revenues of the municipality are insufficient to provide for such payments, may reduce the amount of  
 15 such payments for a period fixed by him not exceeding three years to such amount as he may think fit.

Reduction of annual payments certified in respect of works.

If, at the expiration of such period, or at the expiration of any subsequent period, during which an adjustment of the amount of such annual payments takes effect under this section, the said Treasurer is  
 20 of opinion that the circumstances of the municipality have changed in any respect, he may further reduce the said amount or may increase it for a period not exceeding three years, but so that such increased amount shall not exceed the amount originally certified as aforesaid.

Such amount as so altered (whether by reduction or increase)  
 25 shall be notified by the Colonial Treasurer in the Gazette, and thereupon shall be the amount annually payable during the period fixed as aforesaid :

Provided that no alteration or adjustment under this section of the amount of any annual payments shall affect the liability of a  
 30 council or of a municipality for any principal moneys owing in respect of any such works as aforesaid.

(2) Where in pursuance of this section any reduction has  
 been made in the amount of any annual payments in respect of any  
 works of water supply, then, during the time that such amount stands  
 35 at less than the amount originally certified in respect of those works, there is hereby imposed on all lands within that municipality subject to water rates, a rate of two shillings in the pound on the valuation or assessment of such lands, and a charge of five shillings per one thousand gallons for water supplied.

Rates and charges for water imposed while reduction has effect.

(3) Where any such reduction has been made in the amount  
 40 of any annual payments in respect of any works of sewerage, then during the time that such amount stands at less than the amount originally certified in respect of those works, there is hereby imposed on all lands within that municipality subject to sewerage rates, a rate  
 45 of one shilling in the pound on the valuation or assessment of such lands.

Rates for sewerage.



*Country Towns Water and Sewerage (Amendment).*

(4) Where any such reduction has been made in the <sup>Rates for drainage.</sup> amount of any annual payments in respect of any works of drainage, then during the time that such amount stands at less than the amount originally certified in respect of those works, there is hereby imposed 5 on all lands within the drainage area fixed in pursuance of this Act such rate or rates, to be prescribed by the by-laws of the council, as will be equal to a rate of ninepence in the pound on the assessed value of all land within the drainage area.

(5) The provisions of the Country Towns Water and <sup>Incorporation.</sup> Sewerage Acts, 1880-1905, shall apply to rates and charges imposed by this section as if they were imposed by by-laws.

PART V.

MISCELLANEOUS.

1.—*Miscellaneous provisions.*

15 60. Any of the contracts or classes of contracts mentioned in <sup>Contracts as</sup> the by-laws of the council may be made by the council in writing <sup>prescribed may be</sup> under the hand of the mayor of the municipality without affixing <sup>made under hand of</sup> thereto the seal of the council. And contracts so made may in like manner be varied and discharged.

20 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.

25 61. Notwithstanding section nine of the Principal Act, or any <sup>Boundaries of water</sup> proclamation made or to be made thereunder, the boundaries of any <sup>district to be</sup> water district within which water is authorised to be supplied to the <sup>boundaries of</sup> inhabitants of any borough or municipal district shall be the boundaries <sup>municipality.</sup> for the time being of such borough or municipal district; and all the provisions of the Principal Act relating to water districts shall apply to water districts as constituted by this section.

30 62. Where the owner or occupier of any land within a water <sup>Penalty for</sup> district or a catchment area, or any reservoir or source of water supply, <sup>nuisance to water</sup> does or permits to be done on such land any act, or permits to remain <sup>district, catchment</sup> thereon any matter or thing which in the opinion of the council is <sup>area, or reservoir</sup> likely to injure the water supply, and after notice thereof in writing <sup>or source of water</sup> given to him by or on behalf of the council, neglects or refuses to <sup>supply.</sup> discontinue doing such act, or to remove such matter or thing, he shall be liable to a penalty not exceeding ten pounds, and a further penalty of two pounds for each day after the first day from the receipt of such notice that such offence continues.



*Country Towns Water and Sewerage (Amendment).*

63. The works for the supply of water for the town of Hillgrove <sup>Water-works for Hillgrove.</sup> which have been constructed by the Minister, together with all other works in connection with such supply which may be in course of construction, shall be subject to the provisions of the Country Towns <sup>5</sup> Water and Sewerage Acts, 1880-1905, and shall, in pursuance of and subject to the provisions of the said Acts, be taken over by the council of the borough of Hillgrove.

*2.—Supplemental.*

64. Notwithstanding anything in the Principal Act, any notice <sup>Service of notices by post.</sup> required by the Country Towns Water and Sewerage Acts, 1880-1905, or any by-laws or regulations made thereunder, to be sent or served, may be sent or served by post, and it shall not be necessary that such service be by registered letter.

65. The occupier of any land who, on being required by any <sup>Occupier must state name of owner.</sup> officer of the council to state the name of the owner of such land or of the person receiving or authorised to receive the rents of the same, refuses or wilfully omits to disclose, or wilfully misstates to such officer, the name of the said owner or person shall be liable to a penalty not exceeding five pounds.

66. In any proceedings for recovering rates, charges, or sums <sup>No jurisdiction ousted on the ground that title to land is in question.</sup> due to the council no jurisdiction otherwise competent shall be ousted upon the ground that the proceedings raise a question of title to land.

67. The assessment book of the council made under the <sup>Assessment book prima facie evidence.</sup> provisions of the Municipalities Act, 1897, and any entry made therein shall, if it purports to be signed by the mayor and sealed with the seal of the corporation be prima facie evidence of the facts therein stated without proof of the said signature or seal.

68. All informations, complaints, or other legal proceedings <sup>Legal proceedings may be taken in the name of the Council. 53 Vic. No. 16, s. 25.</sup> under the Country Towns Water and Sewerage Acts, 1880-1905, or under any by-law made under the said Acts may be laid, made, and taken in the name of the council, by any duly appointed officer of the council.

69. The council may, under and subject to the provisions in <sup>Additional powers to make by-laws.</sup> that behalf of the Country Towns Water and Sewerage Acts, 1880-1905, make by-laws—

- (a) regulating the examination of persons applying for licenses, and the granting of licenses ;
- (b) prescribing the contracts and classes of contracts which may be made under the hand of the mayor of the municipality ;
- (c) regulating the mode in which water shall be supplied to land, and whether by meter or not ;
- (d) generally for carrying out the provisions of the Country Towns Water and Sewerage Acts, 1880-1905.



*Country Towns Water and Sewerage (Amendment).*

70. 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 council, and if not in session then within fourteen days after the commencement of the next session.

10 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.

## SCHEDULES.

## SCHEDULE A.

*Table of Costs.*

		s.	d.
15	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.		
20	For inventory, sale, commission, and delivery of goods not exceeding one shilling in the pound on the net proceeds of the sale.		

## SCHEDULE B.

*Warrant of distress.*

New South Wales } To constable at , or bailiff (as  
to wit. } the case may be).

25 Whereas of in New South Wales has been rated at the sum of per annum for the water rate [or charge, or is liable to pay the sum of due to the council of the municipality of ] as the occupier [or owner] of certain land situate in street in and now occupied by ; and whereas the sum of being due and payable on account of the said rate, charge, or sum [as the case may be] on the day of in the year of our Lord one thousand nine hundred and demanded by the collector of rates for on the day of in the year of the said who has not yet paid the same. These are therefore to require and authorise you forthwith to levy the said sum of together with costs of the presents by distress and sale of the goods and chattels found by you in the said land according to law, and that you certify to me on the day of what you shall do by virtue of this warrant.

40 Given under my hand this day of in the year of our Lord one thousand nine hundred and

Mayor of the municipality of



