

# Hunter District Water and Sewerage (Amendment) Bill.

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## EXPLANATORY NOTE.

THE main objects of the Bill are as follows :—

- (1) To make provision for an alteration of the grouping of the constituent Councils which elect representatives on the Board, to provide for a more adequate representation of community interests, and to give representation to shires served by the Board's mains.
  - (2) To increase the maximum remuneration of members of the Board from £100 to £150.
  - (3) To simplify and modernise the machinery for election of representatives on the Board.
  - (4) To repeal enactments relating to collection of revenue by agents and as to the signing of cheques, the provisions of which are not applicable to present-day circumstances, and can be better provided for by regulation.
  - (5) To consolidate and simplify provisions relating to by-laws which are scattered through several Acts and are of doubtful meaning.
  - (6) To increase the limit of rating for water and sewerage purposes from one shilling (1s.) to one shilling and sixpence (1s. 6d.) in the pound on the assessed annual value in each case.
  - (7) To authorise the Board to rate for stormwater drainage purposes.
  - (8) To remove certain disabilities in respect of the making of valuations, and to more clearly define the Board's obligations as to rating.
  - (9) To repeal the provision respecting the sale of land for unpaid rates which is not required.
  - (10) To empower the Board, independently of the Minister, to carry out extensions and improvements.
  - (11) To increase the amount by which the Board may assist ratepayers to make sewerage connections from twenty pounds (£20) to thirty pounds (£30).
  - (12) To vest stormwater drains in the Board, and to provide the necessary machinery for controlling same.
  - (13) To omit a number of financial provisions which have never been operative, and to substitute simple provisions which will sufficiently define the Board's obligations as to the collection and disposal of revenue.
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No. , 1922.

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## A BILL

To make further provision for water supply, sewerage, and drainage for the Hunter District; to amend the Hunter District Water and Sewerage Acts, 1892-1906; and for purposes consequent thereon or incidental thereto.

[MR. BALL;— *October, 1922.*]

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**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 may be cited as the "Hunter District Short title. Water and Sewerage (Amendment) Act, 1922."

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**2.**

Definition.

**2.** The Hunter District Water Supply and Sewerage Act of 1892 (hereinafter referred to as “the Principal Act”), as amended or extended by the Hunter District Water Supply (Partial Duplication) Act, 1895, the Hunter District Water and Sewerage Act Amendment 5 Act, 1897, the Newcastle Sewerage Act, 1902, and the Hunter District Water and Sewerage (Amendment) Act, 1906, are in this Act referred to, and may in any Act, regulations, or by-laws, or any instrument made under the authority of any such Act, regulations or 10 by-laws, be cited as the “Hunter District Water and Sewerage Acts, 1892–1922.”

Divisions of Act.

**3.** This Act is divided into Parts, as follows :—

PART I.—PRELIMINARY—*ss.* 1–4.

PART II.—CONSTITUTION OF THE BOARD—REGU- 15  
LATIONS—BY-LAWS—*ss.* 5–12.

PART III.—VALUATIONS AND RATES—DEFERRED  
PAYMENTS—*ss.* 13, 14.

PART IV.—STORMWATER DRAINS—FINANCE—  
s. 15. 20

Amendment of Act 55 Vic. No. 27, s. 2.

**4.** Section two of the Principal Act is amended by the insertion in appropriate alphabetical order of definitions as follows :—

“Assessed annual value” shall have the meaning defined in section seven of the Valuation of 25 Land Act, 1916, and shall in all cases be read in place of the expression “net annual value” wherever occurring in this Act or any Act amending or extending its provisions.

“Stormwater drain” means any channel, natural 30 or artificial, whereby any surface water, liquid refuse, or polluted waters, other than those containing faecal matter, is carried off.

PART II.

CONSTITUTION OF THE BOARD—REGULATIONS—BY-LAWS.

5. This Part shall come into force on the first day of 5 January, one thousand nine hundred and twenty-three.

Date of commencement of Part.

6. (1) Section five and the First Schedule of the Principal Act are repealed.

Repeal of s. 5 and Sch. I of H.D. Act of 1892.

(2) The following section is inserted in the place of section five of the Principal Act:—

Insertion of new s. 5.

10 5. (1) The authority empowered to carry out the provisions of this Act, except such parts thereof as empower the Minister to complete, construct, or maintain works for water supply, sewerage, or drainage, shall be the "Hunter District Water Supply and Sewerage Board." The Board shall be composed of seven persons.

Constitution of Board.

20 (2) The Governor shall appoint three members of the Board, who shall be designated "official members," and shall nominate one of such members to be the president of the Board.

Official members.

25 (3) Subject to the next following subsection, the aldermen of the municipalities of Newcastle, Carrington, and Merewether shall elect one member of the Board; the aldermen and councillors of the municipalities of Adamstown, Hamilton, Lambton, New Lambton, Wallsend, Waratah, and Wickham, and of the shires of Lake Macquarie and Tarro, shall elect two members; and the aldermen and councillors of the municipalities of West Maitland, East Maitland, and Morpeth, and of the shires of Cessnock and Bolwarra, shall elect one member.

Elected members—Electorates.

The four members elected in accordance with this subsection shall be designated "elected members."

35 (4) The Governor may by proclamation in the Gazette add the names of other municipalities or shires which have been created by the reconstitution of any of the areas mentioned in the next preceding subsection, or which he is of opinion should

Future electorates.

should be represented on the board, to the names of the areas mentioned in the said subsection, by the aldermen and councillors of which members of the board are elected, and shall in any such case direct in which group of areas the names of such other areas shall be included.

Amendment  
of s. 7 of  
Principal  
Act.

**7.** Section seven of the Principal Act is amended by omitting all the words after "years" where first occurring and inserting in substitution therefor "Subject to the provisions of sections ten and fourteen of this Act members shall hold office until their successors are appointed or elected in accordance with this Act."

*Ibid.* s. 9.

**8.** Section nine of the Principal Act is amended by omitting "one hundred" and inserting "one hundred and fifty."

*Ibid.* ss. 13,  
14, 16, and 17.

**9.** Sections thirteen, fourteen, sixteen, and seventeen of the Principal Act are repealed, and the following sections are inserted in the place of those sections:—

Date of  
elections.

**14.** Elections to fill other than extraordinary vacancies shall be held on the first Monday in July in the fourth year following the preceding election to fill that particular vacancy, and at the conclusion of such election members elected at such preceding election, if not re-elected, shall cease to hold office.

Qualification  
of candidates.

**16.** Every person shall be eligible for election as a member of the Board if at the time of the holding of any election he possesses in and for any municipality or shire named in section five of this Act or in any proclamation made in pursuance of that section, the qualification, and is not within any disqualification, prescribed and imposed in respect of the office of alderman or councillor by the Local Government Act, 1919, or any Act amending or consolidating the same.

Conduct of  
elections—  
regulations.

**17.** All elections shall be conducted in the manner prescribed by regulations made by the Governor, which shall also prescribe the notice to be given of such elections, the method of nominating candidates, the appointment and duties of returning officers and other electoral officers, and such other matters as may require to be prescribed.

*Hunter District Water and Sewerage (Amendment).*

**10.** Sections twenty-eight and twenty-nine of the Principal Act are repealed.

Repeal of ss. 28 and 29 of Principal Act.

**11.** (1) Sections thirty-five of the Principal Act, thirteen, fifteen, eighteen, nineteen, and forty-eight of the Hunter District Water Supply and Sewerage Act Amendment Act, 1897, and seventeen of the Hunter District Water and Sewerage (Amendment) Act, 1906, are hereby repealed.

Repeal of s. 35 of Principal Act, ss. 15, 18, 19, 48 of Act No. 14 of 1897, s. 17 of Act No. 33 of 1906.

(2) The following sections are inserted in the Principal Act:—

Insertion of new ss. 35, 36 in Principal Act.

**35.** (1) Subject to the provisions of this Act the Board may from time to time make, alter, and repeal by-laws in relation to—

Board may make by-laws.

*Water supply.*

15 (i) the determining, making, and levying the water rate to be paid in respect of property ratable for water supply. No such rate shall exceed the amount of seven and one-half pounds per centum on the assessed annual value: Provided that a minimum rate on each property of fifteen shillings may be imposed;

Water rate.

20 (ii) the appointment of a scale of charges for water supplied by measure, and the minimum charge in any such case;

Charge by measure.

25 (iii) the determining, making, and levying charges for water used for other than domestic purposes. Such charges shall be additional to any rates payable in respect of any ratable property;

Charge for water for industrial, &c., purposes.

30 (iv) the determining, making, and levying an extra charge to be paid in addition to the water rate in respect of each property on which one or more head of stock is kept where such property is supplied with water by the Board. No such extra charge shall exceed the sum of five shillings per head per annum;

Stock charges.

35 40 (v) the determining of the time when rates and charges for water shall be payable, and whether in advance or otherwise; (vi)

Payment rates and charges.

- Water service pipes. (vi) the regulation of water service pipes and fittings between the water main and the outlets of such pipes, the construction, alteration, extension, disconnection, removal, maintenance, repair, renewal, or clearing of any water service pipes and fittings, the performance by the Board of any work required to be performed as a result of default of the person concerned, and the recovery of any expense so incurred; 5
- Water meters. (vii) the direction and regulation as to the use, supply, fixing, maintenance, repair, removal, and inspection of meters; 10
- Waste or misuse. (viii) the prevention of the waste or misuse or the unlawful taking of water; 15
- Leakages. (ix) the assessment of the volume of water lost by leakages upon any property, the determination of the volume to be paid for by the consumer, and the recovery of payment therefor; 20
- Methods of supply. (x) the regulation of the method by which water shall be supplied to ratable properties or to any consumer.

*Sewerage.*

- Sewerage rates. (xi) The determining, making, and levying the rate to be paid in respect of each property ratable for sewerage. No such rate shall exceed seven and one-half pounds per centum on the assessed annual value of the property ratable: Provided that a minimum rate on each property of fifteen shillings may be imposed; 25 30
- Construction of drains. (xii) the regulation of sewerage service pipes and fittings, the construction, alteration, extension, disconnection, removal, maintenance, repair, renewal, ventilation, flushing, and cleansing of any such service pipes and fittings, the performance by the Board of any work required to be performed as a result of default of the person concerned, and the recovery of any expense so incurred; 35 40
- (xiii)

*Hunter District Water and Sewerage (Amendment).*

- 5 (xiii) the regulation or prevention of the discharge into any sewer of the Board of roof waters and other surface waters, and for preventing the admission of any dust, soil, rubbish, filth, or garbage ; Surface waters.
- 10 (xiv) the regulation of the conditions to be observed with regard to liquid trade or factory wastes, or chemical or other impurities before they are discharged into the Board's sewers, and the prevention of such discharge ; Liquid wastes.
- 15 (xv) prescribing the extent of water closet and urinal accommodation to be provided for premises, and for the alteration of existing premises to conform to the requirements of the Board in such matters. W.C.'s and urinals.

*Stormwater drainage.*

- 20 (xvi) the determining, making, and levying the drainage rate to be paid in respect of each property in a drainage area according to the benefit which, in the opinion of the Board, accrues to such property from the construction of stormwater drainage works. No such rate shall exceed the amount of three pounds per centum per annum on the assessed annual value: Provided that a minimum rate on each property of two shillings and sixpence may be imposed ; Drainage rates.
- 25
- 30 (xvii) regulating and preventing the discharge of urine, faecal matter, liquid wastes, and polluted waters into stormwater drains, and preventing obstruction to the free flow of waters in such drains. Fouling and obstruction of drains.

*General.*

- 35 (xviii) the regulation of the number, design, dimension, level, materials, and form of all pipes and fittings which the Board may require to be provided and used in connection with any water supply, sewerage, or stormwater drainage service ; Design of pipes, fittings, &c.
- (xix)



Definition.

**2.** The Hunter District Water Supply and Sewerage Act of 1892 (hereinafter referred to as "the Principal Act"), as amended or extended by the Hunter District Water Supply (Partial Duplication) Act, 1895, the Hunter District Water and Sewerage Act Amendment 5 Act, 1897, the Newcastle Sewerage Act, 1902, and the Hunter District Water and Sewerage (Amendment) Act, 1906, are in this Act referred to, and may in any Act, regulations, or by-laws, or any instrument made under the authority of any such Act, regulations or 10 by-laws, be cited as the "Hunter District Water and Sewerage Acts, 1892-1922."

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"Stormwater drain" means any channel, natural 30 or artificial, whereby any surface water, liquid refuse, or polluted waters, other than those containing fæcal matter, is carried off.

PART II.

CONSTITUTION OF THE BOARD—REGULATIONS—  
BY-LAWS.

5. This Part shall come into force on the first day of  
5 January, one thousand nine hundred and twenty-three. Date of commencement of Part.

6. (1) Section five and the First Schedule of the  
Principal Act are repealed. Repeal of s. 5 and Sch. I of H.D. Act of 1892.

(2) The following section is inserted in the place  
of section five of the Principal Act:— Insertion of new s. 5.

10 5. (1) The authority empowered to carry out  
the provisions of this Act, except such parts  
thereof as empower the Minister to complete,  
construct, or maintain works for water supply,  
15 sewerage, or drainage, shall be the "Hunter  
District Water Supply and Sewerage Board." The  
Board shall be composed of seven persons. Constitution of Board.

(2) The Governor shall appoint three members  
of the Board, who shall be designated "official  
20 members," and shall nominate one of such members  
to be the president of the Board. Official members.

(3) Subject to the next following subsection,  
the aldermen of the municipalities of New-  
castle, Carrington, and Merewether shall elect  
one member of the Board; the aldermen and  
25 councillors of the municipalities of Adamstown,  
Hamilton, Lambton, New Lambton, Wallsend,  
Waratah, and Wickham, and of the shires of Lake  
Macquarie and Tarro, shall elect two members; and  
the aldermen and councillors of the municipalities  
30 of West Maitland, East Maitland, and Morpeth, and  
of the shires of Cessnock and Bolwarra, shall elect  
one member. Elected members—Electorates.

The four members elected in accordance with this  
subsection shall be designated "elected members."

35 (4) The Governor may by proclamation in the  
Gazette add the names of other municipalities or  
shires which have been created by the reconstitu-  
tion of any of the areas mentioned in the next  
preceding subsection, or which he is of opinion  
should Future electorates.

should be represented on the board, to the names of the areas mentioned in the said subsection, by the aldermen and councillors of which members of the board are elected, and shall in any such case direct in which group of areas the names of such 5 other areas shall be included.

Amendment  
of s. 7 of  
Principal  
Act.

**7.** Section seven of the Principal Act is amended by omitting all the words after "years" where first occurring and inserting in substitution therefor "Subject to the provisions of sections ten and fourteen of this Act 10 members shall hold office until their successors are appointed or elected in accordance with this Act."

*Ibid.* s. 9.

**8.** Section nine of the Principal Act is amended by omitting "one hundred" and inserting "one hundred and fifty." 15

*Ibid.* ss. 13,  
14, 16, and 17.

**9.** Sections thirteen, fourteen, sixteen, and seventeen of the Principal Act are repealed, and the following sections are inserted in the place of those sections:—

Date of  
elections.

**14.** Elections to fill other than extraordinary vacancies shall be held on the first Monday in 20 July in the fourth year following the preceding election to fill that particular vacancy, and at the conclusion of such election members elected at such preceding election, if not re-elected, shall cease to hold office. 25

Qualification  
of candidates.

**16.** Every person shall be eligible for election as a member of the Board if at the time of the holding of any election he possesses in and for any municipality or shire named in section five of this Act or in any proclamation made in pursuance of 30 that section, the qualification, and is not within any disqualification, prescribed and imposed in respect of the office of alderman or councillor by the Local Government Act, 1919, or any Act amending or consolidating the same. 35

Conduct of  
elections—  
regulations.

**17.** All elections shall be conducted in the manner prescribed by regulations made by the Governor, which shall also prescribe the notice to be given of such elections, the method of nominating candidates, the appointment and duties of returning 40 officers and other electoral officers, and such other matters as may require to be prescribed.

*Hunter District Water and Sewerage (Amendment).*

**10.** Sections twenty-eight and twenty-nine of the Principal Act are repealed. Repeal of ss. 28 and 29 of Principal Act.

**11.** (1) Sections thirty-five of the Principal Act, thirteen, fifteen, eighteen, nineteen, and forty-eight of the Hunter District Water Supply and Sewerage Act Amendment Act, 1897, and seventeen of the Hunter District Water and Sewerage (Amendment) Act, 1906, are hereby repealed. Repeal of s. 35 of Principal Act, ss. 15, 18, 19, 48 of Act No. 14 of 1897, s. 17 of Act No. 33 of 1906.

(2) The following sections are inserted in the Principal Act:— Insertion of new ss. 35, 36 in Principal Act.

**35.** (1) Subject to the provisions of this Act the Board may from time to time make, alter, and repeal by-laws in relation to— Board may make by-laws.

*Water supply.*

15 (i) the determining, making, and levying the water rate to be paid in respect of property ratable for water supply. No such rate shall exceed the amount of seven and one-half pounds per centum on the assessed annual value: Provided that a minimum rate on each property of fifteen shillings may be imposed; Water rate.

20 (ii) the appointment of a scale of charges for water supplied by measure, and the minimum charge in any such case; Charge by measure.

25 (ii) the determining, making, and levying charges for water used for other than domestic purposes. Such charges shall be additional to any rates payable in respect of any ratable property; Charge for water for industrial, &c., purposes.

30 (iv) the determining, making, and levying an extra charge to be paid in addition to the water rate in respect of each property on which one or more head of stock is kept where such property is supplied with water by the Board. No such extra charge shall exceed the sum of five shillings per head per annum; Stock charges.

35 (v) the determining of the time when rates and charges for water shall be payable, and whether in advance or otherwise; Payment rates and charges.

40 (vi)

- Water service pipes. (vi) the regulation of water service pipes and fittings between the water main and the outlets of such pipes, the construction, alteration, extension, disconnection, removal, maintenance, repair, renewal, or clearing of any water service pipes and fitting the performance by the Board of any work required to be performed as a result of default of the person concerned, and the recovery of any expense so incurred ; 5
- Water meters. (vii) the direction and regulation as to the use, supply, fixing, maintenance, repair, removal, and inspection of meters ; 10
- Waste or misuse. (viii) the prevention of the waste or misuse or the unlawful taking of water ; 15
- Leakages. (ix) the assessment of the volume of water lost by leakages upon any property, the determination of the volume to be paid for by the consumer, and the recovery of payment therefor ; 20
- Methods of supply. (x) the regulation of the method by which water shall be supplied to ratable properties or to any consumer.

*Sewerage.*

- Sewerage rates. (xi) The determining, making, and levying the rate to be paid in respect of each property ratable for sewerage. No such rate shall exceed seven and one-half pounds per centum on the assessed annual value of the property ratable : Provided that a minimum rate on each property of fifteen shillings may be imposed ; 25 30
- Construction of drains. (xii) the regulation of sewerage service pipes and fittings, the construction, alteration, extension, disconnection, removal, maintenance, repair, renewal, ventilation, flushing, and cleansing of any such service pipes and fittings, the performance by the Board of any work required to be performed as a result of default of the person concerned, and the recovery of any expense so incurred ; 35 40
- (xiii)

*Hunter District Water and Sewerage (Amendment).*

- (xiii) the regulation or prevention of the discharge into any sewer of the Board of roof waters and other surface waters, and for preventing the admission of any dust, soil, rubbish, filth, or garbage ;
- (xiv) the regulation of the conditions to be observed with regard to liquid trade or factory wastes, or chemical or other impurities before they are discharged into the Board's sewers, and the prevention of such discharge ;
- (xv) prescribing the extent of water closet and urinal accommodation to be provided for premises, and for the alteration of existing premises to conform to the requirements of the Board in such matters.

*Stormwater drainage.*

- (xvi) the determining, making, and levying the drainage rate to be paid in respect of each property in a drainage area according to the benefit which, in the opinion of the Board, accrues to such property from the construction of stormwater drainage works. No such rate shall exceed the amount of three pounds per centum per annum on the assessed annual value: Provided that a minimum rate on each property of two shillings and sixpence may be imposed ;
- (xvii) regulating and preventing the discharge of urine, faecal matter, liquid wastes, and polluted waters into stormwater drains, and preventing obstruction to the free flow of waters in such drains.

*General.*

- (xviii) the regulation of the number, design, dimension, level, materials, and form of all pipes and fittings which the Board may require to be provided and used in connection with any water supply, sewerage, or stormwater drainage service ;

(xix)

- Testing of fittings. (xix) the regulation of the testing, stamping and marking of fittings intended for use in connection with any of the Board's water, sewerage, or drainage services ;
- Licenses. (xx) the conditions upon which licenses or certificates of competency shall be issued to persons applying therefor, and the amount of fees to be charged ; 5
- Fees. (xxi) the prescribing of the fees to be paid for the connection of any premises with the Board's water or sewerage services, for examining and preparing drainage plans and estimates, and such other fees as may lawfully be imposed ; 10
- Notices. (xxii) the prescribing of the form of any notice or other document to be prepared, issued, or received in accordance with this Act and any by-laws thereunder ; 15
- Damage to property. (xxiii) the protection of the property of the Board from damage and trespass, and the water supply from pollution ; 20
- (xxiv) for the governance of the officers and servants of the Board, the regulation of their conditions of employment, and for their guidance in the execution of their duties ; 25
- Conduct of business. (xxv) the conduct of the business of the Board ;
- General. (xxvi) the carrying into effect the several provisions, intentions, and objects of this Act.
- Provision as to rates. (2) In any by-laws made by the Board rates and charges may be uniform or on a differential basis or sliding scale as the Board may determine. 30
- (3) No by-law or proceedings taken thereunder shall be deemed to be invalid by reason only that the estimates made by the Board of expenditure or revenue were inaccurate. 35
36. By-laws and regulations made under the provisions of this Act shall—
- (a) be published in the Gazette ;
- (b) take effect from the date of publication provided that by-laws determining, making, or levying rates shall upon publication, unless 40

unless the contrary intention appears, be deemed to have been in force from the commencement of the then current rating year;

5 (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not then within fourteen sitting days after the commencement of the next session. If either  
10 House of Parliament pass a resolution of which notice has been given at any time within fifteen sitting days after such by-law has been laid before such House disallowing any  
15 by-law or part thereof, such by-law or part shall thereupon cease to have effect.

12. Section forty-two of the Principal Act is amended by omitting all words after "Act" where the second time occurring, and inserting in substitution therefor the words "or any Act amending or extending  
20 its provisions, and for prescribing the form of any notice or other document under this Act or any Act amending or extending its provisions, and requirements to be observed in the payment of expenditure incurred by the Board."

Sec. 42 of Principal Act.

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PART III.

VALUATIONS AND RATES—DEFERRED PAYMENTS.

13. (1) Section nine of the Hunter District Water and Sewerage Act Amendment Act, 1897, is amended—

Amendment of s. 9 of H.D. Act, 1897.

30 (a) in subsection one by omitting the words "by two competent valuers, of whom the assessor to the Board for the time being shall be one, in the form or to the effect of Schedule A hereto" and inserting in substitution therefor the words "in the prescribed form"; and by  
35 omitting Schedule A to that Act;

150—B

(b)



- (b) by omitting subsections two and four;  
 (c) in subsection six by omitting "in the form or to the effect of Schedule A hereto."

Amendment of ss. 9 and 10 of H.D. Act, 1897.

(2) Sections nine and ten of the same Act are amended by inserting before "municipal council" in the expression "valuation then in force of any municipal council," wherever occurring, the words "shire or." 5

*Ibid.* s. 10 of H.D. Act, 1897.

(3) Section ten of the same Act is amended in paragraph (i) by inserting after "may" the words "in each year"; and in paragraph (iii) by omitting "municipal" where secondly occurring. 10

Insertion of new s. 14 of H.D. Act, 1897.

(4) Section fourteen of the same Act is repealed and the following section is inserted in substitution therefor:—

Water and sewerage rates.

14. The Board shall levy and collect such rates, 15 charges, and sums of money as shall be sufficient to cover the annual sums required for carrying out the provisions of the Hunter District Water and Sewerage Acts, 1892-1922, including the payment of the salaries and remuneration of the president, vice- 20 president, and other members of the Board.

Repeal of s. 35 of H.D. Act, 1897.

(5) Section thirty-five of the same Act is repealed.

Amendment of s. 45 of H.D. Act, 1897.

(6) Section forty-five of the same Act is amended by omitting the words "passed before the commencement of this Act" and the words "and sewers." 25

New s. 45A. Board may carry out improvements or extensions.

(7) A new section is inserted in the same Act next after section forty-five as follows:—

45A. The Board may, subject to the provisions of Public Works Act, 1912, carry out any extensions 30 or improvements of any works vested in it, and in such case all powers and liabilities exercisable by and attaching to the Constructing Authority shall be exercisable by and attach to the Board.

Amendment of s. 12 of H.D. Act, 1906.

**14.** Section twelve of the Hunter District Water 35 and Sewerage (Amendment) Act, 1906, is amended in subsection two by omitting the words "twenty pounds" and inserting in substitution therefor the words "thirty pounds."

PART IV.

STORMWATER DRAINS—FINANCE.

**15.** (1) Part IV of the Principal Act and Part IV of the Hunter District Water Supply and Sewerage Act Amendment Act, 1897, are hereby repealed.

Repeal of Part IV of Principal Act and Part IV of H.D. Act, 1897.

(2) The following new Parts are inserted in the Principal Act :—

PART IV.

STORMWATER DRAINS.

10 129. The Governor may, by proclamation in the Gazette, direct that any stormwater drains now or hereafter constructed therein described be vested in the Board.

Stormwater drains hereafter vested in Board.

15 130. In respect of any drains vested in the Board in pursuance of the next preceding section, the control and management of the drains shall be absolutely transferred to the Board, and all lands, buildings, works, material, plant, plans, documents, and all other property whatsoever connected there-  
20 with shall be vested in the Board for an estate in fee-simple without any further conveyance or transfer.

Property in stormwater drains.

25 131. As soon as practicable after any such transfer to the Board of any stormwater drain—

Drainage areas.

(a) the Board shall define the boundaries of the drainage area in respect of any such drain, and shall cause notice thereof to be published in the Gazette, and at least twice in some newspaper or newspapers circulating in such area, and to be given to the council of any municipality or shire constituting or forming part of such area. Such notices shall state that an appeal against such definition of the boundaries may be made within thirty days from the date of the last of such publications ;

(b) within such thirty days any person interested may appeal against such definition of boundaries to a stipendiary or police magistrate,

- magistrate, appointed by the Governor in that behalf, and sitting in open court within such area or convenient thereto ;
- (c) notice of the day and place of hearing of appeals shall be published by the Board 5 by advertisement in the Gazette and in one or more newspapers circulating in such area ;
- (d) such magistrate shall hear such appeal, and for that purpose shall have the powers 10 of a court of petty sessions, and may confirm or 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 15 properties within such drainage area from the construction of such works or the actual use thereof, or the right to the use thereof ;
- (e) where the boundaries of such area are con- 20 firmed, such magistrate shall attest by his signature the Gazette notice of such boundaries, and where such boundaries are altered the magistrate shall there and then amend and alter such notice accordingly, 25 and attest the same as so altered ;
- (f) the boundaries as defined by the Board, with such alterations (if any) as may be made therein on appeal as aforesaid, shall be the boundaries of such drainage area 30 for the purposes of this Act.

Drainage  
rates.

132. Subject to the provisions of this Act, drainage rates may be enforced and recovered in respect of each and every property situated within the boundaries of any drainage area. Differential 35 rates may be levied in respect of different zones as defined by by-law. Any drainage rate imposed on property may be in addition to any sewerage rate imposed thereon.

Construction  
and alteration  
of drains.

133. Subject to the provisions of this Act the 40 Minister may from time to time construct storm-water drains or alter or extend any stormwater drains vested in the Board.

133A.

5 133A. The Board shall maintain, repair, and cleanse all stormwater drains transferred to and vested in or constructed or acquired by it, and shall keep the same so as not to be a nuisance or injurious to health. Maintenance of drains.

PART IVA.

FINANCE.

10 133B. (1) As soon as practicable after the thirtieth day of June in each year the Minister shall cause statements to be prepared and furnished to the Board showing the respective amounts expended up to that day on all works constructed by or vested in the Board— Yearly statement of expenditure.

- 15 (a) in the purchase or acquisition of land and on permanent or other works which do not require maintenance or reconstruction;
- (b) on works which may require maintenance or reconstruction.

20 (2) On receipt of any such statements the Board may report to the Minister, making such recommendations as may be thought fit.

25 (3) The Minister shall consider the said report, and shall finally determine the respective amounts and the classification of the expenditure, and shall notify the same in the Gazette.

(4) The Governor may make such partial remissions of or deductions from the amounts expended as he may think just.

30 133C. All revenue of the Board shall be paid into the Treasury, or into the bank keeping the public account, and all necessary expenditure in management and all working expenses shall be advanced to the Board out of the Consolidated Revenue Fund. Revenue and expenditure.

35 133D. The provisions of the Audit Act, 1902, shall apply to the Board, and to all officers acting under its authority and control. Application of Audit Act, 1902.