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No. , 1915.

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 the Local Government Act, 1906; and for purposes consequent thereon or incidental thereto.

BE 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
5 the same, as follows:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Hunter District Short title. Water and Sewerage Amendment Act, 1915."

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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 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 be cited as the "Hunter District Water and Sewerage Acts, 1892-1915." 5 10
- Divisions of Act.** **3.** This Act is divided into Parts, as follows:—
- PART I.—PRELIMINARY—ss. 1-3.**
- PART II.—RE-CONSTITUTION OF THE BOARD, AND INCLUSION OF SHIRES—ss. 4-7.**
- PART III.—VALUATIONS AND RATES—ss. 8-12. 15**
- PART IV.—STORMWATER DRAINS—FINANCE—s. 13.**

PART II.

RECONSTITUTION OF THE BOARD.

- Date of commencement of Part.** **4.** The following sections of this Part shall not come into force until the first Saturday in July of the year one thousand nine hundred and sixteen. 20
- On the said day the members then on the board shall retire, but shall be eligible for re-appointment or re-election. 25
- Sec. 5 and Sch. I of H.D. Act of 1892.** **5.** Section five and the First Schedule of the Principal Act are repealed. 25
- The following section is inserted in the place of section five of the Principal Act:—
- Constitution of Board.** **5.** (1) The authority empowered to carry out the provisions of this Act, except as to such parts thereof 30

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5 thereof as empower the Minister to complete, construct, or maintain works for water supply or sewerage, shall be the "Hunter District Water Supply and Sewerage Board." The Board shall be composed of seven persons.

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

10 (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, 15 Hamilton, Lambton, New Lambton, Plattsburg, 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, 20 and Morpeth, and of the shires of Cessnock and Bolwarra, shall elect one member.

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

25 (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 be represented on the board, to the names 30 of the areas mentioned in the said subsection, by whose aldermen and councillors 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.

35 **6.** The Principal Act is amended in section thirteen by the omission of the words "On the corresponding day and month in every second year thereafter, the like elections shall take place of two members to serve on the Board in lieu of those retiring by rotation; and at all 40 such elections the voting shall be by ballot".

Secs. 13, 14, 16 and 17 of H.D. Act of 1892.

Future elec-
tions and
electorates.

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

14. Elected members of the Board may hold office, if not otherwise disqualified, until their successors have been elected, and elections of such members shall be held on the first Saturday in July in each year. 5

Qualification
of candidates.

15. 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, 1906, or any Act amending the same. 10 15

Conduct of
elections—
regulations.

16. All elections shall be by ballot and shall be conducted in the manner prescribed by regulations made by the Governor, which shall prescribe the manner of and the times and places for the holding of such elections, 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 their remuneration, and such other matters as may require to be prescribed. 20 25

PART III.

VALUATIONS AND RATES.

Sec. 128 of
Principal
Act.

8. Section thirty-five of the Principal Act is amended by omitting paragraph (xx) and inserting the following paragraph in substitution therefor:— 30

Limit of
Sewerage
Rate.
Minimum.

(xx) For determining, making, and levying the rate to be paid in respect of property ratable for sewerage, whether there be any communicating drain between such property and any sewer of the Board or not. No such rate shall exceed seven 35

seven and one-half pounds per centum on the assessment of the property ratable: Provided that a minimum rate of fifteen shillings per annum shall be lawful, although the same may exceed seven and one-half pounds per centum on the assessment.

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9. (1) Schedule A to the Hunter District Water and Sewerage Act Amendment Act, 1897, is repealed, and Schedule A to this Act is inserted in substitution therefor. Schedule A to H.D. Act, 1897.

10 (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". Secs. 9 and 10 of H.D. Act, 1897.

15 (3) Section ten of the same Act is amended in paragraph (1) by inserting after "may" the words "in each year"; and in paragraph (III) by omitting "municipal" in the expression "municipal valuation". Sec. 10 of H.D. Act, 1897.

10. Section fourteen of the same Act is repealed and the following section is inserted in substitution there- Sec. 14 of H.D. Act, 1897.
20 for:—

14. The Board shall levy and collect such rates, 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, 1892-1915, including the payment of the salaries and remuneration of the president, vice-president, and other members of the board. Water and sewerage rates.

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11. Section fifteen of the same Act is amended by omitting "No such rate shall exceed the amount of five pounds per centum on the assessment of the property ratable: Provided that a minimum rate of ten shillings per annum shall be lawful, although the same may exceed five pounds per centum on the assessment, and whether the water of the Board is supplied to the said property or not," and by substituting the following:—"No such rate shall exceed the amount of seven and one half pounds per centum on the assessment of the property ratable: Provided that a minimum rate of fifteen shillings per annum shall be lawful, although the same may exceed seven and one half pounds per centum on the assessment, and whether the water of the Board is supplied to the said property or not." Limit of water rate. Minimum rate, sec. 15 of H.D. Act of 1897.

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12.

Sec. 160
L.G. Act,
1906.

12. Section one hundred and sixty of the Local Government Act, 1906, so far as such section relates to valuations under the provisions of the Hunter District Water Supply and Sewerage Acts, 1892-1915, for the purpose of making and levying rates payable to the Board, is hereby repealed: 5

Provided that such repeal shall not affect any valuation made, or any act, matter, or thing done by the Board prior to such repeal.

PART IV.

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STORMWATER DRAINS—FINANCE.

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

13. (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.

(2) The following new Parts are inserted in 15 place of Part IV of the Principal Act:—

PART IV.

STORMWATER DRAINS.

Stormwater
drains hereto-
fore con-
structed to
be vested
in Board.

129. The Governor may, by proclamation in the Gazette, direct that any stormwater drains therein described and constructed before the commencement of this Act shall be, and the same together with all lands, buildings, works, material, plant, plans, documents, papers, and all other property whatsoever connected therewith and the control and management thereof, shall thereupon be transferred to and vested in the Board. 25

Stormwater
drains here-
after to be
constructed
vested in
Board.

130 (1) The Governor may, by proclamation in the Gazette, direct that any stormwater drains therein described and constructed after the commencement of this Act shall be, and the same together with all lands, buildings, works, material, plant, plans, documents, papers, and all other property whatsoever connected therewith and the control and management thereof, shall thereupon be transferred to and vested in the Board. 30 35

(2)

(2) As soon as practicable after any such transfer, or after the construction or acquisition by the Board after the commencement of this Act of any stormwater drain—

Drainage
areas.

- 5 (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
10 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
15 may be made within thirty days from the
date of the last of such publications ;
- (b) within such thirty days any person inter-
ested may appeal against such definition
of boundaries to a stipendiary or police
20 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
25 by advertisement in the Gazette and in
one or more newspapers circulating in
such area ;
- (d) such magistrate shall hear such appeal,
30 and for that purpose shall have the powers
of a court of petty sessions, and may con-
firm or make such alterations in the boun-
daries of the area as he may think just,
having regard to the benefit derived, or to
be derived, by the owners or occupiers of
35 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-
40 firmed, such magistrate shall attest by his
signature

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, and attest the same as so altered ;

- (f) the boundaries as defined by the Board, 5 with such alterations (if any) as may be made therein on appeal as aforesaid, shall be the boundaries of such drainage area for the purposes of this Act.

131. The Board may make by-laws— 10

- (a) prescribing the rate to be paid in respect of any land in a drainage area according to the benefit which, in the opinion of the Board, accrues to the land from the construction of stormwater drainage works. 15 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 two shillings and sixpence may be imposed by 20 by-law ;
- (b) for carrying into effect the provisions of this Act relating to stormwater drains, and rates in respect of the same, and to enable the Board to recover the rates from 25 owners or occupiers of land.

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, whether such 30 property is connected directly or indirectly with any stormwater drain of the Board or not. Any drainage rate imposed on land may be in addition to any sewerage rate imposed thereon.

133. (1) Subject to the provisions of this Act 35 the Minister may from time to time construct stormwater drains or alter any stormwater drains vested in the Board.

(2) The Board shall maintain, repair, cleanse, and empty all stormwater drains transferred to and 40 vested in or constructed or acquired by it, and shall keep the same so as not to be a nuisance or injurious to health. (3)

By-laws.
Drainage
rates.

Construction
and alteration
of drains.

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5 (3) A transfer to and vesting in the Board of a stormwater drain may be made under this Act, notwithstanding the provisions of subsection eleven of section seventy-three of the Local Government Act, 1906, and such provisions shall not apply to any stormwater drains so transferred to or vested in the Board.

10 134. (1) Where any property within a drain-
age area is without a drain sufficient, in the opinion of the Board, for the effectual drainage of all storm-
water, polluted water, and liquid refuse, other than human excreta, from such property, the Board shall, by written notice, require the owner, occupier, or mortgagee of such property, within a reasonable
15 time therein specified, to make a covered or uncovered drain to convey such drainage from such property to such stormwater drain as the Board may direct, or to such gutters, channels, or drains communicating with such stormwater drain, as such
20 owner, occupier, or mortgagee may lawfully use. Any drain communicating with any stormwater drain, or to any such gutter, channel, or drain, shall be of such material and size, and laid at such levels, and with such fall and, where necessary, be so ven-
25 tilated, as the Board may direct.

(2) Where, in the opinion of the Board, greater expense would be incurred in causing the drains of two or more separate properties to empty into a stormwater drain pursuant to this section than in constructing a new stormwater drain and causing such drains to empty therein, the Board may construct such new stormwater drain, and by written notice require the owners, occupiers, or mortgagees of such separate properties to cause
30 their drains to empty therein, or into such gutters, channels, or drains communicating with such new stormwater drain as such owner or occupier may lawfully use.

40 (3) The Board shall apportion as it may deem just among the owners of the several properties the expenses of the construction of such new

new stormwater drain, and the expenses which may be incurred by the Board from time to time in repairing, cleansing, altering, or improving such drain, and may recover in a summary manner the sums so apportioned from such owners, occupiers, 5 or mortgagees.

Application
of provisions
relating to
sewers.

135. The provisions of this Act conferring powers on the Board to enforce or regulate the construction, improvement, alteration, use, disuse, repair, maintenance, cleansing, or disconnection of private 10 sewers and the sanitary fittings in connection therewith communicating or intended to communicate with any sewer of the Board, shall, mutatis mutandis, apply to any drains and drain fittings communicating or intended to communicate with any storm water 15 drain of the Board.

PART IV A.

FINANCE.

Revenue and
Expenditure.

136. All revenue of the Board shall be paid into the Treasury, or into the bank keeping the public 20 account, and all necessary expenditure in management and all working expenses shall be advanced to the Board out of the Consolidated Revenue Fund.

Audit Act.

137. The provisions of the Audit Act, 1902, shall apply to the Board, and to all officers acting under 25 its authority and control, and to any agent appointed by the Board under the provisions of section twenty-eight of this Act.

SCHEDULE

SCHEDULE B.

(1) *Pasturage Reserve—Main Channel.*

COMMENCING in Throsby Creek to the south of Mitchell-street; and extending thence westerly, northerly, again westerly and southerly, across reserves, private property, Throsby Creek, Maitland-road, and Chinchin-street to the Great Northern Railway; thence again southerly, more or less, along the Styx Creek; thence south-westerly across private property and along the Australasian Coal Company's railway to Lambton-road; thence southerly and south-westerly along Tocal-street, across Russell-road, through the Waratah Coal Company's land to a point about 0.2 chains north of the north-eastern side of James-road,—a distance of about 2 miles 48.3 chains. 5

The channel being in excavation varying in section from 86 feet on the bottom with side slopes of 2 and $1\frac{1}{2}$ to 1 to 10 feet on bottom with side slopes of 1 to 1. 15

(2) *Branch of above Channel.*

Commencing on the main channel at 2 miles 35 chains, and extending thence through land belonging to the Waratah Coal Company to a culvert at 2 miles 49.2965 chains.

The channel being in excavation 7 feet on the bottom with side 20 slopes of 1 to 1.

(3) *Lambton Branch Channel.*

Commencing on the main channel at 1 mile 48.162 chains; and extending thence westerly across private property, Waratah Coal Company's railway, New Lambton Park, Lambton Colliery railway, 25 Tauranoa, Denison, and Tyrone roads to a culvert under the Lambton Colliery railway at 2 miles 41.32 chains.

The channel being under excavation varying in section from 9 feet 9 inches on bottom with side slopes $1\frac{1}{2}$ to 1 to a pitched channel 10 feet wide on top by 4 feet 3 inches deep with side slopes of 1 to 1. 30

(4) *Adamstown Branch Channel.*

Commencing on the main channel at 1 mile 37.149 chains; and extending thence southerly and south-westerly along the late Hartley Vale railway, across the Great Northern Railway reserve and private property to Glebe-road; thence again southerly and south-westerly through private property and across Victoria street, lanes, Fourth and Seventh streets to a creek at 2 miles 76.0569 chains. 35

The channel being in excavation varying in section from 5 feet wide on bottom with side slopes $1\frac{1}{2}$ to 1 to a pitched channel 9 feet 3 inches wide on top by 2 feet 3 inches deep with side slopes of 1 to 1. 40

(5)

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(5) *Hamilton Branch Channel.*

Commencing on the main channel at about 1 mile 11·7 chains, and extending thence south-easterly across Australia-road, private property, Curley and Brown roads, the Great Northern Railway, and Graham-road to Chatham-street; thence again south-easterly, southerly, and south-westerly through private property and across Belford-street to an existing bridge in Winship-street, a length of 46·92 chains.

The channel being 5 feet 6 inches by 4 feet 1 inch covered concrete to Brown's-road, the remainder being in excavation varying in section 10 from 2 feet wide on bottom with side slopes of $1\frac{1}{2}$ to 1 to 1 foot 9 inches on bottom with similar side slopes.