

No. , 1914.

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## A BILL

To amend the Metropolitan Water and Sewerage Acts 1880-1889, the Metropolitan Water and Sewerage Act Extension Act of 1894, the Local Government Act, 1906, the Wollongong Water Supply Works Act, 900 ; to repeal the Parramatta Sewerage and Drainage Act, 905 ; to amend the law relating to water supply, sewerage and drainage ; and for purposes consequent thereon or incidental thereto.

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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 :—

*Preliminary.*

**1.** This Act may be cited as the "Metropolitan Short title. Water and Sewerage Acts Amendment Act, 1914," and shall be construed with the Metropolitan Water and Sewerage Acts, 1880-1894.

**2.** In this Act, except where the subject matter or Definitions. context or other provisions thereof require a different construction, and in any by-laws or regulations made under the Metropolitan Water and Sewerage Acts, 1880-1914 :—

"Metropolitan Water and Sewerage Acts, 1880-1914" means the Metropolitan Water and Sewerage Acts, 1880-1889, the Metropolitan Water and Sewerage Act Extension Act of 1894, and this Act.

"Land," "property," or "premises," includes messuages, lands, tenements, and hereditaments of any tenure.

"Owner" means the person for the time being entitled to receive the rents and profits of the property in reference to which the word is used, whether on his own account or as agent, trustee, or attorney, or who would be so entitled if such property were let.

"Year" when applied to any matter of valuation, assessment, rate, or account means the year commencing the first day of July and ending the thirtieth day of June next following.

All other expressions used in this Act shall have the respective meanings which they have in the Metropolitan Water and Sewerage Acts, 1880-1894.

**3.**

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**3.** (1) Section one hundred and sixty of the Local Government Act, 1906, so far as such section relates to valuations under the provisions of the Metropolitan Water and Sewerage Act of 1880 and any Acts amending the same, for the purpose of making and levying rates payable to the Metropolitan Board of Water Supply and Sewerage, is hereby repealed, provided that such repeal shall not affect any valuation made, or any act, matter, or thing done by the board prior to such repeal.

Repeal.  
Sec. 160,  
L. G. Act.

(2) The Parramatta Sewerage and Drainage Act, 1905, and so much of the provisions of the Local Government Act, 1906, or any Act amending the same, as enabled the council of the municipality of Parramatta to establish, maintain, or manage, or to acquire the right to establish, maintain, or manage works of water supply or of sewerage or drainage, are hereby repealed: Provided that all rates, charges, and sums of money which under the Acts hereby repealed are at the commencement of this Act due and payable to or leviable by the council of the municipality of Parramatta, shall be paid to and may be received, levied, and recovered by the board, and shall remain a charge on property, as if the Act had not been passed, and all rights and liabilities acquired and incurred, except as hereinafter provided, and all contracts and undertakings entered into, all securities lawfully given, and all actions, suits, and proceedings pending at the commencement of this Act, shall respectively be vested and attach, and may be enforced, realised, carried on, and prosecuted as if this Act had not been passed, and no such action, suit, or proceeding shall abate or be discontinued, or be prejudicially affected by the operation of this Act: Provided also that the rights, powers, and liabilities of the council of the municipality of Parramatta, under the enactments hereby repealed, shall from the commencement of this Act be deemed to have been and to be vested in and to attach to the board.

Repeal  
Parramatta  
Sewerage and  
Drainage Act.

(3) Section five of the Wollongong Water Supply Works Act, 1900, is hereby repealed.

Wollongong  
Water Supply  
Works Act.

(4) Subsection two of section five of the Metropolitan Water and Sewerage Act Extension Act of 1894 is hereby repealed.

*Extensions*

*Extensions to works outside of county of Cumberland.*

4. Notwithstanding anything to the contrary contained in any Act, the powers and authorities granted to, and the duties and liabilities imposed on, the board by the Metropolitan Water and Sewerage Acts, 1880-1914, may be exercised in, and shall be applicable to, and the said Acts shall apply to any place or district outside the county of Cumberland to which the Governor may, by proclamation in the Gazette, declare that the said Acts are extended.

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

The mayors and aldermen of all municipalities, and the presidents and councillors of all shires, the areas of which are situated, wholly or in part, within any place or district to which the said Acts apply, or to which such Acts have been applied under this section, shall be qualified as electors of suburban members of the board.

*Valuation for rating purposes.*

5. (1) The board shall as soon after the commencement of this Act as is practicable, and thenceforth from time to time, but at least once in every three years, cause a valuation to be made by two competent valuers, of whom the assessor to the board for the time being shall be one, of the assessed annual value of all property, whether occupied or not, ratable under the Metropolitan Water and Sewerage Acts, 1880-1914.

The board to make an assessment once at least in every three years. (Sec. 9 of Hunter District Water and Sewerage Act, 1897.)

Such valuation shall be deemed to have been in force from the commencement of the then current year, and shall, unless lawfully altered as hereinafter provided, remain in force until a fresh valuation is made; but if such valuation is lawfully altered, then such valuation as altered shall be deemed to have been in force from the commencement of the year current when the alteration was made.

The assessed annual value of ratable property shall be determined as follows:—

(a). In respect of vacant land at five per centum on the unimproved capital value thereof.

(b).

*Metropolitan Water and Sewerage Acts Amendment.*

- (b) In respect of all other land at the annual value thereof not exceeding nine-tenths of the fair average rental of such land with the improvements (if any) thereon: Provided that such assessed annual value shall not be less than five per centum of the unimproved capital value of the land whether improved or unimproved:

Sec. 134  
Local  
Government  
Act, 1906.

Provided also that if in the opinion of the board— Proviso.

- (a) the unimproved capital value under the Local Government Act, 1906, or under the Sydney Corporation (Amendment) Act, 1908, fairly represents the unimproved capital value under this Act; or See Hunter  
District  
Amending  
Act, 1897.
- (b) the assessed annual value under the Local Government Act, 1906, or the fair average annual value under the Sydney Corporation Act, 1902, fairly represents the assessed annual value under this Act,

the board may adopt any such unimproved capital value, or any such assessed annual value, or fair average annual value, as the unimproved capital value or the assessed annual value, as the case may be, for the purposes of this Act, without causing a valuation to be made as aforesaid.

For the purposes of this subsection, the expression "unimproved capital value" shall have the same meaning as is given to it in the Local Government Act, 1906.

(2) The valuation need not be made jointly by the valuers, but a valuation by either valuer will be a compliance with the requirements of this section. Assessment  
of one valuer.  
Hunter  
District  
Amending  
Act, 1897.

(3) Before any valuation is made the person appointed to make it shall make and subscribe a solemn declaration that he will make all valuations under the Metropolitan Water and Sewerage Acts, 1880-1914, impartially and truly according to the best of his judgment; and an entry shall be made in the minute book of the board of the making and subscribing of such declaration and of the date thereof. Declaration  
by valuers.  
(Section 9,  
Hunter  
District  
Water and  
Sewerage  
Act, 1897).

(4)

(4) Every valuer shall, for the purpose of making his valuation, have a right of entry at all reasonable hours in the daytime into and upon any ratable property, and may put questions to any owner or any person in occupation or charge of such property as to any matters necessary to enable him to make such valuation. If such owner or person, after being informed by the valuer of his purpose in putting such questions, refuses or wilfully omits to answer such questions when required by the valuer, or wilfully makes any false answer to any such questions, he shall for every such offence be liable to a penalty not exceeding *ten* pounds.

Power of entry.  
(Section 9 of Hunter District Water and Sewerage Act, 1897).

(5) As soon as practicable after the valuation of any ratable property the valuation shall be fairly transcribed in a book to be kept for that purpose called the "Assessment Book."

Assessment book.  
*Ibid.*

(6) The assessment book, on being confirmed by the board and signed by the president or vice-president, shall be the assessment book of the board.

Confirmation of valuation book.

(7) The board shall cause a notice of the amount of the valuation and rate to be served on the occupier or the owner of the property valued, or the agent of such occupier or owner, or to be sent by post to his last known place of abode or business.

Notice of valuation rate notice.

*Appeal from valuation.*

6. The enactments contained in the following subsections of this section shall be applicable in respect of any valuation made by the board:—

Provisions in respect of appeals from valuations.

- (a) Any occupier or owner of ratable property may in each year appeal from such valuation by serving at the office of the board, before the expiration of a period of fourteen days from the service of the rate notice, a notice of appeal in writing stating fully the grounds of appeal.
- (b) If before the date fixed for the hearing of such appeal the board and the appellant mutually agree in writing under the hands of the president or vice-president and the appellant, upon a settlement of such appeal, the necessary alterations

(See s. 10 of Hunter District Water and Sewerage Act, 1897.)

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- alterations (if any) shall be made in the assessment book of the board, and be initialled by the president or vice-president.
- (c) The appeal, unless settled by mutual agreement as aforesaid, shall be heard before a court of petty sessions held within the petty sessions district in or nearest to which the property is situated on the day fixed by the board as hereinafter mentioned.
  - (d) Notice of the day and place of the hearing of the appeal shall be published by advertisement in the Gazette and in one or more newspapers published or circulating in such petty sessions district or in some place near thereto at least seven clear days before the hearing of the appeal.
  - (e) At the sitting of the court, or at any adjournment thereof, the justices present shall have power to hear and determine all objections made by the appellant or his agent duly authorised in writing in that behalf, to the valuation on the ground of any excess or incorrectness in the valuation or non-compliance with the provisions of this Act in respect of the valuation, but on no other ground.
  - (f) The court shall have power to make such order as the justice of the case may require, and to confirm or alter the valuation; and the decision of the court shall be final upon all matters of fact.

*Recovery of rates.*

7. The right of the board to recover rates in respect of valuations appealed from shall not be suspended by an appeal, the amount, if any, of rates received by the board in excess of the amount which, according to the final decision of such appeal, the board was entitled to recover shall forthwith be repaid by the board on demand, with interest at the rate of five pounds per centum

Right to recover rates not suspended by appeal.

centum per annum, and if not so repaid within fourteen days after demand made, the appellant may sue for and recover the same in any court of competent jurisdiction.

**8.** A copy of or extracts from the assessment book as to the amount of any valuation or rate may be entered in a special book to be kept for the purpose, and such entries shall, when completed, be signed by the president or vice-president; and such entries purporting to be signed as aforesaid shall, upon production thereof by any officer of the board authorised in that behalf, without any other evidence that the requirements of the Metropolitan Water and Sewerage Acts, 1880-1914, have been complied with, be received as prima facie evidence in all courts of the facts therein contained.

Extracts as to valuations and rates to be entered in special book. (Hunter District Amending Act, 1897.)

*Parramatta water supply, sewerage, and drainage.*

**9.** All the lands, works, or property of any kind appropriated, resumed, acquired, constructed, or provided under or in accordance with the Parramatta Sewerage and Drainage Act, 1905, and transferred to the council of the municipality of Parramatta (hereinafter in this and the succeeding sections referred to as the council) by proclamation in the Government Gazette, No. 54, of the twentieth day of April, one thousand nine hundred and ten, and all easements, rights of way, or property of any description acquired in connection with any of the works therein described, and all the works described in the Second Schedule of the Parramatta Sewerage and Drainage Act, 1905, shall, from the commencement of this Act, be removed from the administration and management of the council, and shall be vested in the board as if such land, works, or property had been constructed, acquired, or provided by the Minister, and transferred to the board in accordance with the provisions of the Metropolitan Water and Sewerage Act of 1880, or any Act amending the same.

Vesting of Parramatta sewerage and drainage works in Water and Sewerage Board.

**10.** Any sums of money due or owing by the council under the Parramatta Sewerage and Drainage Act, 1905, to the Consolidated Revenue Fund at the commencement of this Act shall be paid by the council, and may be recovered by the Colonial Treasurer as if this Act had not been passed.

Payments due by council.

**11.**



**11.** (1) The board shall, subject as hereinafter provided, take over and assume control of all works of water supply required for the future maintenance or extension of the water supply service at present vested in the council.

Board to assume control of Parramatta water supply.

(2) A valuation shall be made of such works, and if the council and the board fail to agree as to the valuation and extent of the works to be taken over, the determination of such value, and of the works to be taken over, shall be deemed to be a submission for the purposes of the Arbitration Act, 1902, and the provisions of that Act shall apply to such determination, the council and the board, respectively, having power to appoint one arbitrator.

Arbitration.

(3) The board shall, immediately after the valuation and extent of the works to be taken over shall have been determined, transmit a statement thereof to the Minister, who shall publish a list of the works to be taken over, which shall thereupon be vested in the board, and all powers and authorities whatsoever then by law vested in and exercisable by the council shall absolutely cease and determine, and all the lands, works and property of whatever kind specified in such notice shall be transferred from the council, and all the estate and interest of the council shall be absolutely vested in the board.

Vesting.

**12.** The Minister shall report the amount of the valuation determined upon in the next preceding section, to the Colonial Treasurer, and the Colonial Treasurer shall pay the amount to the council, for which purpose the Consolidated Revenue Fund is hereby appropriated accordingly. Any amount so paid shall be applied primarily in discharging any loan indebtedness incurred in respect of the construction of works of water supply.

Colonial Treasurer to pay value of water works to council.

**13.** The amount so paid by the Colonial Treasurer in accordance with the next preceding section, and the balance of the whole amount payable by the council in accordance with the provisions of the Parramatta Sewerage and Drainage Act, 1905, after deducting the sum of any payments made, or to be made, by the council, shall be charged against the board, and the board shall, with respect to such amount, assume all the liabilities and obligations which attach or are imposed with respect to any amounts expended on any works constructed by the Minister, and transferred to the board in accordance with the Metropolitan Water and Sewerage Acts of 1880-1894.

Board to be charged with cost of works.

