

**METROPOLITAN WATER, SEWERAGE, AND DRAINAGE
(AMENDMENT) BILL, 1952.**

EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to permit of certain sales, leases or licenses of Crown lands within catchment areas subject to the concurrence of the Board and conditions imposed by the Board;
- (b) to make provision for the extension of the Board's powers in relation to the prevention of pollution of the water supply to the physical catchment area of the Warragamba Dam;
- (c) to make certain provisions in respect of inscribed stock and debentures issued by the Board;
- (d) to exempt drainage reserves vested in councils from rating and to empower the Board to fix minimum rates;
- (e) to make other amendments of the provisions of the Metropolitan Water, Sewerage, and Drainage Act including amendments relating to rates, payment of interest upon the Board's capital indebtedness and the audit of the Board's accounts.

[CONFIDENTIAL.]

~~(Rough Draft for Consideration Only.)~~

No. , 1952.

A BILL

To amend the Metropolitan Water,
Sewerage, and Drainage Act, 1924-1949, in
certain respects; and for purposes connected
therewith.

BE it enacted by the Queen's Most Excellent Majesty,
by and with the advice and consent of the Legis-
lative Council and Legislative Assembly of New South
Wales in Parliament assembled, and by the authority of
5 the same, as follows:—

1. (1) This Act may be cited as the "Metropolitan Short title
and
citation.
Water, Sewerage, and Drainage (Amendment) Act,
1952."

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(2) The Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts and by this Act, may be cited as the Metropolitan Water, Sewerage, and Drainage Act, 1924-1952.

5 **2.** The Metropolitan Water, Sewerage, and Drainage Act, 1924-1949, is amended— Amendment of Act No. 50, 1924.

(a) by omitting subsection four of section fifty-five and by inserting in lieu thereof the following subsection:— Sec. 55. (Catchment areas.)

10 (4) It shall not be lawful—

(a) (i) to make any conditional or other sales under the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, of any Crown lands within any catchment area other than Crown lands within a city, town or village;

(ii) to make any conditional or other sales under the said Act, as so amended, of any Crown lands within a city, town or village within any catchment area unless the Board has approved thereof;

(b) except with the concurrence of the Board and subject to such conditions as the Board may determine—

(i) to grant any lease, license or permit under the said Act, as so amended, of any Crown lands within any catchment area;

(ii) to convert any lease within any catchment area into any other tenure under the said Act, as so amended, or to exchange any such lease in any manner;

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5 (iii) to extend the term of any lease under the said Act, as so amended, within any catchment area otherwise than for such period as the holder of such lease has an absolute right under the said Act, as so amended, to have its term extended.

10 Subparagraph (i) of paragraph (b) of this subsection shall not apply to the granting of any lease which upon the surrender of an earlier lease consequent upon the subdivision of the land is granted or issued for a term not
 15 extending beyond the term of the earlier lease and any further period for which the holder thereof had an absolute right to have its term extended.

20 The concurrence of the Board shall not be given under paragraph (b) of this subsection unless the Board considers that such concurrence may be given without any danger of pollution of the catchment area or the water supply.

25 (b) by inserting next after section fifty-six the following new section:— New sec. 56A.

30 56A. (1) The Governor may by proclamation published in the Gazette declare that, for the purposes of the provisions of section fifty-six paragraphs (a) to (i) inclusive of subsection one of section one hundred and twenty-five and any by-laws thereunder, subsection two of section one hundred and twenty-five and sections one hundred and thirty-eight and one hundred and thirty-nine of this Act, or such of those
 35 provisions as may be specified in such proclamation, the Catchment Area specified in such proclamation shall include lands, not being lands within a catchment district for the time being proclaimed Catchment area for certain purposes to include additional lands.

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proclaimed as such under section four hundred and one of the Local Government Act, 1919, as amended by subsequent Acts, situated within the boundaries defined in such proclamation in lieu
 5 of the boundaries proclaimed under section fifty-five of this Act in respect of such catchment area.

(2) The Governor may, by like proclamation, at any time amend, vary or revoke
 10 any proclamation under this section.

(3) A reference in any of the provisions referred to in subsection one of this section and to which any such proclamation relates to catchment area shall in their application to
 15 a particular catchment area be deemed to refer to the lands declared by such proclamation to be included in such Catchment Area.

(c) by omitting from subsection one of section
 20 seventy the words "at the time prescribed by the regulations to the Treasurer" and by inserting in lieu thereof the words "to the Treasurer when so required by him";

(d) by inserting in subsection six of section seventy-six after the word "shall" the words "both as
 25 regards the issue and any transfer thereof for full consideration in money or money's worth";

(e) by omitting subsection five of section seventy-nine and by inserting in lieu thereof the following
 30 subsection:—

(5) In case of the loss, theft, destruction, mutilation or defacement of any interest coupon originally annexed to a debenture and whether separated therefrom or not, payment by the Board may be made of the interest payable in
 35 respect of the coupon without presentation of the same upon proof to the satisfaction of the Board of such loss, theft, or destruction, or upon surrender of the mutilated or defaced interest coupon

Sec. 70.
 (Board
 to pay
 interest.)

Sec. 76.
 (Debentures,
 &c.)

Sec. 79.
 (Lost
 debentures.)

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coupon and upon the Board receiving security or indemnity satisfactory to it against any double payment if the missing interest coupon be at any time thereafter presented for payment.

5 (f) (i) by inserting after paragraph (i) of subsection one of section eighty-eight the following new paragraph:— Sec. 88. (Lands exempted from rates.)

10 (ia) land which is a drainage reserve vested in the council of any municipality or shire and which has been acquired or is held by it specifically for drainage purposes;

15 (ii) by inserting next after the same subsection the following new subsection:—

20 (1A) Paragraph (c) of subsection one of this section shall not operate to exempt from rating by the Board any land which is within a public reserve or park and upon which any person by virtue of a lease license or other authority from the Crown or the public body or the trustees in whom the public reserve or park is vested carries on any trade or business.

(g) by inserting in paragraph (b) of section eighty-nine after the word "any" the words "canal, conduit or"; Sec. 89. (Lands subject to water rates.)

30 (h) by omitting subsection seven of section ninety-six and by inserting in lieu thereof the following subsection:— Sec. 96 (Basis of rating.)

(7) In levying any rate it shall be lawful for the Board to levy—

35 (a) in respect of any ratable land minimum amounts for water rates, sewerage rates and stormwater drainage rates; and
(b)

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(b) if it thinks fit in respect of occupied lands and unoccupied lands or of any different classes whatever of ratable lands, different minimum amounts of any such rates.

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(i) by omitting subsection three of section one hundred and twelve and by inserting in lieu thereof the following subsection:—

Sec. 112.
(Audit.)

(3) (a) Towards defraying the cost and expenses of the audit, the Board shall pay to the Treasurer by four even quarterly payments an amount of one thousand pounds annually or such other annual sum as may from time to time be determined by the Treasurer.

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(b) This subsection shall be deemed to have commenced upon the first day of July, one thousand nine hundred and forty-eight.

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(j) by omitting from section one hundred and twenty-three the words "Treasury Insurance Board" and by inserting in lieu thereof the words "Government Insurance Office of New South Wales";

Sec. 123.
(Insurance.)

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(k) by inserting next after clause eleven of the Fourth Schedule the following new clause:—

Fourth
Schedule.
New clause
11A.
(Refund of
rates.)

11A. Where land which was ratable has become non-ratable the rate payable thereon shall be proportionate to the portion of the twelve months during which the land was ratable and any amount paid in excess of such rate shall be refunded by the Board.

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