

[CONFIDENTIAL]

(Rough Draft for Consideration Only.)

No. , 1923.

A BILL

To provide for the water supply, sewerage, and drainage of the Metropolitan and extra-Metropolitan Districts and other districts in or adjacent to the County of Cumberland; to repeal the Metropolitan Water and Sewerage Act of 1880, and certain other Acts; to amend certain Acts; and for purposes connected therewith.

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 the same, as follows :—

PART I.

PRELIMINARY AND INTERPRETATION.

1. This Act may be cited as the "Metropolitan Short title. Water, Sewerage, and Drainage Act, 1923."

2. (1) Subject, as otherwise provided, this Act shall Commence- come into operation on the first day of July, one ment. thousand nine hundred and twenty-four.

(2) Such of the provisions of this Act as are necessary for the conduct of the first election as provided under section fifteen hereof shall come into operation upon the date of gazettal of regulations governing the conduct of elections under this Act.

(3) So much of the Metropolitan Water and Sewerage Act of 1880, or any Acts amending that Act, which is inconsistent with section eight of this Act, is hereby suspended.

(4) The provisions of Divisions 1, 2, and 4 of Part V of this Act shall not come into operation until the first day of July following any notification of the declaration of the capital indebtedness of the board to the Treasurer, as provided in section thirty-seven; and notwithstanding the provisions of section five, so much of the Metropolitan Water and Sewerage Act of 1880, or any Act amending that Act, as defines the board's financial obligations shall remain in full force and effect until the thirtieth day of June preceding the date before mentioned.

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

Division into
Parts.

PART I.—PRELIMINARY AND INTERPRETATION.

PART II.—REPEAL, SAVINGS, AND AMENDMENTS.

PART III.—CONSTITUTION OF BOARD.

PART

PART IV.—FUNCTIONS AND POWERS OF BOARD.

DIVISION 1.—Administration.

DIVISION 2.—Construction.

DIVISION 3.—General.

DIVISION 4.—Special provisions as to water supply.

DIVISION 5.—Special provisions as to sewerage.

DIVISION 6.—Special provisions as to stormwater drainage.

PART V.—FINANCE.

DIVISION 1.—Capital indebtedness to Treasurer.

DIVISION 2.—Loans.

DIVISION 3.—Revenue.

DIVISION 4.—Funds.

DIVISION 5.—Accounts and audit.

DIVISION 6.—General.

PART VI.—PROPERTY.

DIVISION 1.—Acquisition.

DIVISION 2.—Transfer.

DIVISION 3.—General.

PART VII.—REGULATIONS AND BY-LAWS.

PART VIII.—GENERAL.

PART IX.—SUPPLEMENTAL.

4. In this Act, unless inconsistent with the context Definitions. or subject-matter,—

“Area of operations” means the district embraced in the municipalities and shires or parts thereof as may be proclaimed from time to time within which the board is authorised to exercise its powers or perform its functions, or such of its powers or functions as may be specified, ^{53 Vic. No. 16, s. 19.}

“Board” means the Metropolitan Water, Sewerage, and Drainage Board.

“Catchment

- “Catchment area” means the area as defined from time to time by proclamation embracing the sources from which the supply of water is drawn. Sec. 2 of 1880 Act, also secs. 27 and 82 *Ibid.*, and Act No. 25, 1922.
- “Elected members” means members of the board elected in the prescribed manner.
- “Minister” means the Secretary for Public Works or other Minister of the Crown for the time being administering this Act.
- “Municipality” means area constituted a municipality under the Local Government Act, 1919, or the Local Government Act, 1906, or any Act repealed by that Act, and for the purposes of this Act includes the City of Sydney as constituted or incorporated under the Sydney Corporation Act, 1902, or Acts amending that Act.
- “Owner”
- “Part” means Part of this Act.
- “Prescribed” means prescribed by or in accordance with this Act.
- “Public road.” (See Local Government Act.)
- “Sewer” means a sewer for the carrying off of sewage; and “Sewage” includes any foul, polluted or objectionable water, waste or refuse.
- “Shire” means the area constituted a shire under the Local Government Act, 1919, or the Local Government Act, 1906, or any Act repealed by that Act.
- “Street” means
- “Stormwater channel” means any channel, natural or artificial, whereby any surface water, liquid refuse or polluted waters other than those containing faecal matter is carried off.
- “Tenement” means
- “Treasurer” means Colonial Treasurer.

PART II.

REPEAL, SAVINGS, AND AMENDMENT.

- 5.** (1) The following Acts are hereby repealed :— Repeal of certain Acts.
- The Metropolitan Water and Sewerage Act of 1880.
 - The Metropolitan Water and Sewerage Act Amendment Act of 1888.
 - The Metropolitan Water and Sewerage Act Amendment Act of 1889.
 - The Metropolitan Water and Sewerage Act Extension Act of 1894.
 - The Metropolitan Water (Camden) Act, 1898.
 - The Metropolitan Water and Sewerage Amendment Act, 1916.
 - The Manly Water Supply and Sewerage Transfer Act, 1901.
 - The Wollongong Water Supply Works Act, 1900.

(2) Section fourteen of the Sydney Corporation Amendment Act, 1905, is hereby repealed.

- 6.** The repeal of any Act by this Act shall not— Savings.
- (a) operate to break the continuity of or interfere with the perpetual succession of the Board of Water Supply and Sewerage, the powers, functions, rights, duties, liabilities, obligations, and remedies of which shall, mutatis mutandis, from the date of the assumption of office by the Metropolitan Water, Sewerage, and Drainage Board be discharged, preserved, vested in, carried on, continued, and assumed completely and without any abatement or cessation in any respect whatsoever by the Metropolitan Water, Sewerage, and Drainage Board, and until such assumption of office shall be discharged, preserved, vested in, carried on, continued, and assumed completely and without any abatement or cessation in any respect whatsoever by the board constituted under the Acts so repealed;
 - (b) by reason of such repeal, except as specifically provided, terminate any contract or appointment;
 - (c)

- (c) prejudice the operation of any regulations or by-laws until such are rescinded, revoked, repealed, amended, or varied in accordance with this Act;
- (d) affect the validity of any proclamation, notification, or any Gazette notice until such is rescinded, revoked, repealed, amended or varied in accordance with this Act;
- (e) as far as relates to any previous or pending transaction or matter, affect property vested, acts and things validated and authorised, rights, powers, and protection acquired, liabilities incurred, or indemnities given by or under the Acts so repealed.

(And see section nine of Local Government Act, particularly subsection three.)

7. The following Acts are amended :—

Amendment
of certain
Acts.

- (a) The Local Government Act, 1919—
 - (i) in section four, in the definition of “statutory body” by omitting the words “Board of Water Supply and Sewerage” and inserting in lieu thereof the words “Metropolitan Water, Sewerage, and Drainage Board”;
 - (ii) in section ten, by omitting the words “Metropolitan Water and Sewerage Act of 1880” and inserting in lieu thereof the words “Metropolitan Water, Sewerage, and Drainage Act, 1923”;
 - (iii) in subsection five of section two hundred and forty-seven, by omitting the words “Metropolitan Water and Sewerage Act of 1880” and inserting in lieu thereof the words “Metropolitan Water, Sewerage, and Drainage Act, 1923”;
 - (iv) in subsection (3A) of section two hundred and eighty-three, by omitting the words “Board of Water Supply and Sewerage” and inserting in lieu thereof the words “Metropolitan Water, Sewerage, and Drainage Board”;

(v)

- (v) in subsection two of section three hundred and sixty-eight, by omitting the words "Metropolitan Water and Sewerage Act of 1880" and inserting in lieu thereof the words "Metropolitan Water, Sewerage, and Drainage Act, 1923," and by omitting the words "Board of Water Supply and Sewerage" and inserting in lieu thereof the words "Metropolitan Water, Sewerage, and Drainage Board";
- (vi) in subsection one of section four hundred and five, by omitting the words "Metropolitan Water and Sewerage Act of 1880" and inserting in lieu thereof the words "Metropolitan Water, Sewerage, and Drainage Act, 1923";
- (vii) in subsection two of section four hundred and ninety-three, by omitting the words "Board of Water Supply and Sewerage" and inserting in lieu thereof the words "Metropolitan Water, Sewerage, and Drainage Board";
- (viii) in paragraph (b) of subsection two of section six hundred and fifty-one, by omitting the words "Board of Water Supply and Sewerage" and inserting in lieu thereof the words "Metropolitan Water, Sewerage, and Drainage Board";
- (ix) in paragraph (d) of subsection five of section six hundred and fifty-four, by omitting the words "Board of Water Supply and Sewerage" and inserting in lieu thereof the words "Metropolitan Water, Sewerage, and Drainage Board";
- (x) in clause twenty-four of Schedule Three, by omitting the words "Metropolitan Water and Sewerage Act of 1880" and inserting in lieu thereof the words "Metropolitan Water, Sewerage, and Drainage Act, 1923," and by omitting the words "Metropolitan Board of Water Supply and

and Sewerage” and inserting in lieu thereof the words “Metropolitan Water, Sewerage, and Drainage Board.”

(b) The Sydney Corporation Act, 1902—

(i) in subsection three of section two, by omitting the words “Metropolitan Board of Water Supply and Sewerage” and inserting in lieu thereof the words “Metropolitan Water, Sewerage, and Drainage Board”;

(ii) in subsection two of section eighty-three, by omitting the words “Metropolitan Water and Sewerage Act of 1880” and inserting in lieu thereof the words “Metropolitan Water, Sewerage, and Drainage Act, 1923”;

(iii) in subsection four of section eighty-three, by omitting the words “Metropolitan Board of Water Supply and Sewerage” and inserting in lieu thereof the words “Metropolitan Water, Sewerage, and Drainage Board.”

(c) The Sydney Corporation (Amendment) Act, 1908, in paragraph (iii) of subsection one of section three, by omitting the words “Board of Water Supply and Sewerage” and inserting in lieu thereof the words “Metropolitan Water, Sewerage, and Drainage Board.”

(d) The Valuation of Land Act, 1916—

(i) in subsection two of section nine, by omitting the words “Metropolitan Water and Sewerage Act of 1880” and inserting in lieu thereof the words “Metropolitan Water, Sewerage, and Drainage Act, 1923”;

(ii) in section forty-seven, by omitting the words “Board of Water Supply and Sewerage” and inserting in lieu thereof the words “Metropolitan Water, Sewerage, and Drainage Board”;

(iii)

- (iii) in paragraph (c) of section sixty, by omitting the words "Metropolitan Water and Sewerage Act of 1880" and inserting in lieu thereof the words "Metropolitan Water, Sewerage, and Drainage Act, 1923";
- (iv) in subsection one of section sixty-eight, by omitting the words "Metropolitan Water Supply and Sewerage Act of 1880" and inserting in lieu thereof the words "Metropolitan Water, Sewerage, and Drainage Act, 1923."

PART III.

CONSTITUTION OF BOARD.

8. (1) Members of the board in office at the passing of this Act shall continue to hold office until the thirtieth day of June, one thousand nine hundred and twenty-four. They shall thereupon cease to hold office and shall not be entitled to compensation by reason of their removal from office. If otherwise qualified they shall be eligible for election or appointment.

Members at present in office.

(2) Should any extraordinary vacancy occur in the existing board prior to the thirtieth day of June, one thousand nine hundred and twenty-four, the Governor may appoint some person to fill the vacancy.

Vacancy in the existing board.

9. The board shall be composed of a president appointed by the Governor and eight elected members.

Composition of board. 48 Vic. No. 22, s. 5.

10. (1) The elected members shall be elected for constituencies. Each constituency shall return one member.

Constituencies. Ibid.

(2) Each constituency shall include the areas grouped therein respectively as set out in the First Schedule to this Act: Provided that the Governor may by proclamation in the Gazette add the names of other municipalities or shires which he is of opinion should be represented on the board to the names of the areas mentioned in the said Schedule, and may include such

such areas in any of the constituencies named, and may re-group the areas included in the constituencies by including or excluding areas from such constituencies.

(3) The members for each constituency shall be elected by the aldermen and councillors of the areas grouped therein.

(4) For the purposes of this section "area" shall have the meaning ascribed therein in the Local Government Act, 1919, and shall include the municipality of Sydney as incorporated under the Sydney Corporation Act, 1902, or any Act amending that Act.

11. The president shall hold office for four years, and at the expiration of that period, or at any time when such office shall become vacant for any reason, the Governor may appoint the same or some other person to be president, or may, in lieu of so appointing, require the elected members to choose a president, and in case the choice falls upon one of the members of the board, the office of that member, as elected member, shall be deemed to be vacant and shall be filled, as in the case of an extraordinary vacancy, by election in the constituency by which such former member was elected.

President—
duration of
office.
43 Vic. No.
32, s. 7.

12. Elected members shall hold office for four years: Provided that of the members elected in June, one thousand nine hundred and twenty-four, four shall hold office for two years only. The determination as to which members are to hold office for two years only shall be made by lot in the manner prescribed. Any member retiring in accordance with this provision, if otherwise qualified, shall be eligible for re-election.

Elected
members—
duration of
office.
Ibid.

13. 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 the First Schedule or in any proclamation made in pursuance of section ten of this Act, the qualification, and is not within any disqualification prescribed and imposed in respect of the office of aldermen or councillor by the Local Government Act, 1919, the Sydney Corporation Act, 1902, or any Act amending or consolidating those Acts.

Qualification
for election.
Ibid. s. 16.

14.

14. All elections shall be conducted in the manner prescribed by regulations made by the Governor which shall also prescribe the notice to be given at 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.

Conduct of elections.
43 Vic. No. 32, s. 14.

15. (1) Elections to fill other than extraordinary vacancies shall be held in the month of June in the year one thousand nine hundred and twenty-four, and in the same month in every second year thereafter.

Date of elections.
Ibid. s. 13.

(2) Members elected at the periodical elections held in June shall assume office as from the first day of July following.

16. If any candidate at any election, or any other person, shall directly or indirectly by himself or his agents, offer to pay or give any money, food, drink, or valuable consideration to induce any person to vote or to abstain from voting at such election, he shall be guilty of a misdemeanour, and the election of any such candidate shall upon any conviction for such offence be null and void.

Bribery.
Ibid. s. 19.

17. If at the time appointed under the provisions of this Act for any election to be held thereunder there shall be no candidates, or a less number of candidates than there are members of the board to be elected, the Governor may appoint any person not disqualified under the provisions of this Act to be a member of the said board, and such person so appointed shall hold office and be a member of the board as fully and effectually as if he had been duly elected, and shall for the purposes of this Act be deemed to be an elected member.

Governor may appoint in certain cases.
Ibid. s. 20.

18. No election under this Act shall be questioned by reason of any want or defect of title of any person by or before whom such election shall have taken place if such person shall have really acted at such election, nor by reason of any formal error or defect in any publication under this Act or purporting so to be, nor by reason of any publication being out of time, nor by reason of any election not having been duly held.

Election not to be questioned for informality.
Ibid. s. 21.

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19. (1) Every member of the board, before entering upon the duties of his office shall make and subscribe before the Executive Council an oath of allegiance to His Majesty, and shall make and subscribe the following declaration of office:—

Declaration and oath.
43 Vic. No. 32, s. 21.
L.G. Act, s. 33.

I, _____, having been elected or appointed a member of the Metropolitan Water, Sewerage, and Drainage Board do hereby declare that I will truly and faithfully fulfil the duties of that office according to the best of my judgment and ability.

(2) If any person after having been afforded an opportunity of making and subscribing such oath and declaration neglects to do so for a period of one month after the date of his election or appointment, he shall be deemed to have declined to accept office and there shall thereupon be an extraordinary vacancy on the board: Provided, however, that where the Governor is satisfied that the delay in making and subscribing any oath and declaration is unavoidable he may extend the time for making and subscribing such oath and declaration for any period not exceeding three months. Any person declining to accept office shall not be eligible for re-election to fill the extraordinary vacancy thus created.

20. Any member of the board may resign his office by writing under his hand addressed to the Governor, and in that event, or in the event of the death of any member, or if any member of the board shall without the permission of the board fail to give his attendance at four consecutive meetings of the board, or shall become insolvent within the meaning of any Act relating to insolvency in force for the time being, or be convicted of a felony, bribery, or any infamous offence, or become insane, his seat shall become vacant.

Vacancies, how caused.
Ibid. s. 23.

21. All elections to fill an extraordinary vacancy shall be conducted as nearly as may be in the same manner as the periodical elections. Any person elected to fill any such vacancy shall hold office until the time when his predecessor's term of office would have expired and no longer, but shall be eligible for re-election if otherwise qualified.

Extra-ordinary vacancy.
Ibid. ss. 10 and 18.

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22. All expenses incurred in the conduct of any election shall, when certified under the hand of the returning officer, be paid out of the Consolidated Revenue Fund. Expenses of election. 43 Vic. No. 32, s. 15.

23. The president of the board shall during his tenure of office be paid an annual salary of Remuneration of members. Ibid. s. 9. The elected members of the board shall be entitled to receive as remuneration for their services a sum not exceeding two hundred and fifty pounds per annum, to be paid in the form of a fee for each meeting of the board attended. The office of an elected member of the board shall not, for the purposes of the Constitution Act, 1902, be deemed to be an office of profit under the Crown.

24. Any three members of the board, of whom the president or vice-president for the time being shall be one, shall be a quorum thereof, and shall have and may exercise all the powers and authorities which by this Act are conferred on the board, and all questions arising at any meeting of the board shall be decided by the majority of the members present. Quorum. Ibid. s. 11. Government Railways Act, s. 10.

No proceedings of the board shall be invalid or illegal in consequence only of the fact that there was at the time of such proceeding a vacancy in the board.

25. The board shall elect one of its members to be the vice-president thereof. During the absence of the president the vice-president may act in his stead, and whilst so acting shall have the same power as the president, if present, would have. The president, or in his absence the vice-president, shall preside at all meetings of the board, and shall have a casting in addition to his original vote. Vice-president. Ibid. s. 8.

PART IV.

FUNCTIONS AND POWERS OF BOARD.

DIVISION 1.—*Administration.*

26. (1) The board shall appoint and employ such officers and servants to assist in the execution of this Act as it may think necessary, and every such officer and servant so appointed shall continue in the employ of the board during pleasure only. Officers and servants. 43 Vic. No. 32, s. 28.

(2) The board shall pay such salaries, wages, and allowances to its officers and servants as may be determined by the board or other competent authority.

(3) No officer or servant appointed under this section shall, without the permission of the board, engage in any employment outside the duties of his office.

(4) All officers and servants shall be subject to the sole control and governance of the board, and shall be subject to the provisions of any by-laws made by the board in that behalf.

27. The board shall provide such offices, stores, warehouses, depots, and other such accommodation as in its opinion may be requisite. Offices, &c. Ibid. s. 29.

28. Subject to the provisions of this Act the board is charged with— Functions generally.

- (a) The conservation, preservation, and distribution within its area of operations of water for domestic and other uses ;
- (b) the provision of reticulation and other means for the discharge of sewage and its treatment and disposal ;
- (c) the draining of swampy or low-lying land ;
- (d) the administration and management of all properties vested in it ;
- (e) the operation and maintenance, and where necessary the improvement and extension of all works vested in it ;
- (f) the construction of any new, additional, or supplementary works of water supply, sewerage, or drainage ;

(g)

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- (g) the extension of its services to areas or districts not served with its mains or sewers or drains;
 - (h) the supply of water in bulk to towns or localities not within its area of operations;
- (Query Governor's approval.)
- (i) the exercise of all and singular the board's duties conferred and imposed by this Act.

DIVISION 2.—Construction.

29. The board may construct— Construction.

- (a) such storage dams, diversion weirs, tunnels, aqueducts, pipe lines, canals, reservoirs, filters, and water treatment works, pumping stations, gravitation, rising and reticulation mains, and distributory works, and other works as in its opinion may be required for water supply purposes;
- (b) such main and reticulating sewers, pumping stations, rising mains, works for treatment and purification of sewage, outfall works, and other works as in its opinion may be required for sewerage purposes;
- (c) pipes, drains, cuttings, channels and branch channels, and other works as in its opinion may be required for stormwater drainage purposes.

30. Except as specifically provided to the contrary the provisions of the Public Works Act, 1912, shall not apply to works constructed or proposed to be constructed by the board. Provisions of Public Works Act, 1912, not to apply.

31. For the purposes and subject to the provisions of this Act the board may— Powers in relation to works, &c.

- (a) erect, construct, or carry out any works necessary or convenient in connection with any works or undertakings authorised by or under this Act or any Act repealed by this Act;
- (b) alter, repair or renew, pull down or re-erect any works authorised by or under this Act or any Act repealed by this Act.

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32. (1) The board shall cause maps to be prepared showing the areas served by its water mains and reticulation, its sewer mains and reticulation, and its storm-water channels and branches.

Maps.
43 Vic. No. 32, s. 92.
Act No. 41, 1919, s. 387.

(2) Such maps shall indicate the land liable to payment of rates, the levels of such works at the road frontages of all such lands, and where practicable the distance of such works from the nearest boundaries of such lands, and the situation of the buildings on such lands.

(3) Such maps shall, within the office hours of the board, be open to the inspection of the owners of such lands and of licensed plumbers and drainers.

(4) The board shall annually furnish a copy of such maps, duly revised, to the Minister.

33. The board may do any act not otherwise unlawful which may be necessary to the proper exercise and performance of its duties.

Necessary acts.
Act No. 41, 1919, s. 529.

34. For the purpose of the construction, maintenance, amplification, improvement or extension of works the board shall have and may exercise all the powers conferred upon the Constructing Authority by section eighty and sections eighty-three to ninety-seven, both inclusive, of the Public Works Act, 1912, and shall assume and discharge all the liabilities and obligations imposed by those enactments upon the Constructing Authority. For the purposes of this Act the enactments mentioned are amended as follows:—

Powers incidental to construction, &c.
43 Vic. No. 32, ss. 40 and 93.

35.

35. (1) The board may make and enter into such contracts or agreements with any person for the construction of works, or otherwise for the performance of services, in connection with the discharge or exercise by the board of its functions and powers.

Contracts.
43 Vic. No.
32, ss. 36
and 37.

(2) All persons contracting with the board shall be deemed for the purposes of the Constitution Act, 1902, to be public contractors.

36. The works enumerated in the Second Schedule are excepted from the control of the board, and the construction of any such works shall be, and continue to be, the function of the Minister for Public Works, who may in respect of such works exercise all the powers vested in him as Constructing Authority under the Public Works Act, 1912, in addition to those conferred upon the board.

Works
excepted
from control
of the board.

36A. (1) The Governor may by proclamation except from the control of the board any specified service in any specified locality, and may charge the council of any shire or municipality with the care, control, and management of any such specified service, and thereupon the following provisions shall have effect:—

Works
excepted
from control
of the board.

(a) The council shall have and may exercise all the powers, liabilities and obligations of the board in relation to any such service, and more particularly may—

- (i) make, levy, and recover rates;
- (ii) make by-laws;

and all the provisions of this Act or any Act incorporated herewith shall apply as if the said council were the board.

(b) The council shall pay interest at a rate determined in accordance with section sixty-four of this Act on a capital indebtedness to be determined in any such proclamation as aforesaid.

(2) Any proclamation under this section may be rescinded by a subsequent proclamation, and thereupon the works specified and their care and management shall again vest in the board.

(3)

(3) If in accordance with this section any work is excepted from the control of the board, or if in accordance with section one hundred and fifteen of this Act any land is divested from the board, or if any service removed from the control of the board is again vested in the board, the Minister shall require the committee of review appointed as elsewhere provided in this Act to determine what readjustment of the board's capital indebtedness is necessary, and the board's capital indebtedness and its obligation in respect thereof shall be varied accordingly.

37. Subject to the two next preceding sections the board shall be the sole authority for the conduct of water supply, sewerage, and drainage services within the area of operations as proclaimed from time to time.

Exclusive powers of the board.

DIVISION 3.—*General.*

38. (1) For the purposes and subject to the provisions of this Act and any by-laws made thereunder the board and any person authorised by it may enter upon any land or building at all reasonable hours in the daytime and at any hour during which business is in progress or is usually carried on in the premises for the purpose of making inspections authorised or required to be made, and for that purpose may open any ground and remove any flooring and take such measures as may be necessary to ascertain the character and condition of the land or building and of any pipe, sewer, drain, or fitting in connection therewith.

Inspection.
Act No. 32,
1880, s. 108,
et seq.
Act No. 13,
1916, s. 10.
Act No. 41,
1919, s. 524.

(2) In the exercise of any power conferred by this section the board shall do as little damage as possible.

39. If any person wilfully or maliciously hinders or interrupts or causes or procures to be hindered or interrupted the board or any officer or person acting under the authority of the board in doing any works or in the exercise of any power, or shall wilfully or maliciously destroy or injure any works belonging to the board, he shall be liable to a penalty not exceeding *ten* pounds.

Obstruction—Injury to works.
Act No. 32,
1880, s. 114.

40.

40. (1) When water or sewer mains have been laid in any street and are available to be connected to the premises adjacent thereto, the board shall give public notice by advertisement in a newspaper of such fact and that owners of premises having a frontage to such street are required to connect their premises to the board's mains. Such owners shall, within three weeks from the date of publication of such notice, cause the necessary connections to be made. The owners of all lands within the prescribed distance shall, as from the expiration of the said notice, be liable for payment of water or sewerage rates. All connections shall be made to the satisfaction of the board and in the manner prescribed by by-law.

Connections.
Act No. 32,
1880, ss. 67,
72, 76, 104,
106, & 108.
53 Vic. No.
16, ss. 5, 6.
Act No. 12,
1894, ss. 7,
8, & 9.

(2) Any person requiring or desiring to connect his premises with the board's main may, subject to such conditions as may be imposed by law, open up any street or footpath to the extent required in making such connection.

(3) If any person fail to comply with the board's requirements to connect his premises to the board's main for a period of three weeks after the expiration of the notice so requiring him to do, the board may of its own motion or at the request of the council of the area in which the mains are situated, itself make such connection and do all things necessary in that regard. It may recover any costs so incurred as a rate.

(4) Any person requiring to connect his premises to the board's mains may apply to the board to make such connection on a system of deferred payment, and it shall be lawful for the board to enter into an agreement to carry out such work on such terms and conditions as it may deem proper.

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

Licenses.
Act No. 13,
1916, s. 11.

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

(3)

(3) No person shall commence or perform any work in connection with water supply, sewerage, or drainage which communicates or is intended to communicate directly or indirectly with the pipes, sewers, or drains of the board unless he is the holder of a license issued as aforesaid or is under the immediate supervision of a holder of such license in charge of the work.

(4) Any person not being the holder of such license and not being under the immediate supervision of a holder of such license in charge of the work, who commences or performs any such work, shall be liable to a penalty of not less than *twenty* shillings nor more than *ten* pounds. Any person who knowingly employs any person to commence or perform any such work in contravention of the above provision shall be liable to a penalty of not less than *twenty* shillings nor more than *ten* pounds.

(5) The board may direct and compel all defective and improper work or any work whatsoever done without the required supervision by a person who is not the holder of such a license to be removed or altered to its satisfaction. Unless such removal or alteration be effected within twenty-four hours after notice given to the owner or occupier of the premises, the board may by its officers, servants, and workmen, enter any land or premises and remove such work or effect the necessary alterations thereto. The expense of removal or alteration may be recovered by the board from the person performing the work or from any person who has employed any person who is not the holder of such license to perform the work.

(6) No license issued by any authority other than the board shall entitle the holder thereof to commence or perform work in connection with water supply, sewerage or drainage, which communicates with the pipes, sewers, or drains of the board.

DIVISION 4.—Special provisions as to water supply.

42. Water available from works provided by or vested in the board shall be primarily used and equitably distributed for domestic purposes, street watering, sewerage

Purposes for which water may be supplied.
43 Vic. No. 32, s. 63.
Act No. 41, 1919, s. 389.

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sewerage flushing, and the maintenance of a suitable pressure for fire extinguishing. After the demands for these purposes have been met, the board may distribute the balance available to any applicants in accordance with the importance, in the opinion of the board, of the purposes for which the water is to be applied. In cases where works are specially constructed to supply water for purposes other than for human consumption, and where water available is unfit for human consumption, there shall be no such restriction.

43. The board may supply any person with water for domestic or other purposes by measure at such rates, upon such terms and subject to such conditions as may be agreed upon by the board and the person requiring to be supplied. "Domestic purposes" shall not include a supply of water for stables or for manufacturing purposes or for irrigation, for water power, for fountains, for ornamental purposes, or for watering cattle or horses, or for watering gardens.

Supply by measure.
43 Vic. No. 32, s. 51.
Act No. 13, 1916, s. 9.

44. The board shall not be liable to any penalty or damages for not supplying water if want of such supply arises from unusual drought or other unavoidable cause or accident, nor shall the board be compellable to supply water to any person whomsoever.

Failure of supply.
43 Vic. No. 32, s. 50.

45. (1) The board shall at all times keep charged with water all their pipes to which hydrants are fixed unless prevented by drought or other unavoidable cause or accident or during necessary repairs. Such water may be taken without charge by authorised persons for the purpose of extinguishing fires.

Extinguishing fires.
43 Vic. No. 32, ss. 64 & 66.
53 Vic. No. 16, s. 33.

(2) The board shall fix proper hydrants in its mains and other pipes at such convenient distances and at such places that the board may consider proper and convenient for the ready supply of water for extinguishing any fire which may break out. It shall renew and keep in effective order every such hydrant, and exhibit a conspicuous sign directing notice to the situation of such hydrant. Such sign may be painted on or attached to any building, fence, or other structure, and the board shall not be required to obtain any permission to paint or attach any such sign nor to pay for doing so.

46.

46. The board shall take effective measures to protect the supply of water from being illegally diverted, polluted, misused or wasted, and to maintain an adequate and pure supply.

Board's duty to protect supply.
43 Vic. No. 32, ss. 42, 74, 75, 77, 79-86.

47. If any person unlawfully and maliciously destroys or damages, or attempts to destroy or damage any storage, main, pipe, plant or other work or structure used for or incidental to the supply of water, he shall be guilty of a felony, and shall be liable to be imprisoned for any term not exceeding *ten* years.

Wilful damage to waterworks a felony.
43 Vic. No. 32, s. 44.

48. Owners and occupiers of land through which any stream flows may use the waters thereof in such manner and to such extent as they may have done if this Act had not have passed, unless they shall have received compensation for deprivation of any such right.

Reservation of existing rights.
43 Vic. No. 32, s. 43.

49. The board may cut off supply of water to any land—

Cutting off supply.
43 Vic. No. 32, ss. 79, 73, 78, 86.
53 Vic. No. 18, s. 18.
Act No. 41, 1919, s. 391.

- (a) if any meter used to measure such supply is out of repair, or in the opinion of the board incorrectly registers the supply of water, and may cease to supply water until the meter registers correctly; or
- (b) if any rates or charges in respect either of water, sewerage or drainage on such land are unpaid, and may cease to supply water until such rates or charges are paid; or
- (c) if in the opinion of the board such course is necessary owing to unusual drought or other unavoidable cause, or to any accident, or to effect repairs; or
- (d) if the owner or occupier or person requiring a supply of water neglects to comply with the lawful requirements of the board as to the installing of meters; or
- (e) if the owner or occupier or person requiring a supply of water neglects to comply with any lawful requirements of the board to repair or alter water connections, pipes, fittings, or appliances connected to the board's water mains; or

(f)

- (f) if the owner or occupier or person requiring a supply of water permits any offence in respect of the waste, misuse, and undue consumption or contamination of water; or
- (g) if the owner or occupier or person requiring a supply of water obstructs any officer of the board from making an examination of the premises for the purposes of ascertaining whether there be any waste, misuse, and undue consumption or contamination of water.

50. (1) The board may instal and charge hire Meters.
for— 43 Vic. No. 32, ss. 53-62. Act No. 41, 1919, s. 392.

- (a) meters or instruments for measuring the quantity of water supplied; and
- (b) pipes and apparatus for the conveyance, reception, and storage of water.

(2) Such hire may be recovered as rates.

(3) Such meters, instruments, pipes, and apparatus shall not be subject to distress for rent of the premises, nor be attached or taken in execution under any process of any court of law or equity or under or in pursuance of any sequestration or other legal proceedings against or affecting the consumer of the water or owner or occupier of the premises or other persons in whose possession or care such pipes or apparatus may be.

(4) In lieu of installing any such meters, instruments, pipes, and apparatus the board may require the owner or occupier or person requiring a supply of water to instal the same. All meters, instruments, pipes, and apparatus so installed shall be in accordance with the requirements of the board, and shall be maintained in good working condition.

51. (1) The Governor may proclaim any lands, Catchment areas.
whether within the board's area of operations or not, to be a catchment area in connection with the supply of water by the board. 43 Vic. No. 32, ss. 2, 27, 82.

(2) By-laws may be made applicable to the board and to the catchment area. Such by-laws may 53 Vic. No. 16, s. 29. Act No. 25, 1922.
relate to the following matters:—

- (a) The marking of the boundaries of the catchment area. Act No. 41, 1919, s. 401.
- (b)

- (b) The protection of the catchment area or any watercourse therein from pollution, and the protection of any property of the board on such catchment area.
 - (c) The inspection of land and buildings upon such catchment area.
 - (d) The prohibition of burials on the catchment area.
 - (e) The authorising of the carrying out by the board of structural alteration of buildings to prevent or minimise danger of pollution of any catchment area.
 - (f) Requiring, subject to the payment of compensation, removal of buildings on the catchment area.
 - (g) The regulation or prevention of the keeping of animals on the catchment area.
 - (h) Preventing the diversion of or taking of water from any natural or artificial watercourse, the water of which flows into the board's works, except by or under the authority of the board, or of any statute.
 - (i) The prevention of the destruction of trees or shrubs, and the authorising of measures necessary to preserve or provide arboreal cover.
- (3) Where any person suffers injury by the operation of by-laws made in pursuance of this section he may claim compensation from the board.

DIVISION 5.—*Special provisions as to sewerage.*

52. The board shall cause all sewerage works to be constructed, maintained, kept and cleansed, with due regard to the health and convenience of the public, and shall exercise every precaution against the spread of disease.

Sewerage not to be a nuisance.
43 Vic. No. 32, s. 97.
Act No. 41, 1919, s. 395.

53. The board may cause the sewage from its area to be discharged at such places as it may decide, and to be treated in such works, or so disposed of as it may decide.

Discharge of sewage.
43 Vic. No. 32, s. 98.
Act No. 41, 1919, s. 396.

54.

54. Where in the opinion of the board greater expense would be incurred in causing the sewers of two or more separate portions of land to empty into an existing sewer than in constructing a new sewer and causing such sewers to empty therein, it may construct such new sewer, and by notice order the owners of such separate portions of land to cause their sewers to empty therein. The board shall apportion as it deems just the expenses of the construction of such new sewer among the owners of the several portions of land and may recover the sums so apportioned from such owners as debts.

Cost of connections.
Act No. 41,
1919, s. 393.

55. The board may, upon such terms and conditions as may be agreed upon, enter into a contract with any person, who is not liable for payment of sewerage rates upon any lands, for the discharge of sewage from such lands into the sewers of the board.

Contract to sewer land not subject to sewerage rate.
Act No. 41,
1919, s. 394.

56. (1) Before the construction of the foundations of any new tenement is commenced, or before the rebuilding of any existing tenement is commenced, the person intending to build or rebuild shall give to the board written notice thereof, indicating the levels or intended levels of the cellar or lowest floor, and the situation and construction of all latrines, lavatories, and other such offices to be built, constructed, or used in connection with such tenement. The board shall within the space of fourteen days of receiving such notice, approve or disapprove the proposed levels and the other arrangements for the construction of offices.

Notice of building or rebuilding.
43 Vic. No. 32, ss. 107-111.

(2) If any person commences to build or rebuild in contravention of this section he shall be liable to a penalty not exceeding *ten* pounds, and the board may at the expense of such person demolish any work so constructed.

57. (1) No system of sewerage shall be installed or constructed by any person upon any premises within the board's area of operations without the written permission of the board.

Private sewerage systems not to be installed without sanction of the board.

(2) The board may order any person to discontinue the use of any sewerage system which has been installed without the written permission of the board.

If

If any person fails to comply with the board's requirements to discontinue the use of an unauthorised sewerage system in accordance with this section he shall be liable to a penalty of *ten* pounds, and, if the offence continues after notice to discontinue, to a further penalty of *one* pound for each day during which the offence continues.

58. (1) Any person who erects, constructs or places any building, wall, fence or other structure in upon over or under any sewer so as to interfere with or obstruct such sewer in the carrying off of sewage, he shall be liable to a penalty not exceeding *twenty* pounds, and, in case of a continuing offence, to a further penalty not exceeding *one* pound for each day during which the offence continues after notice to abate or cease such interference or obstruction has been given.

Buildings obstructing.
53 Vic. No. 16, s. 8.

(2) The board may demolish and remove any such building, wall, fence or other structure, and may recover the cost of so doing from the person offending.

DIVISION 6.—Special provisions as to stormwater drainage.

59. The board shall maintain, repair and cleanse all stormwater drains transferred to or vested in or constructed or acquired by it, and shall keep the same so as not to be a nuisance or injurious to health.

Board to maintain.

60. As soon as practicable after any stormwater drains are transferred to or vested in or constructed or acquired by the board—

Drainage areas.
Act No. 12, 1894, s. 2 (ii).

- (a) the board shall define the boundaries of the drainage area, including therein land which is within the basin served by any such drain, and shall cause notice thereof to be published in the Gazette, and at least twice in some newspaper 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)

- (b) 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 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 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 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 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 confirmed, 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, 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 for the purposes of this Act.

PART V.

FINANCE.

DIVISION 1.—*Capital indebtedness.*

61. The capital indebtedness of the board is hereby declared to be the sum of _____ pounds.

Declaration of capital indebtedness. Committee of review.

62. (1) As soon as may be after the passing of this Act the Governor shall appoint a committee to investigate the finances of the board. Such committee shall consist of five members, one of whom shall be nominated by the board.

(2) The committee shall review the declared capital indebtedness of the board. It shall make remissions of such amounts as, in the opinion of the committee, should not be charged against the board, or which in its judgment should for any reason be remitted. It shall make such adjustments as in its opinion the circumstances warrant.

(3) The committee shall allocate to the water fund, the sewerage fund, and the drainage fund, such proportions of the capital debt as should properly be allocated against each of those funds, and shall declare the capital cost of each service separately.

(4) The decision of the committee on all matters shall be by majority, and shall be final.

(5) The committee shall forward its declaration of the capital cost of each service to the Minister, who shall forthwith notify the same in the Gazette.

(6) The board's obligation in respect of such capital indebtedness as hereinafter provided shall commence as from the first day of July following the date of the committee's declaration.

63. Upon completion of any of the works specified in Schedule Two, or upon completion of any works in course of construction at the passing of this Act, or upon completion or transfer of any works whatsoever, the cost of which has been defrayed or partly defrayed by the Treasurer, the Minister shall certify the amount expended by the Treasurer thereon, and the amount so certified, together with interest thereon, at the average rate

Additional works. Increase of capital indebtedness.

rate payable by the Government for loan moneys for the year preceding that during which the expenditure was incurred, as certified by the Treasurer, shall be notified by the Governor from time to time, and the amount thereof shall be added to the capital indebtedness of the board. The capital indebtedness of the board and the liability for payment of interest on such expenditure as hereinafter provided, shall be varied accordingly as from the first day of July following the date of the Governor's notification.

64. The board shall as soon as may be after the close of each financial year pay to the Treasurer upon its gazetted capital indebtedness, interest for the year so closed as at the rate as certified by the Treasurer to be the consolidated average rate payable by the Government for loan moneys for that year. Board to pay interest.

DIVISION 2.—Loans.

65. The board may, with the approval of the Governor, borrow money for— Purposes for which money may be borrowed.

- (a) the construction of additional works;
- (b) the renewal of loans; and
- (c) the discharge, or partial discharge, of its indebtedness to the Treasurer.

66. (1) Loans shall be deemed to be secured— Security for loans.
Act No. 41,
1919, s. 181.

- (a) firstly, upon the income of that fund for which the money was borrowed;
- (b) secondly, upon the income of the board from whatever source arising.

(2) This section shall not affect the order of priority of loans in respect of the same or any other fund.

(3) For the purposes of any security for loans the approval of the Governor shall be conclusive evidence that all conditions precedent to the borrowing have been complied with.

67. The board shall not borrow money for any of its services in excess of an amount which, added to any other amount then owing by it, and to the amount of its capital indebtedness as determined under sections thirty-seven, thirty-eight, and thirty-nine of this Act, will cause the total amount of its indebtedness in respect of any of its services to exceed twenty per centum of the unimproved value of all lands ratable for such service. Limit of borrowing.
Ibid. s. 184.

68.

68. Loans shall be raised on such terms of repayment (whether under a scheme for repayment by instalments or otherwise or partly in one way or partly in another) as the Governor may approve. Terms of repayment.

69. (1) There shall be one reserve for loan repayments in every fund in respect to which any renewal or other loan or any part thereof has been raised by the board. Reserves for repayments.

(2) The board shall during each year transfer to the reserve for loan repayment from the moneys of the appropriate fund a sum not less than the board in its application for approval of the loan intimated that it proposed to set apart as aforesaid. Where a loan rate is levied such sum shall be set apart out of the proceeds of such rate.

(3) Where any land or property of any kind which has been provided out of loan moneys is sold before the loan has been wholly repaid, the proceeds of such sale shall be added to the reserve for loan repayment in the appropriate fund or paid directly to the lender or used for the provision or purchase of other land or property chargeable upon the fund to which such proceeds belong.

(4) Moneys held as reserve for loan repayment may be invested in Government securities in the State of New South Wales or any such other securities as the Governor may approve or any such securities as may be prescribed by regulation. Any interests or profits realised on such investments shall be added to and form part of the reserve for loan repayments. All moneys paid into the reserve for loan repayment in any fund may be applied in or towards repayment of any renewal or other loan raised in respect of the same fund, but except where otherwise provided, may not be applied for any other purpose.

(5) If, after all the loans raised in respect of any fund have been repaid, there remains in any reserve for loan repayment any balance, such balance may be transferred to the current account of that fund.

(6) The reserve for loan repayment shall not be subject to seizure in satisfaction of any debt other than for loans primarily charged on the income of the fund in which such reserve is provided.

70.

70. (1) For securing repayment of the principal and interest on any moneys borrowed, the board may in the prescribed manner issue debentures, mortgage deeds, or bonds in or to the effect of the forms prescribed by regulation. Debentures, &c.

(2) All such debentures, mortgage deeds, or bonds shall, notwithstanding the provisions of any other Act to the contrary, have priority as between the respective holders thereof according to their respective dates of execution.

(3) The holders of debentures by which the same loan was raised shall, as between themselves, rank *pari passu*.

(4) Every debenture issued under the provisions of this Act and every coupon originally annexed to the debentures and whether separated therefrom or not may be transferred by simple delivery. Transfer of debentures, &c.

71. (1) The holders of any debenture issued under the provisions of this Act shall be entitled to receive payment from the board of the principal sum therein stated on presentation of the debenture on or after the date when, and at the place where, the same is payable. Repayments.

(2) The holder of any coupon originally annexed to the debenture and whether separated therefrom or not, shall be entitled to receive payment from the board of the interest mentioned in the coupon upon the presentation of the same on or after the date when and at the place where the interest is payable. Interest. Act No. 41, 1919, s. 191.

72. (1) Any trustee, unless expressly forbidden by the instruments (if any) creating the trust, may invest any trust moneys in his hands in any debentures issued by the board, and the investment shall be deemed to be an investment authorised by the Trustees Act, 1898. Trustees. Act No. 41, 1919, s. 191.

(2) Any debenture issued by the board shall be a lawful investment for any moneys which any company, council, or body corporate incorporated by any Act of the Parliament of New South Wales is authorised or directed to invest in addition to any other investment expressly provided for the investment of such moneys.

(3) No notice of any trust expressed, implied, or constructive shall be received by the board or by any officer or servant of the same in relation to any debenture or coupon issued under this Act.

73.

73. (1) If any debenture issued by the board is lost, or burnt, or otherwise destroyed before the same has been paid off the board may, subject to the provisions of this section, issue a new debenture in lieu thereof.

Lost debentures.

(2) The new debenture with interest coupon annexed shall bear the same date, number, principal sum, and rate of interest as the lost or destroyed debenture.

(3) The new debenture shall not be issued unless and until—

- (a) a judge of the Supreme Court has been satisfied by affidavit of the person entitled to the lost or destroyed debenture, or of some person approved by the judge, that the same has been lost or accidentally burnt or otherwise destroyed before it has been paid off ;
- (b) such advertisement as the judge may direct has been published ;
- (c) six months have elapsed since the publication of the last of the advertisements ; and
- (d) sufficient security has been given to the board to indemnify it against any double payment if the missing debenture be at any time thereafter presented for payment.

74. (1) If for six months default is made by the board in making any payment, whether of principal or interest, to the holder of any debenture, coupon, mortgage deed, or bond issued by the board, the holder may apply to the Supreme Court in its equitable jurisdiction for the appointment of a receiver of the rates and other income of the board.

Receivers.

(2) A receiver may be appointed in respect of the rates and other income of the board either generally or as regards specified rates and other income.

(3) The court may make such orders and give such directions as it may deem proper for and with respect to—

- (a) the appointment of a receiver ;
- (b) the removal of a receiver ;
- (c) the appointment of a receiver in place of a receiver previously appointed.

(4) The receiver shall be deemed to be an officer of the court, and shall act under its directions.

75.

75. (1) A receiver shall have power to make levy Powers and duties of receiver. and collect all income and in particular all rates payable to the board, but the rates so made and levied shall not exceed the maximum limits permitted under the law in force for the time being, and for the purposes of this subsection the receiver shall be deemed to be the board, and may exercise all the powers of the board.

(2) The receiver shall discharge such duties of the board and of the president or any officer or servant of the board, as may be prescribed by regulation.

76. The receiver shall be entitled to such commission Commission to receiver. or remuneration for his services as the court may order, and the commission or remuneration shall be payable out of the rates or income for and in respect of which he has been appointed receiver.

77. The receiver shall, subject to any order of the court, pay and apply all moneys received by him in the Application of moneys received. following order, that is to say:—

- (a) firstly, in payment of the costs, charges, and expenses of collection, and of his commission or remuneration ;
- (b) secondly, in the payment of the amount due and payable to the holder of the debenture, coupon, mortgage, deed, or bond ;
- (c) thirdly, in payment of all the residue of the moneys to the council.

78. A person advancing money to the council shall Protection of investors. not be bound to enquire into the application of the money advanced, or to be in any way responsible for the non-application or misapplication thereof.

79. (1) If the board borrows any money which as Illegally borrowing. a body corporate it is not legally bound to repay, all the members who whilst holding or acting in office have knowingly and wilfully or for any personal benefit or advantage, consented to the borrowing, shall be jointly and severally liable to repay to the lender the moneys so borrowed and all interest thereon.

(2) Proceedings to enforce the liability imposed by this section may be taken in any court of competent jurisdiction.

81. (1) If any money of the board is appropriated for the repayment of any moneys illegally borrowed or for the payment of interest thereon, all members holding office who have consented to the appropriation shall be jointly and severally liable to refund to the board the money so appropriated and interest thereon at six per centum per annum.

Liability for illegal payments.

(2) Proceedings to enforce the liability imposed by this section may be taken in any court of competent jurisdiction.

(3) Such proceedings may be taken—

- (a) by the board ;
- (b) by any person liable for the payment of rates under this Act ;
- (c) by any creditor of the board ; or
- (d) by the Attorney-General :

Provided that proceedings shall not be taken by any person other than the Attorney-General or the board without the written consent of the Attorney-General.

82. If the board borrows any money which as a body corporate it is not legally bound to repay, every member holding office who has knowingly and wilfully, or for any personal benefit or advantage, consented to the borrowing shall, in addition to any liability to repay the moneys so borrowed, be liable to pay the sum of *two hundred* pounds to any person who sues for it in any court of competent jurisdiction :

Penalty for illegally borrowing.

Provided that the proceedings shall not be taken without the written consent of the Attorney-General.

DIVISION 3.—Revenue.

83. For or towards defraying the expenses of the board and meeting its obligations in respect of the services which it is authorised to conduct, the board may levy—

Purposes for which rates may be levied.

- (a) water rates ;
- (b) sewerage rates ;
- (c) stormwater drainage rates ;
- (d) loan rates.

85. (1) Water rates may be levied upon—

Lands subject to water rates.

- (a) land whether the property of the Crown or not which is supplied with water from any water-pipe of the board (notwithstanding that such land is elsewhere in this or any other Act exempted from rates) including land which is vested in the Railway Commissioners for New South Wales and is used in connection with buildings or premises which are supplied with water from any water-pipe of the board ;
- (b) ratable land (as elsewhere defined in this Act) which is situated within fifty yards of a water-pipe of the board measured in a direction at right-angles to such water-pipe whether such land has a frontage or not to the public road (if any) in which such water-pipe is laid, and although the land is not actually supplied with water from any water-pipe of the board :

Provided that such rates may not be levied upon such land unless water could be supplied to some part thereof from a stand-pipe at least three feet in height from the ground level if such pipe were laid and connected to the board's mains.

86. (1) Sewerage rates may be levied upon all land whether the property of the Crown or not (notwithstanding that such land is elsewhere in this or any other Act exempted from rates) except—

Lands subject to sewerage rates.

- (a) land which is distant more than fifty yards from any sewer of the board, and is not connected thereto ;
- (b) land from which sewage could not be drained into any sewer of the board.

(2) Sewerage rates may be levied upon land which is vested in the Railway Commissioners for New South Wales, if—

- (a) there are buildings on such land, and the sewage from such buildings is drained into a sewer of the board ; or
- (b) there is a sewer of the board in a road to which such land has frontage, and there are buildings on such land, the sewage from which could

could be drained into such sewer, and such sewer is not distant more than fifty yards from such buildings.

The land upon which the rates may be levied is the land in connection with which the buildings aforesaid are used, and such land shall be deemed to be the mean width of frontage of platforms or buildings in the case of railway stations, tramway depots, workshops, offices, or other similar buildings used in connection with the operations of the railway or tramway systems, excepting any buildings separately enclosed by fences which shall be assessed on the mean frontage of the enclosed area.

87. Stormwater drainage rates may be levied upon land situated within the boundaries of any drainage area defined in accordance with this Act. Differential drainage rates may be levied in respect of different zones as defined by by-law. Any drainage rate imposed on any property may be in addition to any sewerage rate imposed thereon. Lands subject to stormwater drainage rates.

88. Loan rates may be levied upon lands which would be subject to rates for the water, sewerage, or stormwater drainage service for which any money is borrowed. Where money is borrowed for expenditure in any particular locality the loan rate may, with the approval of the Governor, be levied as a rate upon the particular lands benefited by the expenditure of the loan moneys. Lands subject to loan rates.

89. (1) The board may exempt from payment of water and sewerage rates land which is occupied by and used directly in connection with the church or other building which is used or occupied solely for public worship, and from the payment of water rates only land which is occupied by and used directly in connection with any building which is used or occupied solely as a Sunday school, and may revoke or alter any exemption so granted. The board may also exempt from water and sewerage rates any public reserve. Exemptions from rates : (a) Churches and reserves.

(2) The board may exempt any public hospital or public charitable institution from payment of the water (b) Hospitals, Act No. 41, 1919, s. 379 (5).

water rate and 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 public charitable institution: Provided that the board may by resolution increase the quantity of water which may be supplied as aforesaid to the hospital or institution.
- (b) For the purposes of this section an inmate shall be deemed to be resident and the number of persons resident shall be the average number of persons so resident during the year last preceding the period in respect of which charges would be payable; and the board may at any reasonable time demand the production of the books of such hospital or institution to verify such average number.
- (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 charge fixed by the board as elsewhere provided for excess water.

Any exemption may be revoked or altered by the board.

90. Subject to the provisions of this Act the board shall in the manner prescribed in each year, for the purposes for which it is so authorised, levy rates, the proceeds of which, together with any other revenues of the service for which the rate is levied, shall be sufficient to discharge all of its obligations under this Act.

91. (1) The proceeds of any water or sewerage rate shall not exceed the amount which would be yielded by a rate which would produce an amount equal to seven and a half per centum on the assessed annual value of the properties ratable: Provided that a minimum rate on each property of fifteen shillings may be imposed.

(2)

(2) The proceeds of any stormwater drainage rate shall not exceed the amount which would be yielded by a rate which would produce a revenue equal to three per centum on the assessed annual value of the land ratable: Provided that a minimum rate of two shillings and sixpence may be imposed.

(3) The proceeds of any loan rate shall not exceed

(4) In any case where it appears that the limitation of rating as hereinbefore provided would produce a revenue less than is needed to provide for the purposes of any service, the board may be permitted by the Governor to levy rates beyond the limits prescribed, and the Governor may by proclamation grant such permission and may specify new limits accordingly, and shall, when he is satisfied that it is necessary, direct the board to levy rates in accordance with his direction, and the board by notification in the Gazette shall levy rates accordingly.

92. (1) The board may determine whether for any year the rates to be levied, or any particular rate shall be levied—

Basis of rating.

- (a) upon the assessed annual value of ratable land;
- (b) on the unimproved value of ratable land; or
- (c) partly upon the assessed annual value and partly upon the unimproved value of ratable land.

(2) For the purpose of securing compliance with the provisions of this Act as to the limitation of rates the board shall before levying a rate in pursuance of paragraph (b) or paragraph (c) of the last preceding subsection, furnish the Government Statistician with the details of the proposed rate.

(3) No rates shall be levied in pursuance of paragraph (b) or paragraph (c) of subsection one of this section unless and until the Government Statistician furnishes a certificate to the Governor (which shall be published in the Gazette) that the proceeds of any such proposed

proposed rate will not exceed the amount which would be yielded by a rate which would produce a revenue approximately equal to—

- (a) in the case of a water rate or a sewerage rate seven and one-half per centum of the assessed annual value of the property ratable ; or
- (b) in the case of a stormwater drainage rate three per centum on the assessed annual value of the property ratable.

(4) In levying any rate under this section it shall be lawful for the board to levy in respect of any property ratable—

- (a) for water supply a minimum rate of fifteen shillings per annum ;
- (b) for sewerage a minimum sewerage rate of fifteen shillings per annum ;
- (c) for stormwater drainage a minimum stormwater drainage rate of two shillings and sixpence per annum.

(5) The valuation in force on the thirty-first day of December immediately preceding the giving of a certificate by the Government Statistician or the making of a rate shall be the valuation to be adopted for the purpose of such certificate or rate.

93. (1) For the purposes and subject to the provisions of this Act—

- (a) unimproved value, and
- (b) assessed annual value

of ratable land shall respectively be the unimproved value and the assessed annual value of the land as determined in accordance with Part V of the Valuation of Land Act, 1916.

(2) This section shall be deemed to extend to all ratable land, including land owned by the Crown, and land held under lease from the Crown.

(3) Any parcel of land separately valued under the Valuation of Land Act, 1916, shall be a separate parcel of land, and may be separately rated.

(4) In any case where any land has not been valued under the provisions of the Valuation of Land Act or the Local Government Act, 1919, the board may cause

cause a valuation of such land to be made, and shall give notice of such valuation, and appeal against such valuation shall lie in the manner as provided in the case for appeals against valuations under the Valuation of Land Act, 1916.

94. Sections one hundred and thirty-nine to one hundred and sixty-four inclusive of the Local Government Act, 1919, shall, *mutatis mutandis*, apply to rates under this Act, and those sections shall, for the purposes of this Act, be deemed to be incorporated in this Act. Procedure in making rates.

95. (1) The board may by by-law fix and collect charges for water supplied— Charges for water.

(a) for domestic purposes for any amount in excess of the volume used beyond that which would be purchased at a rate per thousand gallons specified by by-law; Act No. 41, 1919, s. 378.

(b) for other than domestic purposes, as defined by by-law.

(2) Charges made and levied for the supply of water may be recovered as rates.

96. The board may by by-law fix and collect charges and fees. Other charges. Ibid. s. 166, et seq.

DIVISION 4.—Funds.

97. (1) For the purposes and subject to the provisions of this Act, the Board shall establish the following funds:— Establishment of funds.

- (a) A general fund;
- (b) a water fund;
- (c) a sewerage fund;
- (d) a drainage fund.

(2) The funds shall be separate and distinct.

98. The general fund shall consist of the following:— General fund.

(a) All moneys voted from the other funds of the board for the purpose of meeting the expenses of administration and management, and meeting such of the general expenses of the board as cannot be conveniently provided for out of any other fund.

(b) Any moneys granted to the board and all moneys held by it in suspense or on trust.

99.

99. (1) The water fund shall consist of the follow- Water fund.
ing :—

- (a) All moneys received or receivable in respect of the water rate.
- (b) All moneys received or receivable in respect of any tolls, charges, rents, fines, or profits in connection with the board's water supply services.
- (c) All moneys borrowed in respect of the water supply service and all moneys received or receivable in respect of a loan rate, if any, levied in respect of such borrowing.
- (d) All moneys and property directed by or under this Act to be allocated to the water fund.

(2) The water fund may be applied to any of the following purposes :—

- (a) Any purpose for which the water rate is levied.
- (b) Contributions to any reserve for loan repayment in respect of moneys borrowed for the water supply service.
- (c) Payment of principal, interest, and expenses in respect of moneys borrowed for the water supply service.
- (d) Any purpose authorised by or under this Act for the application of the fund.

100. (1) The sewerage fund shall consist of the The sewerage fund.
following :—

- (a) All moneys received or receivable in respect of the sewerage rate.
- (b) All moneys received or receivable in respect of any tolls, charges, rents, fines, or profits in connection with the board's sewerage service.
- (c) All moneys borrowed in respect of the sewerage service and all moneys received or receivable in respect of a loan rate, if any, levied in respect of such borrowing.
- (d) All moneys and property directed by or under this Act to be allocated to the sewerage fund.

(2) The sewerage fund may be applied to any of the following purposes :—

- (a) Any purpose for which the sewerage rate is levied.
- (b)

- (b) Contributions to any reserve for loan repayment in respect of moneys borrowed for the sewerage service.
- (c) Payment of principal, interest, and expenses in connection with the moneys borrowed for the sewerage service.
- (d) Any purpose authorised by or under this Act for the application of the fund.

101. (1) The drainage fund shall consist of the following:— The drainage fund.

- (a) All moneys received or receivable in respect of drainage rates.
- (b) All moneys received or receivable in respect of tolls, charges, rents, fines, or profits in connection with the board's drainage service.
- (c) All moneys borrowed in respect of the drainage service and all moneys received or receivable in respect of a loan rate, if any, levied in respect of such borrowing.
- (d) All moneys and property directed by or under this Act to be allocated to the drainage fund.

(2) The drainage fund may be applied to any of the following purposes:—

- (a) Any purpose for which drainage rates are levied.
- (b) Contributions to any reserve for loan repayment in respect of moneys borrowed for the drainage service.
- (c) Payment of principal, interest, and expenses in respect of moneys borrowed for the drainage service.
- (d) Any purpose authorised by or under this Act for the application of the fund.

102. (1) For the purposes of classification and distribution among the funds, the income and expenditure arising from the exercise of any power of a general or ancillary nature shall be treated as appertaining to purposes or matter for or in respect of which such power is exercised. Classif. cation.

(2) The provisions of this section shall, mutatis mutandis, apply to the duties of the board.

103.

103. (1) Moneys shall not be transferred from one fund to any other fund except in accordance with this Act or with regulations. Transfers from fund to fund.

(2) Provision may be made by regulation for the distribution of the administrative expenses of the board among the various funds and for the definition of administrative expenses.

(3) The Minister may permit the board to lend money from one fund to another fund, but this provision shall not apply to loan moneys.

(4) The board shall comply in all respects with the provisions fixed by the Minister in the document conveying such permission as to the amount of and the application of the money, the time and method of repayment and the interest payable thereon.

104. If any question arises under this Act or the regulations with respect to— Questions as to funds.

- (a) the fund, or account within a fund, to which any moneys or property should be allocated; or
- (b) the fund which should be applied for any purpose,

the Minister may determine the question.

DIVISION 5.—Accounts and audit.

105. (1) The board shall cause books to be provided and kept, and true and regular accounts to be entered therein in respect of each fund so as to show— Accounts generally.

- (a) the assets, liabilities, income and expenditure in respect of the fund; and
- (b) the sources of income and purposes of expenditure in respect of the fund.

(2) The accounts of the board shall—

- (a) be kept according to uniform principles and methods as prescribed by or under this Act; and
- (b) be kept in uniform forms of books except where variation of forms is provided for by or under this Act.

106. The expenditure of each fund shall, subject to any provisions made by or under this Act, be charged against income and capital as nearly as may be in accordance with commercial principles. Charging expenditure generally.

107.

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107. (1) The board shall cause annual statements of accounts to be prepared. Annual statements.

(2) Such statements shall comprise statements of each fund separately, and of the aggregate of all funds taken together.

(3) The statements shall be prepared in each year as soon as possible after the expiration of the year.

108. 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.

DIVISION 6.—General.

PART

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PART VI.

PROPERTY.

DIVISION 1.—*Acquisition.*

109. The board may purchase from any person ^{Purchase.} (including the Crown) who may be willing to sell the same, in fee simple, or for any less estate or interest, any lands which it may require for any of the purposes of this Act, but shall first obtain the approval of the Governor.

110. (1) It shall be lawful for the board, subject ^{Resumption.} to the approval of the Governor, without further or other authority than this Act to resume any land which may be required for the purposes of this Act.

(2) The board shall cause a notice of the resumption of any land required by them to be published in the manner prescribed in the Public Works Act, 1912.

(3) Upon publication of any such notice the land therein described shall, subject to the provisions of this Act, be vested in the board for an absolute estate in fee simple in possession freed and discharged from all trusts, obligations, estates, interests, contracts, charges, rates, rights-of-way, or easements whatsoever.

(4) The owners of any portion of lands resumed, or the person who, but for the provisions of this Act would have been such owners, shall be entitled to receive compensation for the land so resumed, and the amount of such compensation shall be ascertained in accordance with the provisions of the Public Works Act, 1912. For the purposes of ascertaining and dealing with such compensation, and for the purpose subsidiary thereto, the said Act shall be deemed to be incorporated with this Act.

The incorporated provisions together with the respective powers, authorities, duties, liabilities, obligations, and other provisions therein contained are hereby declared to be embodied in this Act to the intent that the same may be applied as fully and effectively to, and in respect of, the lands resumed by this Act as if the said sections had been specifically enacted herein :

Provided

Provided that, wherever in any section so incorporated, the words "Constructing Authority" occur there shall, for the purposes of this Act, be substituted in lieu of such words the expression "board"; the expression "authorised work" whenever occurring in any such section shall be held to refer to the work authorised by this Act; and the words "this Act" shall similarly be held to refer to this present Act.

111. The board may acquire a leasehold estate in Leases. any land which will not be permanently occupied by any of the works of the board.

112. The board may purchase an easement over any Easements. lands which will be occupied by the pipes, sewers, or other works of the board.

DIVISION 2.—*Transfer.*

113. All lands heretofore transferred to and vested Lands previously transferred to board. in the Board of Water Supply and Sewerage are hereby vested in the board for an estate in fee simple in possession on trust for His Majesty.

114. Upon completion of any works constructed Additional lands transferred. by the Minister for the board the Governor shall notify the completion thereof and that such are transferred to the board. The lands occupied by or used in connection with such works shall thereupon be and become the property of the board, and shall be vested in the board for an estate in fee simple in possession, on trust for His Majesty :

Provided, however, where the Constructing Authority possesses a less estate or interest in any land than the fee simple, the estate of the Constructing Authority to that extent shall become and be the estate of the board.

115. The Governor may at the request of the board Divesting. divest it of any land, and the title of such land shall, upon publication of a notification in the Gazette of such divesting, thereupon revert to the Constructing Authority and shall in all respects be held by him under and subject to the provisions of the Public Works Act, 1912.

116.

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116. The board shall as and when required furnish to the Minister a schedule showing all the property transferred to and vested in the board. Record of property.

DIVISION 3.—General.

117. The board may, with the approval of the Governor, sell or exchange any land or building or other real or personal property vested in it. Sale of property.

118. The board may lease any land or building or other real or personal property vested in or belonging to it: Board may lease its property.

Provided that any lease for any period in excess of five years shall not be entered into unless the Governor's approval shall have been first obtained.

119. The board may let for hire any of its plant or material not immediately required for the purposes of the board. Hire of plant.

PART VII.

REGULATIONS AND BY-LAWS.

120. The Governor may from time to time make, alter, and repeal regulations in relation to the following matters or matters incidental thereto:— Regulations.

- (i) Matters with respect to which it is elsewhere provided in this Act that regulations may be made.
- (ii) Any of the powers conferred or duties imposed on the Governor or the Minister;
- (iii) The method of making and levying rates by the board.
- (iv) The method in which the accounts of the board shall be kept.
- (v) Any matter which by this Act is required or permitted to be prescribed by regulation or which is necessary or convenient to be prescribed for giving effect to this Act.
- (vi) Generally for carrying into effect the provisions of this Act and for enforcing and securing the observance thereof.

121.

121. The board may from time to time make, alter, By-laws. and repeal by-laws in relation to the following matters or matters incidental thereto :—

Water Supply.

- (i) 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 or fittings, the performance by the board of any work required to be performed as a result of the default of the person concerned, and the recovery of any expenses so incurred.
- (ii) The direction and regulation as to the use, supply, fixing, maintenance, repair, removal, and inspection of meters.
- (iii) The prevention of the waste or misuse or unlawful taking of water.
- (iv) 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.
- (v) The regulation of the method by which water shall be supplied to ratable properties or to any consumer.

Sewerage.

- (vi) 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.
- (vii) 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.

(viii)

- (viii) 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.
- (ix) 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.

- (x) Regulating and preventing the discharge of urine, fæcal matter, liquid wastes, and polluted waters into stormwater drains, and preventing obstruction to the free flow of waters in such drains.

General.

- (xi) 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.
- (xii) 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.
- (xiii) The conditions upon which licenses or certificates of competency shall be issued to persons applying therefor, and the amount of fees to be charged.
- (xiv) 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.
- (xv) 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.

(xvi)

- (xvi) The protection of the property of the board from damage and trespass, and the water supply from pollution.
- (xvii) 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.
- (xviii) The conduct of the business of the board.
- (xix) The carrying into effect the several provisions, intentions, and objects of this Act.

122. Without affecting the generality of any other provisions of this Act, by-laws may be made for and with respect to— Ancillary. Act No. 41, 1919, s. 576 (2).

- (a) any premises, person, or matter in any case where by this Act the board is authorised or required to control, regulate, license, appoint, inspect, examine, register, authorise, permit, prescribe, prevent, acquire, define, or classify ;
- (b) preventing obstruction of any person acting under the authority of the board or under the provisions of this Act or of any by-law ;
- (c) preventing destruction, injury, damage, interference or misuse by any person in respect of any work, undertaking, or property of or under the control or management of the board ;
- (d) regulating the use by the public of any work, undertaking, or property of or under the control or management of the board, and authorising or directing the removal of trespassers or other persons causing damage, annoyance, or inconvenience ;
- (e) enforcing and securing the observance of the provisions of this Act or of any by-law.

123. A regulation or by-law may— Penalties, directions, fees, &c. Act No. 41, 1919, s. 376 (4).

- (a) impose a penalty for any breach thereof and also distinct penalties in case of successive breaches thereof, but no such penalty shall exceed *fifty* pounds ;
- (b) impose also a daily penalty for any continuing breach thereof not exceeding *five* pounds per day ;

(c)

- (c) fix a minimum as well as a maximum penalty;
- (d) require any work or thing to be executed or done of such materials, within such time or in such manner as is directed or approved in any particular case by the board or any person duly authorised, and require works to be executed only by qualified or licensed persons;
- (e) provide for the payment of fees for inspections and for services rendered by the servants of the board.

124. (1) Regulations and by-laws shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified therein; and
- (c) be laid before both Houses of Parliament within fourteen days of publication if Parliament is in session, and if not, then within fourteen days after the commencement of the next session.

Publication, &c.

Act No. 41, 1919, s. 577.

(2) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulation or by-law has been laid before such House disallowing the regulation or by-law or any part thereof, such regulation or by-law or part shall thereupon cease to have effect.

(3) Subject to the provisions of this section such regulation or by-law shall have the force of law.

125. (1) Where any regulation or by-law is amended by—

- (a) the repeal or omission of certain words or figures; or
- (b) the substitution of certain words or figures in lieu of any repealed or omitted words or figures; or
- (c) the insertion of certain words or figures,

Incorporation of amendments.

Act No. 41, 1919, s. 578.

the regulation or by-law as so amended may be printed by the Government Printer in the form as certified as correct by the Attorney-General.

(2) The provisions of the Amendments Incorporation Act, 1906, shall, mutatis mutandis, apply to any regulation or by-law as so amended.

126. A regulation or by-law shall, save as therein otherwise expressly provided, be construed as if the Incorporation Act, 1897, applied, mutatis mutandis, to the interpretation thereof. Interpretation. Act No. 41, 1919, s. 579.

PART VIII.

GENERAL.

DIVISION 1.—*Status of board.*

127. (1) The board is hereby declared to be a body corporate with perpetual succession and a common seal. Incorporation and style of board.

(2) The board may sue and be sued in the corporate name of "The Metropolitan Water, Sewerage, and Drainage Board."

128. For the purposes of and subject to the provisions of this Act, the board shall be capable of purchasing, holding, granting, devising, disposing of, and alienating real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer. Legal status of board.

129. All courts and persons having by law or consent of parties authority to hear, receive, and examine evidence— Common seal. Act No 41, 1919, s. 617.

(a) shall take judicial notice of the seal of the board affixed to any document; and

(b) shall, until the contrary be proved, presume that such seal was properly affixed thereto.

130. The board incorporated under this Act shall for all purposes whatsoever be deemed to be the successor and assign of "The Board of Water Supply and Sewerage" incorporated under the Metropolitan Water and Sewerage Act of 1880. New board to be successor to old board.

131. The board as a body corporate shall, in respect of its proceeding, and in respect of any actions or suits commenced or prosecuted by it, have all the rights, powers, authorities, privileges, and immunities which are by any statute conferred upon any statutory body under any Act for the time being in force. Statutory rights.