

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1934.

A BILL

To provide for the control and administration of certain works of water supply for the South-west Tablelands District; to validate certain contracts; to amend the Local Government Act, 1919, and certain other 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 ADMINISTRATION.

1. This Act may be cited as the "South-west Table-lands Water Supply Administration Act, 1934," and is divided into Parts as follows:—

PART I.—PRELIMINARY AND ADMINISTRATION—SS.

1-5.

PART II.—SUPPLY OF WATER—SS. 6-10.

PART III.—FINANCIAL—SS. 11-13.

PART IV.—GENERAL—SS. 14-18.

SCHEDULES.

2. In this Act, unless the context or subject-matter otherwise indicates or requires,—

Definitions.

“Administrator” means the Administrator of the South-west Tablelands Water Supply.

“Council” has the meaning given to that expression in the Local Government Act, 1919.

“Prescribed” means prescribed by this Act or by the regulations.

“Regulations” means regulations made under this Act.

“Works” means the works referred to in section four of this Act.

3. (1) This Act shall be administered for and on behalf of the Crown by the Administrator, who shall be the permanent head of the Department of Public Works, and who shall have the powers and perform the duties by this Act conferred or imposed on the Administrator.

Administration.
cf. Act No. 59, 1915, s. 3.

(2) In case of the illness, suspension, or absence of the Administrator, the person for the time being acting in the office of the permanent head of the Department of Public Works shall have and may exercise and perform the powers, authorities, duties and functions of the Administrator.

Deputy Administrator.

(3) The Administrator may, with the consent of the Minister, by writing under his hand delegate to any officer in the Public Service any of the powers, authorities, duties and functions conferred or imposed upon him by this Act other than the power of delegation.

Delegation of powers, etc.

(4) The Administrator shall, for the purposes of this Act, be a corporation sole with perpetual succession and a seal of office under the name of “the Administrator of the South-west Tablelands Water Supply” and in that name may sue and be sued.

Corporation sole.

(5)

(5) Where any property, real or personal, or any interest therein or charge thereon is vested in or is acquired by the corporation sole the same shall, unless disposed of by the corporation sole, pass and devolve to and vest in its successors.

Devolution of property.

4. The following works shall be controlled and administered by the Administrator, that is to say—

Works controlled by the Administrator.

- (a) the works constructed (whether before or after the commencement of this Act) pursuant to the South-west Tablelands Water Supply Act, 1924;
- (b) the works described in the First and Second Schedules to this Act;
- (c) any additions, amplifications, improvements or extensions of any such works.

cf. Act No. 59, 1915, s. 5.

5. (1) Upon the completion or the partial completion of such portion of the works as are used for or in connection with the reticulation of the supply to a council, or at any time thereafter, the Governor may by proclamation published in the Gazette charge such council with the care and management of such portion of the works as are described in the proclamation.

Works controlled by councils.

(2) The council of the Municipality of Cootamundra shall, as from the commencement of this Act, be charged with the care and management of the part of the works described in the Second Schedule to this Act.

(3) The part of the works described in any proclamation published pursuant to subsection one of this section, and the part of the works referred to in subsection two of this section, shall be deemed to be works with the care and management of which the council is charged under Part XIV of the Local Government Act, 1919; and the provisions of that Part of that Act, other than the provisions relating to the charge and repayment of the capital debt in respect of works so transferred, shall mutatis mutandis apply to and in respect of the works so described or referred to.

(4) Each such council shall make and levy rates and charges under the Local Government Act, 1919, to return an amount sufficient to meet all sums which become due to the Administrator for water supplied or under

under any contract made between the Administrator and the council, and to meet such of the costs of administration of the council as may be prescribed.

(5) The limitation contained in sections one hundred and twenty-nine and one hundred and thirty of the Local Government Act, 1919, as to the amount of rates shall not apply to or in respect of any water local rate made and levied in pursuance of subsection four of this section.

(6) For the purposes of making and levying any such rate, a water pipe being portion of any works with the care and management of which the council is charged, shall be deemed to be a water pipe of the council.

(7) Where before the publication of any proclamation pursuant to subsection one of this section the Administrator had entered into contracts with any persons to supply water from the works to any premises within the area of the Council, the Governor may, by the proclamation charging the council with the care and management of the part of the works from which the supply is made, or by a subsequent proclamation published in the Gazette, transfer to the council as from a date specified in the proclamation, all the rights and liabilities of the Administrator under such contracts or any specified contracts or all such contracts other than specified contracts.

(8) On and from the date so specified the following provisions shall have effect:—

- (a) all contracts so transferred shall be deemed to be contracts entered into by the council;
- (b) any securities given to or by the Administrator in relation to any contract so transferred and in force immediately before the specified date shall be deemed to be securities given to or by the council;
- (c) the council may enforce and realise any such security as if such security were existing in favour of the council.

(9)

(9) Subsections seven and eight of this section shall extend to any contracts which under section seventeen of this Act are deemed to be contracts made with the Administrator.

PART II.

SUPPLY OF WATER.

6. The Administrator may supply water from the works to any person who enters into a contract with him to accept a supply of water. Any such contract may contain such terms and conditions as the Administrator thinks fit. Adminis-
trator may
supply
water.

7. For the purpose of supplying the Commissioner for Railways or any other person with water pursuant to this Act, the Administrator may at all times use and repair any portion of the works notwithstanding that a council may be charged with the care and management thereof. Supply for
railway
purposes.

8. Any council may enter into a contract with the Administrator for the supply of water to such council upon such terms and conditions as may be agreed upon. Power of
council to
enter into
contracts.

9. A council shall not, except with the consent of the Administrator, supply water to any person upon premises situated outside the area of such council. Supply to
individual
consumers.

10. (1) The Administrator shall not under any circumstances be liable to make any payments in compensation or for damages should the water supplied be at any time unfit for dietetic purposes, nor for total or partial failure or cessation of the supply arising from any cause whatsoever. No compen-
sation for
failure of
supply.
cf. Act No.
59, 1915,
s. 15.

(2) The Administrator shall at all times be entitled to discontinue the supply to a council or other consumer whenever he deems it necessary in the interests of public health or for the purpose of ensuring a proper supply.

PART

PART III.

FINANCIAL.

11. (1) The capital debt in respect of the South-west Tablelands Water Supply is hereby declared to be the sum of three hundred and sixteen thousand five hundred and forty-five pounds three shillings and ninepence as at the thirty-first day of December, one thousand nine hundred and thirty-two, but may be added to or reduced as in this section and in section sixteen provided. Capital debt.

(2) The Minister shall, as soon as practicable after the commencement of this Act, determine the amount by which the capital debt should be increased by reason of expenditure during the period of twelve months ending on the thirty-first day of December, one thousand nine hundred and thirty-three, and thereafter as soon as practicable after the first day of January, one thousand nine hundred and thirty-five, and after the same day in each succeeding year, determine the amount by which the capital debt should be increased by reason of expenditure during the period of twelve months immediately preceding.

An increase in the capital debt under the provisions of this subsection shall be notified by the Minister in the Gazette.

12. (1) An account shall be kept in the Special Deposits Account in the Treasury to be called the "South-west Tablelands Water Supply Working Account," hereinafter referred to as the "Working Account." Allocation of moneys.

(2) (a) There shall be credited to the Working Account all revenue received by the Administrator and such amounts as may from time to time be appropriated by Parliament for the purpose.

(b) There shall be debited to the Working Account the following charges, in the order set out hereunder:—

- Firstly, the cost of administration, operation, repair and renewal of the works by the Administrator;
- Secondly,

Secondly, interest on the capital debt at a rate or rates to be determined by the Colonial Treasurer, but not exceeding the average effective rate payable by the Government for loan moneys during the year ended on the thirtieth day of June immediately preceding;

Thirdly, payments to the South-west Tablelands Water Supply Renewal Reserve Account referred to in section thirteen.

(c) Any balance shall be applied in reduction of the capital debt or towards the cost of constructing the works or otherwise for any purpose connected with the administration of this Act as the Minister may direct. A reduction of the capital debt under the provisions of this subsection shall be notified by the Minister in the Gazette.

13. (1) An account shall be kept in the Special Deposits Account in the Treasury to be called the "South-west Tablelands Water Supply Renewal Reserve Account," hereinafter referred to as the "Renewal Reserve Account."

South-west
Tablelands
Water
Supply
Renewal
Reserve
Account.

(2) There shall be credited to the Renewal Reserve Account as soon as practicable after the first day of January, one thousand nine hundred and thirty-four, and thereafter as soon as practicable after the same day in each succeeding year, an amount calculated at a rate which shall be determined by the Colonial Treasurer on the capital debt as at the thirty-first day of December immediately preceding.

(3) The Renewal Reserve Account shall be credited half-yearly with interest on the daily credit balance at such rate as the Colonial Treasurer may from time to time direct.

(4) The Minister may invest the whole or part of the balance at credit of the Renewal Reserve Account in Commonwealth stock or securities or stock or securities guaranteed by the New South Wales Government or on fixed deposit with the Colonial Treasurer, and the interest accruing therefrom shall be regularly credited to such account.

(5)

(5) The Renewal Reserve Account shall be drawn upon only for renewing or replacing capital assets.

(6) If the Minister considers the amount at credit of the Working Account insufficient to meet the contribution referred to in subsection two of this section, having regard to the liabilities referred to in section twelve, such contribution or portion thereof may be allowed to remain a charge on the Working Account.

Interest on the amount of the deferred contribution at a rate to be approved by the Colonial Treasurer shall be credited to the Renewal Reserve Account and debited to the Working Account for the period during which such contribution so remains a charge; provided that if any such contribution be made on or before the twenty-eighth day of February in the year in which it becomes payable in accordance with subsection two of this section no interest shall be debited as aforesaid.

PART IV.

GENERAL.

14. (1) In the event of a council making default for three months in the payment of any amount due to the Administrator or to the Crown pursuant to this Act or under an agreement made with such council pursuant to this Act, the Governor may by proclamation divest the council of the care and management of any portion of the works and vest same in the Administrator. Default by council.

(2) In the event of a council making default as aforesaid and such default continuing for a period of three months after written notice requiring the council to remedy the same has been given to the council by the Administrator, then and in any such case such default shall be deemed to be a default within the meaning of

of section three hundred and seventy-six of the Local Government Act, 1919, or any amendment of that section and a receiver may be appointed accordingly by the Supreme Court on the application of the Minister, and such receiver shall have the powers and duties of a receiver appointed by virtue of that section.

15. (1) The Governor may by proclamation vest in the Administrator the care and management of any portion of the works. Vesting of works in Administrator.

(2) The Administrator shall, in respect of any works the care and management of which are vested in him pursuant to this Act, have all the powers of making, levying and collecting rates and charges as are conferred upon a council under the Local Government Act, 1919, as amended by subsequent Acts and this Act.

(3) The limitation contained in sections one hundred and twenty-nine and one hundred and thirty of the Local Government Act, 1919, as to the amount of rates, shall not apply to or in respect of any water local rate made and levied in pursuance of this section.

(4) For the purpose of making and levying any such rate, a water pipe being portion of the works the care and management of which is vested in the Administrator, shall be deemed to be a water pipe of the Administrator.

16. (1) The liability of the council of the Municipality of Cootamundra to the Treasurer in respect of works of water supply with the care and management of which the council was charged under the Local Government Act, 1919, prior to the commencement of this Act is hereby extinguished. Liability of certain councils extinguished.

(2) Upon the completion of such portion of the works as are necessary to give a supply of water to the town of Temora, the Governor may by proclamation as from the date mentioned therein extinguish the liability of the council of the Municipality of Temora to the Colonial Treasurer in respect of works of water supply with the care and management of which the council was charged under the Local Government Act, 1919, prior to such proclamation.

Thereupon

Thereupon the care and management of the said works shall be divested from the council of the Municipality of Temora, the said works shall be deemed to be portion of the works mentioned in section four, and the Administrator shall control and administer the same.

(3) The care and management of the works mentioned in the First Schedule to this Act are hereby divested from the council of the Municipality of Cootamundra and the Administrator is hereby charged with the control and administration thereof.

(4) There shall be added to the capital debt of the South-west Tablelands Water Supply the amounts of outstanding indebtedness of the councils of the Municipalities of Cootamundra and Temora in respect of the works of water supply aforesaid at the dates the care and management thereof are divested from the respective councils.

17. (1) Where before the commencement of this Act the Minister for Public Works had entered into a contract with any person for the supply of water from the works, and such contract was still in force immediately before such commencement, the following provisions shall, as from such commencement, have effect:—

Transfer of certain contracts.

- (a) all such contracts shall be deemed to be contracts entered into by the Administrator pursuant to this Act;
- (b) all suits, actions and proceedings pending immediately before such commencement at the suit of the Minister for Public Works under or in relation to any such contract shall be suits, actions and proceedings of the Administrator;
- (c) all moneys and liquidated or unliquidated claims which immediately before such commencement were payable to or recoverable by the Minister for Public Works under or in relation to any such contract shall be moneys and liquidated or unliquidated claims payable to or recoverable by the Administrator;

(d)

- (d) any securities given to or by the Minister for Public Works in relation to any such contract, and in force immediately before such commencement shall be deemed to be securities given to or by the Administrator;
- (e) the Administrator may pursue the like remedies for the recovery of any such moneys and claims and for the prosecution of any such suits, actions and proceedings as the Minister for Public Works might have done but for this Act;
- (f) the Administrator may enforce and realise any such security as if the same were existing in favour of the Administrator;
- (g) all debts due and moneys payable by and all claims liquidated and unliquidated, recoverable against the Minister for Public Works under or in relation to any such contract, shall be debts due and moneys payable by and claims recoverable against the Administrator.

(2) Where before the commencement of this Act the Minister for Public Works had entered into a contract with any council for the supply of water from the works to the council, and such contract was still in force immediately before such commencement, the council shall be deemed to have had power to enter into the contract.

Validation of certain contracts.

18. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out the provisions of this Act.

Regulations.

(2) The regulations shall—

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

(3)

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

SCHEDULES.

FIRST SCHEDULE.

Secs. 4,
16 (3).

Works the care and management of which are divested from the Council of the Municipality of Cootamundra.

The following works constructed for purposes of Cootamundra Water Supply:—

All those works (excepting the town service reservoir and reticulation mains within the Municipality) the completion of which was notified in Gazette No. 814 of 22nd November, 1892.

All those works (excepting the additions to the said service reservoir and extensions to the said reticulation mains) the completion of which was notified in Gazette No. 44 of 23rd January, 1906.

The submerged weir, the completion of which was notified in Gazette No. 36 of 22nd March, 1911.

All those works the completion of which was notified in Gazette No. 181 of 12th November, 1913.

SECOND SCHEDULE.

Secs. 4,
5 (2).

Works with the care and management of which the Council of the Municipality of Cootamundra is charged.

THE following works constructed for purposes of Cootamundra Water Supply:—

The town service reservoir and reticulation mains within the Municipality, the completion of which was notified in Gazette No. 814 of 22nd November, 1892.

The additions to the said service reservoir and extensions to the said reticulation mains, the completion of which was notified in Gazette No. 44 of 23rd January, 1906.

The extensions to the said reticulation mains, the completion of which was notified in Gazette No. 129 of 11th August, 1922.
