

No. , 1921.

A BILL

To sanction the carrying out of certain works in order to amplify and improve the Sydney Water Supply; and for purposes connected therewith.

[MR. ESTELL;— , 1921.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of
5 the same, as follows :—
1. This Act may be cited as the "Sydney Water short title.
Supply Act, 1921."

Works
sanctioned.

2. The carrying out of the works described in the First, Second, and Third Schedules is hereby sanctioned.

Estimated
cost of works
described in
Schedule I.

3. The cost of carrying out the works described in the First Schedule is estimated at two million four hundred and twenty-eight thousand two hundred and ninety-three pounds (exclusive of land resumptions), and such estimated cost shall not, under any circumstances, be exceeded by more than ten per centum. 5

Estimated
cost of works
described in
Schedule II.

4. The cost of carrying out the works described in the Second Schedule is estimated at two hundred and fifty-two thousand five hundred and ninety-nine pounds, and such estimated cost shall not, under any circumstances, be exceeded by more than ten per centum. 10

Estimated
cost of works
described in
Schedule III.

5. The cost of carrying out the works described in the Third Schedule is estimated at three hundred and eighteen thousand three hundred pounds, and such estimated cost shall not, under any circumstances, be exceeded by more than ten per centum. 15

Vesting of
works in
Board of
Water
Supply and
Sewerage.

6. On the completion of the said works or any of them the Governor shall forthwith notify the same in the Gazette, and upon such notification the works described in such notification shall be vested in the Board of Water Supply and Sewerage under the provisions of and for the purposes of the Metropolitan Water and Sewerage Acts, 1880-1916. 25

SCHEDULES.

FIRST SCHEDULE.

- Pressure Tunnel—Pott's Hill to Waterloo Pumping Station.
Main, 30 in., Ryde to Pymble.
- 5 " 20 in., Pott's Hill Pumping Station to Bankstown Reservoir.
" 20 in., Chatswood to Crow's Nest.
" 20 in., Catherine-street, Rockdale.
" 24 in., Bankstown Reservoir to Burwood.
" 30 in., Ryde Village to Chatswood.
- 10 " 18 in., Crow's Nest to Prince-street.
" 15 in., Prince-street to Spit-road.
" 12 in., Spit-road to Middle Head road.
" 10 in., Prince-street to Taronga Park.
" 10 in., Middle Head road to Cross-street.
- 15 " 10 in., Gordon-road to Mount-street.
Bankstown Reservoir.
No. 2 Reservoir, Centennial Park.
Main, 48 in., Waterloo Pumping Station to Centennial Park.
" 30 in., " " to Waverley.
20 " 24 in., " " to Randwick.
" 48 in., lowering at Ashfield and Marrickville, and extending to
Waterloo Pumping Station.
- Waterloo Pumping Station and Suction Well.
30 in. Suction Main, Belmore Pumping Station.
- 25 36 in. Main, Concord-road to Petersham.

SECOND SCHEDULE.

- 36 in. Main, Pott's Hill to Parramatta-road.
36 in. " John-street to Concord-road.
12 in. " Spit-road to Manly (Mosman side).
30 10 in. " Submarine (Middle Harbour).
12 in. " Spit-road to Manly (Manly side).
Manly improvements, raising Impounding Dam.
" " Bantry Reservoir.
" " Pumping Plant.
35 " " 15 in. Suction Main.
" " 12 in. Pumping Main.
" " 15 in. Main, Bantry Reservoir to Condamine-street.

THIRD SCHEDULE.

- No. (3) 6 ft. Main to Pott's Hill.
40 Belmore Pumping Station.
24 in. Main, Belmore to Penshurst.
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Trustee Bill.

TABLE showing repealed Acts and sections of Acts and how the same have been dealt with.

Act.	Sections.	Subject.	How dealt with.	Section of Trustee Bill.
1897, No. 17	82-90	Renewable leaseholds	Repealed and replaced by.	24
1898, No. 4 (Trustee)	1-3	Short title; Repeal; Interpretation	Repealed and replaced by.	1-5
	4 (1)	Investments	Repealed	6
	4 (2)	Substitution of investments	Repealed and re-enacted.	7
	5	Investments	Repealed and replaced.	6 (1) (g)
	6, 7	Appointment of new trustees	Repealed and replaced.	10
	8	Powers of sale, &c., to raise money charged by a testator.	Repealed, unnecessary; see Wills, Probate and Administration Act, 1898.	
	9-17	Powers of sale, lease, exchange, &c.	Repealed and replaced.	14-19
	18	Power to apply income of infants for maintenance.	Repealed and replaced.	31
	19	Payments under power of attorney	Repealed	29
	20	Petitions for advice	Repealed and re-enacted.	32
	21	Tenants for life may execute power notwithstanding encumbrances.	Repealed; see Settled Estates and Settled Land Act.	
	22	Powers may be negated by express declaration.	Repealed and re-enacted; see various sections.	
	23	No persons other than those entitled under settlement to be affected.	Repealed and re-enacted; see various sections.	
	24	Operation of part of Act.....	Repealed	
	25-28	Appointment of new trustees by Court.	Repealed and replaced by.	39
	29	Vesting orders as to land	Repealed and replaced by.	40
	30	Contingent right of unborn trustee	Repealed	41
	31	Vesting of lands of infants or insane mortgagee.	Repealed	42
	32	Power to convey in place of mortgagee.	Repealed	43
	33, 34	When a decree is made for sale of real estate for payment of debts.	Repealed	44

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TABLE showing repealed Acts and sections of Acts and how the same have been dealt with—*continued.*

Act.	Section.	Subject.	How dealt with.	Section of Trustee Bill.
1898, No. 4 (Trustee)— <i>continued.</i>	35	Vesting order consequential or judgment for specific performances, &c.	Repealed	45
	36	Effect of vesting order	Repealed	46
	36 (3)	.....	Repealed; see Conveyancing Act.	
	37	Power to appoint person to convey	Repealed and replaced by.	47
	38	Vesting orders of stock or choses in action.	Repealed	40
	39	Vesting order of stock of insane mortgagee.	Repealed	42
	40-42,	Transfer of stock	Repealed	40
	43 (2)			
	43 (1)	Indemnity to companies	Repealed	66
	44	Effect of an order vesting legal right in chose in action.	Repealed	40
	45	Trustees of charities	Repealed and replaced by.	51
	46	Who may apply	Repealed and replaced by.	48
	47-53	Power to go before Master in first instance; costs, &c.	Repealed, obsolete	
	54	Costs may be paid out of the estate.	Repealed and replaced by.	50
	55	Proceedings in lunacy may be directed.	Repealed and re-enacted.	56
	56	Suit may be directed	Repealed and re-enacted.	57
	57	Judgment in absence of trustee.....	Repealed and replaced by.	54
	58	Orders made upon certain allegations to be conclusive evidence.	Repealed	52
	59-61	Trustees may pay trust funds into Court.	Repealed	58
	62	Certain moneys of infants, &c., to be paid into Court.	Repealed and re-enacted.	59
	63	Receipt of Master to be a discharge to trustees.	Repealed	59
	64	Trustees' receipts.....	Repealed	25
	65-66	No escheat of property held upon trust or mortgage.	Repealed and re-enacted.	62
67	Divesting of trust estates from Chief Justice.	Repealed and re-enacted.	See 64.	
68	Power to compel trustees to account	Repealed	65	
69	Implied indemnity of trustees.....	Repealed and replaced by.	30	
70	Power to make rules	Repealed	68	
1900, No. 24 (Partition).	6	Application of section 35 of Trustee Act, 1898.	Repealed and included in.	45
1902, No. 98 (Trustee Amendment).	1	Short title and operation.....	Repealed .....	.....
	2-4	Investments by trustees.....	Repealed and re-enacted.	8
	5	Retirement of trustees	Repealed and re-enacted.	11
	6	Interpretation of section 6 of Trustee Act, 1898.	Repealed and covered by.	10

TABLE showing repealed Acts and sections of Acts and how the same have been dealt with—*continued.*

Act.	Section.	Subject.	How dealt with.	Section of Trustee Bill.
1902, No. 98 (Trustee Amendment) — <i>continued.</i>	7	Advertisement of proposed appointment of Trustee Company.	Repealed and re-enacted.	67
	8	Court may sanction retirement of trustee without appointment of successor.	Repealed and included in.	39
	9	Relief from breaches of trust.....	Repealed and re-enacted.	53
	10	Improvements of trust property ...	Unrepealed; to be incorporated in Settled Land Bill.	
1915, No. 31 (Trustee Delegation of Powers).	{ 1	Short title	Repealed	17
	{ 2	Definition	Repealed and covered by,	5, 61
	3	Absent trustees may delegate certain person.	.....	} 33
	4	Consent of other trustees .....	.....
	5	Original trustee to remain liable ...	.....	34
	6	Validation .....	.....	35
	7	Liability of delegate .....	.....	34
	8	Protection of persons dealing with delegate.	.....	38
9	Protection of banks, &c. ....	.....	37	
1916, No. 40	1-2	Sales by Trustees Confirmation Act, 1916.	Repealed, re-enacted, and extended.	.....

ENGLISH ACTS IN BILL.

Act.	Section.	Subject.	New South Wales Act.	Bill.
25 & 26 Vic., c. 108 (Confirmation of Sales).	1	Confirmation of sales by trustees	1916, No. 40. s. 2.	17
44 & 45 Vic., c. 41 (Conveyancing Act, 1881).	42	Management of infants' lands..	.....	21
45 & 46 Vic., c. 38 (Settled Land), 1882.	43	Maintenance of infants	1898, No. 4, s. 18	31
	17	Powers of trustees as to sale...	.....	16
51 & 52 Vic., c. 59 (Trustee, 1888).	8	Statute of limitations .....	.....	20
	1-4	Investment	1898, No. 4, s. 4.	6
56 & 57 Vic., c. 53 (Trustee, 1898).	8	Loans when not breach of trust	1902, No. 98, ss. 2, 4.	8
	9	„ „ „	„ s. 3.	9
	10	Appointment of new trustees...	1898, No. 4, s. 6.	10
	11	Retirement of trustees	1902, No. 98, s. 5.	11
	12	Vesting of trust property	„ s. 5.	12, 13
	13	Purchase of sale... ..	.....	14
	14	Sale on depreciatory conditions	.....	15
	15	Sale under Conveyancing and Law of Property Act, 1907, s. 46.	.....	18
	17	Authority to solicitor, &c., to receive money.	.....	22

ENGLISH ACTS IN BILL.

Act.	Section.	Subject.	New South Wales Act.	Bill.	
56 & 57 Vic., c. 53 (Trustee, 1898)— <i>continued.</i>	18	Power to insure .....	.....	23
	19	Renewable leaseholds .....	.....	24
	20	Power to give receipts.....	1898, No. 4, s. 64.	25	
	21	Power for executors, &c., to compound, &c.	.....	26
	22	Powers of two or more trustees .....	.....	27
	23	Exoneration in respect of powers of attorney.	1898, No. 4, s. 19.	29	
	24	Implied indemnity .....	..... 69.	30
	25	Appointment of new trustees by Court.	{ 1898, No. 4, s. 25. } { 1902, No. 98, s. 8. }	39	
	26, 35	Vesting orders	1898, No. 4, ss. 29, 38.	40	
	27	Contingent rights of unborn persons.	„ s. 30.	41	
	28	Vesting in case of infant, &c., mortgagee.	„ ss. 31, 39.	42	
	29	Vesting in case of deceased mortgagee.	„ s. 32.	43	
	30	Vesting consequential on decree for sale.	„ ss. 33-34.	44	
	31	Vesting consequential on decree for specific performance	{ 1898, No. 4, s. 35. } { 1900, No. 24, s. 6. }	45	
	32	Effect of vesting order	1898, No. 4, s. 36.	46	
	33	Power to appoint person to convey.	„ s. 37.	47	
	36	Persons entitled to apply for orders.	„ ss. 46.	48	
	37	Powers of new trustees .....	.....	49
	38	Power to charge costs on trust estate.	1898, No. 4, s. 54 ...	50	
	39	Trustees of charities	„ s. 43.	51	
	40	Orders conclusive.....	„ s. 58.	52	
	42	Payment into court	„ s. 59.	58	
	43	Power to make decree in absence of trustee	„ s. 57.	54	
	44	Power to sanction sale of land and minerals separately.	.....	16
	45	Indemnity by beneficiary .....	.....	55
	48	Forfeiture for felony, &c.	1898, No. 6, ss. 65-66.	62	
	49	Indemnity to companies.....	„ s. 67.	63	
	50	Definitions.....	„ s. 3.	5	
	57 Vic., c. 10 (Trustee, 1893).	3	Power to sell land and minerals separately.	16
		4	Liability for continuing to hold investment.	9
	59 & 60 Vic., c. 8 (Payment into court by Life Assurance Co.).	Payment into court by life assurance companies.	60
	59 & 60 Vic., c. 35 (Judicial Trustees).	3	Relief of trustees.....	53
	60 & 61 Vic., c. 65 (Land Transfer).	4	Appropriation of land in satisfaction of legacy.	62
1 & 2 Geo. V, c. 37 (Conveyancing, 1911).	8	Survivorship of trusts and powers.	.....	28
	9	Powers of trustees as to foreclosed property.	.....	19
5 Geo. V, c. 13	14	Amendment of 1881 Act .....	.....	21
	1	Delegation of powers by trustees.	1915, No. 31, ss. 3-4.	33, 34	
	2	Protection of persons dealing with delegate.	„ s. 9.	37	