



Western Australia.

ANNO SEXAGESIMO

VICTORIÆ REGINÆ.

No. XIX.

AN ACT for the Purchase, Extension, and Management of the Metropolitan Water Works.

[Assented to, 8th October, 1896.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. THIS Act may be cited as the Metropolitan Water Works Act, 1896. Short title.

2. IN this Act, unless the context otherwise requires, the following expressions placed between quotation marks shall bear the meanings by this section assigned to them:— Interpretation.

“Board” shall mean the Metropolitan Water Works Board constituted under this Act.

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“Metropolitan Water Works” shall mean the water works constructed under the authority of the Water Works Act, 1889.

Water Works to be vested in Board of 4; 2 to be a quorum.

3. FROM and after the commencement of this Act, the Metropolitan Water Works shall be vested in the Board of four persons, to be constituted as hereinafter provided; and any two of such persons shall be a quorum for the transaction of business and for carrying out this Act.

Constitution and incorporation of Board.

4. THE Governor may from time to time appoint three persons to be members of the Metropolitan Water Works Board, and may from time to time remove any of such persons and appoint others in their places; and such persons, together with the Mayor of Perth for the time being, shall constitute the Metropolitan Water Works Board, and by that name shall be incorporated, and may sue and be sued, and may acquire and hold any kind of real and personal property, and shall have a common seal inscribed with the corporate name. No Member of Parliament shall be appointed by the Governor to be a member of the Board.

Chairman to be appointed by Governor.

In his absence another to be elected.

Votes of chairman.

5. THE Governor may from time to time appoint a member of the Board to be chairman thereof, and may from time to time remove such chairman and appoint another member to be chairman. In the absence of the chairman at any meeting of the Board, the members present shall elect a chairman to act during such absence. In case of an equality of votes, the chairman for the time being shall have a second or casting vote.

Members to receive salaries.

6. THE salary of the chairman shall be at the rate of Two hundred and fifty pounds by the year, and the salary of each other member, except the Mayor of Perth, who shall not receive a salary, shall be One hundred and fifty pounds by the year, and shall be paid out of the revenue received by the Board under this Act.

Incorporation of Water Works Act, 1889, with certain amendments.

7. THE Water Works Act, 1889, shall be incorporated with this Act, and shall be read as if the word “Council” were defined as meaning the Board instead of the Council of the Municipality; and as if, from the definition of Council to the end of the Act, the word “Board” were substituted for the word “Council,” and as if, after the word “amending,” in the fifth line of section seven, the words “or repealing the same” were inserted.

Powers of Board.

8. THE powers conferred and the duties imposed on the Council by the Water Works Act, 1889, by this Act transferred to the Board, shall apply to any extension of the Metropolitan Water Works beyond the limits of the Municipality, and to authorise the making

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and levying of the water rate by the Board on all property to which the said works shall be extended, hereinafter called "outlying districts," as if the same were within the Municipality. The valuation of the outlying districts shall be conducted, and the water rate payable thereout shall be made and levied in accordance with the Municipal Institutions Act, 1895, and the sections one hundred and fifty-two to one hundred and eighty-two of that Act, both inclusive, shall apply, *mutatis mutandis*, to such valuation and rate as if such outlying districts were within the Municipality of Perth, and as if the Council were the Board.

Part of 59 Vict., 10, to apply to water rate of outlying districts.

9. IT shall be the duty of the Board to manage, maintain, and improve the Metropolitan Water Works, and from time to time, with the approval of the Governor, to extend them as required, and to exercise for such purposes the powers conferred upon the Council by the Water Works Act, 1889, and to discharge the duties imposed upon the Council by that Act; but the Board shall not lease the said water works, or delegate its powers to any person or corporation, or confer upon any person or corporation a right to purchase the said water works or any part thereof.

Duties of Board.

10. THE common seal of the Board shall not be affixed to any instrument except in the presence of two members of the Board, who shall attest by their respective signatures the fact and the date of such seal being so affixed. All Courts and all persons acting judicially shall take judicial notice of the common seal of the Board affixed to any instrument, and, the sealing thereof being attested as aforesaid, shall presume that the seal was properly affixed.

Two members to attest sealing.

Seal to be judicially noticed.

11. THE Board shall keep full and accurate minutes of all its proceedings, in such manner and form as the Governor may from time to time direct.

Board to keep minutes.

12. FOR carrying into effect this Act, the Board may from time to time appoint, and from time to time suspend and dismiss, officers, clerks, servants, and workmen.

Board may appoint and dismiss officers, &c.

13. THE Board, with the approval in writing of the Governor, may from time to time issue, not lower than at par, to the Colonial Treasurer, and to him only, debentures payable to bearer in not more than forty years from issue, and according to the form of the Schedule to this Act, bearing interest at four per centum per annum, payable half-yearly on the first day of January and the first day of July in each year, to the extent of Three hundred and fifty thousand pounds, and the Colonial Treasurer, out of the funds

Board may issue debentures for £350,000, and Post Office Savings Bank may buy them.

Schedule.

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of the Post Office Savings Bank, or from any available funds in his possession, is authorised to buy at par and negotiate such debentures.

Out of debenture loan Board to pay the Government £220,000, the price of the Works, and to spend balance as authorised.

14. OUT of the moneys borrowed on the debentures authorised by this Act, the Board shall pay to the Colonial Treasurer Two hundred and twenty thousand pounds, being the amount paid by him for the purchase, in the name of Her Majesty, of the Metropolitan Water Works, together with interest thereon at the rate of four per centum per annum from the day of such purchase. The balance of the moneys borrowed as aforesaid shall be expended by the Board with the approval of the Governor—

(a.) In extending the Metropolitan Water Works, and

(b.) In such other way as the Governor may, on the recommendation of the Board, authorise and approve.

Receipts for water to be applied to payment of interest, redemption of debentures, management, maintenance and improvement of works.

15. THE rates, charges for water, and other sums received by the Board by virtue of this Act shall be apportioned, in the first place, to paying the interest, half-yearly, at the rate of four per centum per annum on the debentures outstanding, and, in the next place, to the redemption of the debentures, at the rate of three per centum per annum, payable half-yearly, on the whole of the debentures previously issued, including any which may have been purchased or redeemed, and after such payments, to the management, maintenance, and improvement of the said Metropolitan Water Works. The first payment on account of the redemption of the debentures shall be made on the first day of January, One thousand nine hundred, and thenceforward half-yearly until the redemption of all the debentures raised under this Act.

Surplus may go in reduction of rates and charges.

16. AFTER making the payments aforesaid, and after the expenses of maintenance, management, and improvement have been met, the Board may, if it shall think fit, with the approval of the Governor, employ any surplus in its hands in the reduction of the water rate and of the charges for water.

Colonial Treasurer to apply moneys to redemption of debentures.

17. MONEYS paid by the Board to the Colonial Treasurer on account of the redemption of debentures shall be immediately applied by him to the redemption of the debentures issued by the Board.

Annual accounts to be published.

18. IN each year, between the 1st day of July and the 30th day of September, the Board shall cause to be prepared for the year ending the 30th day of June preceding, under the distinct heads of receipt and expenditure, an account in abstract of all moneys received by the Board, including the moneys borrowed on debentures and of all moneys expended, and the purposes for which they were expended by the Board. Each such account shall contain a

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statement of the balance thereof, and shall be duly audited and certified by the Auditor General, and a true copy of such account in abstract shall be published in the *Government Gazette* on or before the thirty-first day of December in the year in which it was prepared, and shall be presented to Parliament.

19. THE Governor may from time to time make, and from time to time repeal and alter, regulations for carrying this Act into effect. A copy of such regulations shall be published in the *Government Gazette*, and shall be laid before both Houses of Parliament within fourteen days after such publication, if Parliament is then sitting, and, if Parliament is not then sitting, within fourteen days after its next meeting; and all such regulations, when so published, shall have the force of law, and shall continue in force unless repealed or altered as aforesaid, or disallowed by both Houses of Parliament.

Governor may make regulations.

In the name and on behalf of the Queen I hereby assent to this Act.

GERARD SMITH, Governor.

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SCHEDULE.

Sec. 13.

The Metropolitan Waterworks Act, 1896.

DEBENTURE.

Total Issue, £350,000.

No.....

The Metropolitan Water Works Board, in consideration of pounds lent to the Board by the Post Office Savings Bank of Western Australia, hereby, in pursuance of the said Act, binds itself, its assigns, and all its Water Works, and undertaking to pay to the said the Post Office Savings Bank of Western Australia, or the bearer, on the presentation of this Debenture at the principal office for the time being of the Board, on the day of 189 , the said principal sum; and also, in the meantime, at the same place on every day of [month], and every day of [month], or, if either day be a non-business day, on the next business day thereafter, to pay interest on the said principal sum at the rate of Four pounds per centum per annum. And it is hereby declared that this Debenture is issued subject to the condition indorsed thereon.

Given under the common seal of the Metropolitan Water Works Board, and by its order, in the presence of the undersigned, two members of the same, this day of [month and year].

C.D. }
E.F. } *Members of the Board.*

[Seal.]

[Indorsement.]

This Debenture is one of a series of Debentures issued, or about to be issued, by the Board. The Debentures of the said series are all to rank *pari passu* as a first charge on the property hereby charged, without any preference or priority one over another, and the charge thereby created is to be a floating security, but so that the Board is not to be at liberty to create any mortgage or charge in priority to the said Debentures, and the Board undertakes that no such mortgage or charge shall be created or arise which shall have priority over the said Debentures, or any of them, and that the property hereby charged shall at all times be kept free from any such prior charge.