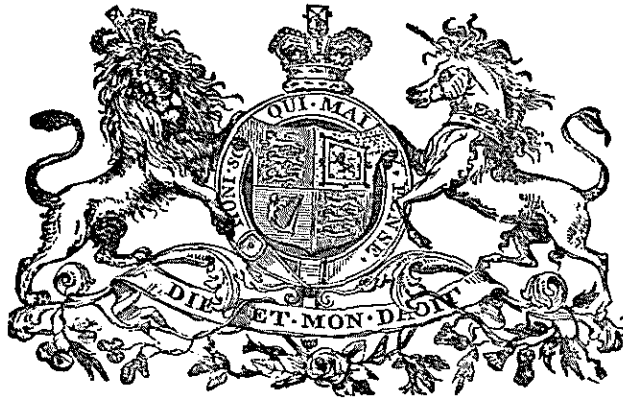


WESTERN AUSTRALIA.



ANNO TERTIO

EDWARDI SEPTIMI REGIS,

XXIX.

No. 14 of 1904.

AN ACT to constitute the Metropolitan Water and Sewerage Area; to establish the Metropolitan Board of Water Supply and Sewerage; to define the Powers and Duties of the Board; and for other purposes incidental thereto.

[Assented to 16th January, 1904.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.—PRELIMINARY.

1. THIS Act may be cited as the *Metropolitan Water and Sewerage Act, 1904*, and shall come into operation on a day to be fixed by proclamation.

Short title and
commencement.

Division.

2. THIS Act is divided into Parts as follows:—

PART I.—PRELIMINARY, ss. 1–5.

PART II.—THE AREA AND DISTRICTS, ss. 6–7.

PART III.—ADMINISTRATION, ss. 8–30—

(1.) The Board, ss. 8–24 ;

(2.) Officers of the Board, ss. 25–30.

PART IV.—WATER RESERVES, ss. 31–36.

PART V.—THE CONSTRUCTION AND MAINTENANCE OF WORKS, ss. 37–55.

PART VI.—WATER SUPPLY, ss. 56–77—

(1.) The Supply and Distribution of Water, 56–66 ;

(2.) The Protection of Works and the Prevention of Waste, 67–77.

PART VII.—DRAINAGE, ss. 78–91.

PART VIII.—RATES AND SALE OF WATER, ss. 92–129—

(1.) Rate Books, 92–104 ;

(2.) Appeals, 105–109 ;

(3.) The making of Rates, 110–115 ;

(4.) Payment of Rates and for Water, 116–129.

PART IX.—FINANCE, ss. 130–146.

PART X.—ACCOUNTS AND AUDIT, ss. 147–157—

(1.) Books of Account and Inspection, 147–150 ;

(2.) Special Audit, 151–155 ;

(3.) Powers of Special Auditors, 156 ;

(4.) Examination by Auditor General, 157.

PART XI.—BY-LAWS, ss. 158–160.

PART XII.—GENERAL PROVISIONS, ss. 161–179.

Repeal.

3. THE Acts mentioned in the First Schedule are hereby repealed :

But such repeal shall not affect any right, privilege, obligation, or liability acquired, accrued, or incurred under any such Act, or any act, deed, matter, or thing lawfully done thereunder ;

And, notwithstanding such repeal :

All proceedings and things lawfully had or done by the proper authority under or in pursuance of any of the said Acts shall be and continue of the same force and effect, to all intents and purposes, as if no repeal had taken place.

All by-laws lawfully made under any of the said Acts, and in force at the commencement of this Act within the Area or any part thereof, shall continue in force and be deemed to have been made under this Act.

All rate books and lists of ratepayers made under any of the said Acts, and in force at the commencement of this Act, shall be deemed to have been made under this Act, and this Act shall apply to the same accordingly.

All rates and other moneys which, at the commencement of this Act, are due and payable, or accruing due under any of the said Acts, shall be and become due and payable to, and shall be received and may be recovered by the Board constituted under this Act.

All penalties and forfeitures imposed under any of the said Acts, and incurred before the commencement of this Act, may be enforced by the Board constituted under this Act.

All rights, liabilities, contracts, and engagements of any authority constituted under any of the said Acts, and existing at the commencement of this Act, shall be vested in and shall attach to and may be enforced by or against the Board constituted by this Act.

All actions and proceedings pending at the commencement of this Act by or against any authority constituted under any repealed Act may be carried on and prosecuted by or against the Board constituted by this Act.

All books and documents made evidence under any of the said Acts shall continue evidence to the same extent as if this Act had not been passed.

Except so far as there is anything in this Act inconsistent therewith, this Act shall apply to all matters and things made, done, or commenced under any of the said repealed Acts, as if this Act had been in force at the time, and the Board had been duly constituted thereunder.

4. IN this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively, that is to say:—

Interpretation.

“Authorised,” means authorised by the Board;

“By-laws”—By-laws made by the Board under the authority of this Act;

“Chairman”—The chairman of the Board, and includes acting chairman;

“District”—A water district or sewerage district constituted under this Act;

“Fittings”—A pipe, meter, or other apparatus used for or in connection with the supply of water; and cocks, valves, cisterns, water pipes, traps, syphons, manholes, ventilators,

and other apparatus connected with and requisite to secure the safe and proper working of any sewer or drain ;

“ Land ”—Messuages, lands, tenements, and hereditaments of any tenure, and the houses, buildings, and structures thereon ;

“ Local Authority ”—The Council of a Municipality or the Board of a Road District ;

“ Minister ”—The Minister of the Crown charged for the time being with the administration of this Act ;

“ Occupier ”—The person in actual occupation of land, or if there is no person in actual occupation, the person entitled to possession of the land ;

“ Owner ”—The person other than His Majesty who for the time being is entitled to receive the rent of land, whether on his own account or as trustee, attorney, or agent for any other person, or who would be entitled to receive the rent if the land were let at a rent ;

“ Pipe ”—A main, main-pipe, pipe, stop-cock, water-cock, syphon, plug, branch, or other apparatus used for or in connection with the supply of water ;

“ Prescribed ”—Prescribed by this Act or by-laws made under it ;

“ Rateable land ”—All land, with the exception of the following :—Land belonging to the Crown and not used or occupied otherwise than for public purposes ; land vested in or in the occupation or under the control of a local authority, and not in the use or occupation of any private person ; land used exclusively for religious or charitable purposes ; land used exclusively as a public hospital, benevolent asylum, orphanage, public school, public library, miners’ or mechanics’ institute ; public reserves, and cemeteries ; land belonging to any religious body, and occupied only as a convent, nunnery, or monastery, or by a religious brotherhood or sisterhood, or as a place of residence of a minister of religion ;

“ Ratepayer ”—A person named in the books of a Board as a person liable to pay rates ;

“ Reservoir ”—A reservoir, dam, tank, cistern, or well ;

“ Sewer ”—Any sewer or drain of any kind whereby any refuse or water shall be carried off ;

“ Stream ”—A river, creek, brook, spring, aqueduct, conduit, tunnel, sluice, or other running water ;

“ Street ”—A road, street, lane, thoroughfare, or other public highway, or a public passage or place, or a public wharf, jetty, or bridge ;

“The Board”—The Metropolitan Board of Water Supply and Sewerage;

“Watercourse”—The bed of a river, creek, or other channel in which water flows either ordinarily, intermittently, or occasionally;

“Waterworks”—Any reservoir, well, bore, tank, aqueduct, tunnel, building, engine, pipe, or other work constructed or erected before the passing of this Act, or by this Act authorised to be constructed or erected, with the appurtenances.

5. ON the commencement of this Act and the appointment of the Board—

Metropolitan Water Works Board to cease to exist.

(1.) The Metropolitan Water Works Board shall cease to exist; and

(2.) The waterworks described in the Second Schedule shall, by force of this Act, without any conveyance, transfer, or assignment, be transferred to and vested in the Board, subject to the debts and liabilities affecting the same.

Existing water-works vested in Board.

PART II.—THE AREA AND DISTRICTS.

6. THE area defined in the Third Schedule is hereby constituted a water and sewerage area for the purposes of this Act, by the name of the Metropolitan Water and Sewerage Area.

Constitution of Area.

7. THE Governor may, from time to time, by Order-in-Council—

Power to alter boundaries and define districts.

(1.) Alter or extend the boundaries of the Area.

(2.) Divide the Area into water districts and sewerage districts and define, alter, or extend the boundaries of districts.

PART III.—ADMINISTRATION.

(1.) *The Board.*

8. THE Governor may from time to time appoint three persons who shall constitute a Board by the name of the Metropolitan Board of Water Supply and Sewerage, and shall be the authority empowered to carry this Act into execution.

The Board.

9. THE Board shall be a body corporate with perpetual succession, a common seal, and power to acquire, purchase, hold, and enjoy real and personal property of every kind.

Incorporation.

10. JUDICIAL notice shall be taken of the incorporation and common seal of the Board, and of the signature of the chairman,

Seal.

and every deed, instrument, or writing, when sealed or signed, shall be admissible in evidence on the mere production thereof, without any other or further proof of the making of such deed, instrument, or writing.

- Chairman. **11.** ONE of the members of the Board shall be appointed by the Governor as chairman.
- Acting chairman. **12.** IN the case of the illness or absence of the chairman, the Governor may temporarily appoint a member of the Board acting chairman, who, while so acting, shall have the powers and may perform the duties of the chairman.
- Term of office. **13.** THE chairman shall hold office for the term of three years, and the other members of the Board shall hold office for the term of one year, from the date of their respective appointments, and every member shall, at the expiration of his term of office, be eligible for reappointment.
- Remuneration of members. **14.** EACH member of the Board, except the chairman, shall receive a fee of three guineas for every ordinary meeting of the Board at which he attends, but not exceeding the sum of two hundred pounds in any year.
- Salary of chairman. **15.** THE chairman shall receive such salary as the Governor may determine, not exceeding seven hundred and fifty pounds a year:
- Removal from office. **16.** THE Governor may remove a member of the Board from his office—
- (1.) For misbehaviour or incompetence; or
 - (2.) If he becomes bankrupt, or applies to take the benefit of any Act for the relief of bankrupt or insolvent debtors; or
 - (3.) If he absents himself from three consecutive meetings of the Board (except on leave granted by the Minister), or becomes incapable of performing his duties; or
 - (4.) If he becomes concerned or interested in any contract made by or on behalf of the Board, or participates or claims to be entitled to participate in the profits thereof, or in any benefit or emolument arising therefrom:
But this subsection shall not extend to an interest as a shareholder in an incorporated company of at least twenty members; or
 - (5.) If, being the chairman, he engages in any employment outside the duties of his office, or absents himself from duty for a period of fourteen consecutive days, except on leave granted by the Governor; or
 - (6.) For any other cause the Governor may deem sufficient.

The Minister shall cause to be laid before Parliament a full statement of the grounds of removal within seven days after such removal, if Parliament is sitting, and, when Parliament is not sitting, within seven days after the next sitting.

17. IN the case of illness or absence of any member of the Board, the Governor may appoint some person to act as the deputy of such member during such illness or absence, and until such appointment is terminated by notice in the *Government Gazette*. Every person so appointed shall, while so acting, have all the powers and perform all the duties of a member of the Board.

Deputy members of Board.

18. ON the occurrence of any extraordinary vacancy in the office of a member of the Board, the Governor may appoint a person to the vacant office, whose term of office shall be for his predecessor's unexpired term of office.

Extraordinary vacancies.

19. NO act or proceeding of the Board shall be invalidated or prejudiced by reason only of the fact that at the time when such proceeding or act was taken, done, or commenced, there was a vacancy in the office of any member of the Board.

Acts of Board not invalidated by vacancy.

20. FOR the conduct of business, any two members of the Board shall be a quorum, and shall have all the powers and authorities vested in the Board.

Quorum.

21. IF, at any meeting at which two members of the Board only are present, such members shall be equally divided in opinion, the determination of the matter in difference shall be postponed until all the members of the Board are present.

Procedure on difference of opinion.

22. THE Board may enter into contracts for the purposes of this Act, and every such contract may be made, varied, or discharged as follows, that is to say:—

Method of entering into contracts.

- (1.) Any contract which, if made between private persons, would by law be required to be in writing and under seal may be made in writing and under the common seal of the Board, and may be varied or discharged in the same manner.
- (2.) Any contract which, if made between private persons, would by law be required to be in writing may be made in writing, signed by the chairman, acting by the direction and on behalf of the Board, and may be varied or discharged in the same manner.
- (3.) Any contract which, if made between private persons, would be by law valid, although not reduced into writing, may be made without writing by the chairman, acting by the direction and on behalf of the Board, and may be varied and discharged in the same manner.

Minutes of proceedings.

23. THE Board shall keep minutes of their proceedings in such manner and form as the Governor shall direct.

Annual report.

24. THE Board shall make an annual report to the Minister of their proceedings, and such report shall be laid before both Houses of Parliament.

(2.) *Officers of the Board.*

Appointment of officers and servants.

25. THE Board shall from time to time appoint such officers and servants as may be necessary for the execution of this Act, and may pay such salaries and allowances as to the Board may seem fit, and may dismiss any such officer or servant.

Certain officers to give security.

26. BEFORE any officer or servant, entrusted with the custody of money or other property, shall enter upon the duties of his office, the Board shall take from him sufficient security for the faithful execution thereof.

Chairman may suspend officers.

27. THE chairman may suspend from office any officer or servant of the Board who, in his opinion, is guilty of misconduct or neglect, and may, if necessary, temporarily appoint another person in his place. The chairman shall report the matter to the Board, and if the officer or servant suspended is dismissed by the Board, no salary or wages shall be due or paid to him from the date of his suspension.

Every officer or servant so temporarily appointed shall hold office and receive remuneration (which shall in no case exceed that paid to the officer or servant suspended) only until the Board decide whether the person suspended shall be reinstated, or whether he shall be dismissed.

Officers exacting or accepting fees.

28. EVERY officer or servant employed by the Board who exacts or accepts, on account of anything done by virtue of his office, or in relation to any matters to be done under this Act, any fee or reward, other than the salary or allowance by way of salary allowed by the Board, or who is in anywise concerned or interested in any bargain or contract made by the Board, shall be liable to a penalty not exceeding one hundred pounds.

Officers failing to render accounts or to pay balance and deliver up property of Board.

29. IF an officer or servant of the Board fails, when required by the Board so to do—

- (1.) To render accounts of any money received by him for or on behalf of the Board, and of his dealings with them ; or
- (2.) To produce and deliver up the vouchers and receipts relating to the money in his possession or power ; or
- (3.) To pay the balance of the money when so required ; or

- (4.) To deliver up to the Board or to any person appointed by them to receive the same, within five days after being so required, all papers and writings, property, matters, and things in his possession or power, relating to the execution of this Act or belonging to the Board,

any two Justices of the Peace may hear and determine the matter in a summary way, and may order the officer to render such accounts, or to deliver up such vouchers and receipts, or to pay over the balance owing by him, or to deliver up all such papers, writings, property, matters, and things; and if such officer neglects or refuses to obey such order, he may by any Justice of the Peace be committed to prison for any period not exceeding six months.

30. SUCH proceedings against an officer may be had and taken and enforced against him after he has ceased to hold his office: And no such proceedings against an officer shall deprive the Board of any remedy which they might otherwise have against a surety of that officer.

Proceedings after officer has ceased to hold office.

PART IV.—WATER RESERVES.

31. THE Governor may from time to time, by Order-in-Council, constitute and define the boundaries of any water reserve or catchment area for the purposes of this Act, and place any such reserve or catchment area under the management and control of the Board.

Water reserves may be placed under control of Board.

32. THE Board may divert, intercept, and store all water coming from the streams, watercourses, and other sources within any such reserve or catchment area, and alter the course of any stream or watercourse, and may take any water found on or under such land.

Power to divert, intercept, and store water.

33. (1.) THE Board may take any alienated land within a catchment area under the provisions of the Public Works Act, 1902.

Power to take land.

(2.) Compensation shall be paid by the Board to any person for any actual damage sustained by him by the exercise of the powers conferred by this Part; and every claim for compensation, unless settled by agreement, shall be made and determined in the manner prescribed by the last-mentioned Act.

Compensation.

34. ANY person who, without the authority of the Board, diverts water from any stream, watercourse, or source of supply within any water reserve or catchment area, or does any act whereby such stream may be diverted or diminished in quantity or injured in quality or purity shall be liable to a penalty not exceeding five pounds for every day during which such supply or water shall be diverted or diminished by any act done by or by the authority of such person.

Penalty for diverting water.

Board may exercise powers of Local Board of Health.

35. FOR preventing the pollution of water within a water reserve or catchment area, the Board shall have all the powers and authority of a Local Board of Health, including the power to make and enforce by-laws under any Act relating to public health.

All the provisions of the Health Act, 1898, and of all Acts amending the same or incorporated therewith, shall apply to every water reserve and catchment area as if the same were the district of a Local Board of Health.

Artesian bores not to be sunk without approval of Governor.

36. AFTER the commencement of this Act it shall be unlawful for any person to sink an artesian bore, or increase the depth of any existing artesian bore, within the Area without the authority of the Governor, and the Supreme Court may, at the suit of the Board, restrain any person by injunction from so doing.

PART V.—THE CONSTRUCTION AND MAINTENANCE OF WORKS.

Works may be constructed by Minister.

37. THE Minister for Works may, before or after the constitution of the Board, exercise all or any of the powers conferred by this Act on the Board in and for the construction of waterworks or sewerage works within the Area or any district thereof.

Board to be advised of the Minister's intention to construct works.

38. (1.) BEFORE authorising any expenditure in the construction of such works the Minister for Works shall cause the Board to be advised of his intention, and of the estimated cost of the works, and shall give the Board such other information and particulars as he may deem necessary.

(2.) The Board, upon receipt of such notice, shall report upon the matter, and make such recommendations to the Minister as the circumstances may require.

(3.) The Minister shall, after consideration of such recommendations, decide thereon, and his decision shall be final.

Works to be transferred to Board on payment of cost.

39. ANY moneys expended on such works shall, on the completion thereof, be repaid to the Minister by the Board, and thereupon the works shall be transferred to the Board.

Board may construct works.

40. SUBJECT to the provisions of this Act, the Board shall have power to maintain, alter, and repair, and, with the approval of the Governor, to construct and extend waterworks and sewerage works, and for such purposes may exercise the powers and shall be subject to the liabilities of a local authority under the Public Works Act, 1902.

Preliminaries to construction.

41. THE Board shall, before undertaking the construction of such works, do the following acts and things, that is to say:—

(1.) Cause to be prepared plans, sections, specifications, books of reference, and an estimate of the cost of the proposed

works, together with a statement showing the net earnings estimated to be derived from them, and a statement showing the value of the rateable property to be benefited by them, and cause the same, or certified copies thereof, to be deposited in the office of the Minister, and also in the office of the Board.

(2.) Cause an advertisement to be published in the *Government Gazette*, and in one or more newspapers generally circulating in the Area, specifying:—

- (a.) A description of the proposed works;
- (b.) The localities at which they will be constructed;
- (c.) The purposes for which they are to be constructed, and the parts of the Area which are intended to be supplied with water or drained;
- (d.) The times when, and places at which the plans, sections, specifications and books of reference may be inspected.

42. THE plans, sections, specifications, books of reference, and estimates so deposited shall be open to inspection by any person interested at all reasonable times. Plans, etc., open to inspection.

43. ON the deposit of the plans, sections, specifications, books of reference, and estimates in the office of the Minister, the Minister may cause them to be examined and reported on by an engineer. Minister may cause plans, etc., to be examined.

44. ANY local authority or person interested may object in writing to the construction of the whole or any part of the proposed works. Objections.

Every such objection shall be lodged with the Minister within one month from the date of the publication of the advertisement hereinbefore prescribed.

45. IF, at the expiration of one month after such publication, the Minister is satisfied— Governor may authorise construction of works.

- (1.) That the provisions of this Act have been complied with;
- (2.) That the revenue estimated to be derived from the proposed works is sufficient to justify the undertaking;
- (3.) That the works if carried out in the manner designed will be for the public benefit; and
- (4.) That the objections, if any, lodged are not sufficient to require the approval of the Governor to be withheld from the proposed scheme,

he shall submit the plans, sections, books of reference, and estimates to the Governor for approval; and, if they are approved, the Governor

may forthwith make an Order empowering the Board to undertake the construction of the works, and such Order shall be notified in the *Government Gazette*.

Powers of Board.

46. FOR the construction, extension, maintenance, repair, alteration, or improvement of any works the Board may—

- (1.) Enter upon any land and make surveys and take levels of the same, and set out such parts thereof as they may think fit, and may dig or break up the soil of such land, and trench and fence in the same, and remove or use any earth, stones, trees, and other things taken therefrom ;
- (2.) Enter upon, take, and acquire such lands as they may from time to time deem necessary, under and subject to the provisions of the Public Works Act, 1902 ;
- (3.) Sink or acquire wells, bores, or shafts, erect buildings, pumping stations and pumping machinery, and make, maintain, alter, or discontinue reservoirs, drains, culverts, aqueducts, flumes, or other waterworks, upon the lands authorised to be taken ;
- (4.) Construct and maintain under any street, and through, across, or under any land, aqueducts, flumes, pipes, or other works necessary for conveying water ;
- (5.) Construct and maintain sewers or drains under any street, and through, across, or under any land ;
- (6.) Open and break up the soil of any street or land, and excavate and sink trenches for the purpose of laying down, making, and constructing pipes, sewers, and drains therein.
- (7.) Cause any sewers to discharge upon such land as may be acquired by the Board for that purpose, or to communicate with the sea or any arm thereof, or with any river or water-course, either within or without the limits of a district.
- (8.) Open, cleanse, and repair such pipes, sewers, and drains, or alter the position or construction thereof.
- (9.) Make any sewers or drains from any main sewer of the Board laid in any street, into any dwelling-house, public or private building, or other premises for the purpose of cleansing and draining any such house, building, or premises by means of such sewers or drains.
- (10.) Do all such other acts, matters, and things as they may from time to time deem proper for making, repairing, completing, or improving any such waterworks sewers and drains or other works to be made, done, and provided for the purposes of this Act :

Provided that in the exercise of the powers conferred by this Act, the Board shall do as little damage as may be, and shall make to every person interested compensation for any damage actually sustained by him through the exercise of those powers, and such compensation, if not agreed upon between the parties, shall be made in the manner provided in the Public Works Act, 1902:

Provided, also, that nothing herein contained shall authorise the Board to make or use any sewer, drain, or outfall for the purpose of conveying any sewage or filthy water into any river, natural stream, water-course, lake, or pond until such sewage or filthy water is freed from all excrementitious or other foul or noxious matter as would affect or deteriorate the purity and quality of the water in such river, stream, water-course, lake, or pond.

47. BEFORE the Board open or break up the soil of any street, they shall give to the local authority notice, in writing, of their intention not less than forty-eight hours before beginning the work, except in cases of emergency, which, in the opinion of the Board, justify the omission to give notice, in which case the notice shall be given as soon as conveniently may be after beginning the work, or after the necessity for it has arisen.

Notices to be served on Local Authority before breaking up streets.

48. WHENEVER a notice is required to be given, a street shall not, except in cases of emergency, be opened or broken up except under the superintendence of the local authority having control thereof:

Street not to be broken up except under superintendence of local authority.

Provided that if an officer of the local authority, after such notice, fails to attend at the time fixed for the opening or breaking up of the street, or if the local authority or its officer refuses or neglects to superintend the work, the Board may perform the work specified in the notice without such superintendence.

49. WHEN the Board open or break up the soil or pavement of a street, they shall—

Streets broken up to be reinstated without delay.

- (1.) With all convenient speed complete the work for which it is broken up, and fill in the ground, and reinstate and make good the street or pavement so opened or broken up; and
- (2.) While any such street or pavement continues to be opened or broken up, cause it to be fenced or guarded, and a sufficient light to be kept there at night.

50. (1.) EVERY local authority shall, when requested by the Board, give particulars of any ascertained levels of any street in which it is proposed to lay any pipe, sewer, or drain.

Local authorities to give particulars as to levels.

(2.) The local authority shall give to the Board at least forty-eight hours' notice, in writing, of its intention to alter the level of any street in which any pipe, sewer, or drain is laid down.

Thereupon the Board may lower any pipe, sewer, or drain, and may raise or lower the fittings thereof, and the cost of so doing shall be a debt due by the local authority to the Board.

Any local authority failing to give the notice required by this subsection shall be liable to a penalty not exceeding fifty pounds.

Gas pipes, etc., to be altered when necessary.

51. IF the Board at any time deem it necessary to raise, sink, or otherwise alter the situation of any tram rails, gas pipes, or gas works, hydraulic steam or other pipes, electric or telephonic lines, pneumatic pipes or tubes, or other works laid in or under any street, they may, by notice in writing, require the person to whom the works belong to raise, sink, or otherwise alter the situation of the same in such manner and within such reasonable time as shall be specified in such notice, and the expense attendant upon or connected with any such alterations shall be paid by the Board, and if such notice shall not be complied with the Board may make the alterations required.

Altering sewers.

52. THE Board may open the ground and change the level of or otherwise amend or enlarge any sewer lying under any public or private street or place within the district for better communicating with the main sewers :

Provided that no person shall, by means of any such alteration, amendment, or enlargement, be deprived of the use and enjoyment of any private sewer or drain which he shall be entitled to use ; but the Board shall, at their own costs and charges, so construct and alter any such private sewer or drain as to render the same as effectual for the purposes for which it was intended as any such sewer or drain may be at the time of such alteration.

Board to keep sewers cleansed.

53. THE Board shall cause all sewers and drains which shall at any time be vested in them to be constructed, covered, and kept so as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, flushed, and emptied, and for the purpose of such clearing, cleansing, flushing, and emptying the Board may construct or place, either above or underground, such reservoirs, sluices, engines and fittings as they may think necessary, and may cause all or any of such sewers and drains to communicate with and be emptied into such places as they may think proper, and may cause the sewage and refuse therefrom to be collected for sale, or for any purpose whatsoever, but not so as to create a nuisance.

As to ventilators, etc.

54. (1.) THE Board may cause any ventilating shaft, pipe, or tube for any sewer or drain to be attached to any wall of any building within any sewerage district ; but the mouth of every such shaft, pipe,

or tube shall be at least six feet higher than the highest point of the roof of such building, and be distant in a horizontal direction not less than fifteen feet from any door or window of the same or any other building.

(2.) The Board shall defray all expenses in the exercise of the powers conferred by this section, and in the exercise of such powers shall do as little damage as possible, and shall make compensation to all persons interested for any actual damage sustained by them by reason of the exercise of such powers.

55. ON the constitution of any district the Board shall cause to be made a map thereof, on such scale and with such indications of levels and particulars of mains, sewers, and other works as the Board may think expedient, and shall cause such map to be from time to time revised, and such additions made thereto as may show the new mains, sewers, drains, and works, and the date of every revision shall be expressed therein. Every such map shall be kept in the office of the Board, and the same or a copy thereof shall be open, at all reasonable times, to the inspection of the owner or occupier of any land within the district.

Maps of water and sewerage districts.

PART VI.—WATER SUPPLY.

(1.) *The Supply and Distribution of Water.*

56. THE owner or occupier of land rated under this Act shall, as far as practicable, and subject to the provisions of this Act, be supplied by the Board with the quantity of water for domestic purposes to which he is entitled in respect of the rates, and, on payment of the prescribed charge, with such further quantity as he may take for domestic and other purposes by measure.

Supply to rated land.

57. ON receiving from the owner or occupier of any land rated under this Act a written request for a supply of water, the Board shall provide, lay down to the boundary of the land, and fix the communication pipe and fittings necessary for complying with such request.

Request for supply to rated land.

58. THE owner or occupier of land not rated under this Act may, in writing, request the Board to supply water.

Supply to land not rated.

In such case the Board may, if they think fit, comply with the request, and, on such terms as may be agreed upon, provide, lay down, and fix all necessary pipes and fittings for supplying water to such land.

59. THE Board may cause a meter to be attached to any pipe on any land supplied with water under this Act.

The Board may supply meter and charge by measure.

When a meter is so attached, the owner or occupier shall not receive a supply of water except by means of the meter, unless the Board consent to its removal, or to a supply of water to a part of the land otherwise than by means of the meter.

The Board may charge the prescribed rent for the use of the meter, and the cost of fixing, removing, or replacing it and its fittings whenever in the opinion of the Board necessary.

Record of meter to be *prima facie* evidence of water supplied.

60. WHENEVER a meter is used—

- (1.) The quantity of water shown by the index or register shall be taken *prima facie* to be the quantity of water which has actually passed through the meter and has been supplied; and
- (2.) A certificate purporting to be signed by an officer of the Board stating the quantity so shown shall, in any proceeding in which the quantity of water is in question, be *prima facie* evidence of the quantity of water supplied.

Water may be cut off from unoccupied premises.

61. THE Board may turn or cut off the water supply—

- (1.) If the land to which water is supplied is unoccupied; or
- (2.) When any rates or moneys due for water supplied, or agreed to be supplied, or any rent or charges for any meter or other fittings remain unpaid for seven days after they become due; or
- (3.) If the occupier refuses to permit a meter to be attached to any pipe on his land; or
- (4.) If the occupier commits or permits any breach of any of the provisions of this Act or the by-laws thereunder.

Turning or cutting off the water shall be a cumulative remedy for enforcing payment of water rates or other moneys due, and shall not relieve the owner or occupier from liability in respect thereof.

Provision for supplying groups of houses.

62. THE Board may supply a group of dwelling-houses by means of a stand-pipe or other prescribed fittings, and the Board shall be entitled to receive and recover water rates from the owners thereof in the same manner as if the supply had been distributed in each of the dwelling-houses in the ordinary manner.

Supply to persons outside Area.

63. THE owner or occupier of land not situated within the Area may request the Board to supply water to such land.

In such case the Board may, with the approval of the Minister, comply with such request on such terms as they may think fit, and, if they comply, may construct all necessary works for supplying water to such land:

Provided that any land to which the Board supply water under this section, and the owner or occupier of such land, shall thenceforth be subject to the provisions of this Act, as modified by such terms as aforesaid, in the same manner as if such land were situated within the Area :

Provided further that the nature, size, and description of the works, pipes, and fittings for supplying the land with water shall be entirely in the discretion of the Board.

64. THE Board shall fix upon the main or other pipes within the Area, at the request and at the expense of any local authority, fire plugs for the supply of water for extinguishing fire. Fire plugs.

65. THE Board shall, at the expense of the local authority, keep such fire plugs in effective order, and shall deposit the keys thereof at such stations as may be directed by the local authority. Repair of fire plugs.

66. IT shall not be compulsory on the Board to supply or continue to supply water to any person, and the Board shall not be liable to any penalty or damages for not supplying or continuing to supply water. Supply of water not compulsory.

(2.) *The Protection of Works and Prevention of Waste.*

67. EVERY person supplied with water under this Act shall keep the service or communication pipe and all prescribed fittings within or attached to his land in good repair, so as to effectually prevent the water from running to waste. Duty to keep fittings in repair.

68. NO person shall—

(1.) Connect a meter, pipe, or other fitting through which water is or is intended to be supplied ; or

(2.) Disconnect a meter, pipe, or other fitting from any other meter, pipe, or other fitting through which water is or is intended to be supplied,

Fittings not to be connected or disconnected without notice.

unless he has given the prescribed notice of his intention so to do, and has received the consent, in writing, of the Board, or of an authorised officer in that behalf.

69. (1.) ANY officer of the Board may, at all reasonable times, enter upon any land to which water is supplied under this Act, and may examine and ascertain — Power to enter and examine whether water is wasted, etc.

What quantity of water has been consumed there ;

Whether there has been or is any waste, misuse, fouling, or contamination of the water ; and

Whether all fittings, with the materials and mode of arrangement thereof, used or intended to be used are in accordance with the by-laws, and in proper order and repair.

(2.) When a fitting is not in accordance with the by-laws, or is out of proper order and repair, the officer of the Board may repair or remove it, and if necessary substitute others in its stead, or may alter the mode of arrangement, as the case requires.

Any expense incurred by the Board in that behalf shall, on demand, be repaid by the owner or occupier of the land, and if not repaid on demand may be recovered by the Board in the same manner in which water rates may be recovered.

Protection of fittings.

70. NO person shall remove, alter, repair, renew, or uncover any pipe or other fitting which is the property of the Board until the prescribed notice has been given to the Board, and the consent of the Board, in writing, obtained.

No such pipe or fitting shall be subject or liable to be seized or taken in execution by process of law, or under distress for rent.

Power to enter on land and fix fittings.

71. ANY person authorised by the Board may at all reasonable times enter upon any land to which water is or is intended to be supplied under this Act, and may place and fix thereon and attach thereto, wherever the Board think proper, such fittings as the Board may think expedient, and may do all other acts and execute all other works which the Board may think fit.

Any person so authorised may at all reasonable times enter upon such lands and examine, remove, repair, alter, or replace all or any of such fittings.

Penalty for using unauthorised fittings.

72. IF any person supplied with water by the Board does any of the following things for the purpose of taking water in a manner not authorised by this Act, that is to say—

(1.) Uses in, places upon, or attaches to the land, or permits to be so used, placed, or fitted, any fitting, instrument, or thing not authorised by the Board; or

(2.) Alters, misuses, injures, or removes any authorised fitting, except for the purpose of necessary repair,

he shall forfeit and pay to the Board a sum not exceeding fifty pounds, and shall, in addition, be liable to pay to the Board any damages sustained by the Board in respect of any injury done to their property, and the value of any water wasted, misused, or unduly consumed.

Penalty for not repairing fittings.

73. IF any person supplied with water by the Board causes or suffers any pipe, receptacle, fitting, or other apparatus used in connection with water supplied to him by the Board to be out of repair

without repairing it within a reasonable time, or to be so used or contrived that the water supplied to him by the Board is, or is likely to be wasted, misused, unduly consumed, or contaminated, or so as to allow the return of foul air or any noisome or impure matter into a pipe belonging to the Board, or connected with any such pipe, he shall forfeit and pay to the Board a sum not exceeding ten pounds.

74. IF any person, not being authorised by the Board— Penalty for destroying valves, etc.

(1.) Wilfully or carelessly breaks, injures, opens or shuts, or wilfully permits to be broken, injured, or opened or shut, any lock, sluice, cock, valve, pipe, or other authorised fitting, or any work belonging to the Board; or

(2.) Flushes or draws off the water from any waterworks of the Board; or

(3.) Does any other wilful act, or wilfully permits to be done any act whereby such water is wasted,

he shall forfeit and pay to the Board a sum not exceeding fifty pounds, and shall, in addition, be liable to pay to the Board any damage sustained in respect thereof, as well for the value of the water wasted as in repairing the fittings or other parts of the works; and the amount of such damage shall be ascertained, determined, and recovered in the same manner as such forfeited sum.

75. IF any person uses or consumes, or permits to be used or consumed, any water belonging to the Board, contrary to the provisions of this Act and the by-laws thereunder, he shall forfeit and pay to the Board a sum not exceeding fifty pounds. Penalty for taking, etc., water in contravention of this Act.

76. ANY person who fraudulently takes, or procures to be taken, any water belonging to the Board from a reservoir main or pipe belonging to or vested in the Board, or from any pipe leading to or from any such reservoir main or pipe, is guilty of a misdemeanour, and liable to imprisonment, with or without hard labour, for any term not exceeding two years. Fraudulent taking of water.

77. IF any person supplied with water by the Board— Other consequences of contravening this Act or the by-laws.

(1.) Does, or causes or permits to be done, anything in contravention of the provisions of this Act or of the by-laws; or

(2.) Omits to do, or prevents being done, anything which under any of those provisions ought to be done for the prevention of the waste, misuse, undue consumption of water,

the Board may (without prejudice to any other remedy against such person) cut off any of the pipes by or through which water is supplied by the Board to him or for his use, and may discontinue

the supply of water to him so long as the cause of injury remains or is not remedied; but such cutting off shall not affect or take away his liability to payment of rates

PART VII.—DRAINAGE.

Owners and occupiers to make drains to public sewers.

78. AS soon as any sewer, or any part thereof, is completed and ready for use, the Board may, by notice in writing, demand that the owner or occupier of any land situated within the district and capable, in the opinion of the Board, of being drained into such sewer, shall construct such drains and fittings from and in connection with such land to communicate with such sewer, as the Board may determine.

Such drains and fittings shall be made and attached and be supplied with water according to such plans and directions as the Board shall deem proper for effectually carrying off all impurities from the said land.

Board may make drains and attach ventilators in default of compliance with orders.

79. (1.) THE Board may, after giving the prescribed notice to the owner or occupier of any land, require such drains and fittings to be constructed by such owner or occupier within such time as they may limit in that behalf; and may require ventilating shafts, pipes, or tubes to be attached to any building, or erected apart from or otherwise than attached to any building, and to be connected with the drains.

(2.) If the same shall not be constructed within such time, or according to such plans and directions as the Board shall deem proper, the Board may construct, and attach the same; and for that purpose may enter into or upon the land of any such owner or occupier, and excavate the ground, and make, construct, and attach such drains and fittings, and may attach and connect such ventilating shafts, pipes, or tubes as aforesaid.

(3.) The Board may in any such case recover from every such owner or occupier, by the like proceedings and with the like remedies as if such expenses were a sewerage rate, the full amount of the expenses of making such drains or fittings, or attaching or connecting such ventilating shafts, pipes, or tubes.

Cost of drains by whom payable.

80. THE cost of providing, laying down, constructing, and fixing in readiness for use such drains and fittings shall, as between the owner and occupier of the land, be payable by the occupier, if the land is held by such occupier for a term whereof a period of more than five years remains unexpired at the time of such cost being incurred; and when the unexpired term shall at such time be less than five years, one moiety only of such cost shall be payable by such occupier, and if such occupier shall have paid the full amount of such cost, he shall be entitled to recover one moiety thereof from the owner, or may deduct such moiety from the rent due or to accrue due under his lease.

If the owner of any land shall have paid any such cost or moiety thereof which should have been paid by such occupier, such owner shall be entitled to recover from such occupier the amount of such cost or moiety thereof as the case may be, or may recover the same by distress in the same manner as rent is recoverable :

Provided that the provisions of this section shall not invalidate or affect any contract between the owner and occupier of any land.

81. WHERE any owner or occupier of any land becomes liable to the Board for the expenses of making drains or fittings, or attaching or constructing ventilating shafts, pipes, or tubes, the Board may, upon the application of such owner or occupier, enter into an agreement with such owner or occupier for the payment of such expenses and any costs incurred by the Board in relation to such works, in not more than twelve quarterly instalments from the date of the completion of the work.

Persons liable for payment for compulsory drainage may agree to pay by deferred payments.

Interest at five per centum per annum on the amount remaining to be paid shall be added to each instalment, and such payments shall be charged upon the land in respect of which such works have been carried out, and may be recovered from any owner of such land with costs.

82. NO person shall, without having previously given one week's written notice to the Board, construct or alter any drain or fitting communicating with any sewer, and no person shall, under any circumstances, construct or alter any such drain or fitting, except according to such plans as the Board may approve, and in such manner as they may direct. Any person contravening the provisions of this section shall, on conviction, forfeit and pay a penalty not exceeding fifty pounds.

No private drain or sewer to be made without notice.

83. ALL drains and fittings communicating with any sewer shall from time to time be repaired and cleansed, under the inspection or direction of the Board, at the expense of the occupiers of the land in respect of which the said drains shall have been constructed ; and in case any such occupier shall neglect to repair or cleanse any such drain according to the direction of the Board, he shall, upon conviction for every such offence, forfeit and pay a penalty not exceeding ten pounds.

Drains to be cleansed.

84. (1.) THE owner or occupier of any land in or on which it is proposed to construct or alter any closet or urinal or work of a sanitary nature, communicating with the sewers of the Board, shall, before the commencement of the work, give notice thereof in writing to the Board, and furnish the Board with a plan of the proposed work.

Notice to be given to the Board before commencing or continuing sanitary work.

The Board shall, within seven days after the receipt of the plan, return it with such directions indorsed thereon as may be thought fit.

If the owner or occupier—

- (a.) Commences or causes to be commenced the construction or alteration of any work as aforesaid without giving such notice or without furnishing the plan as aforesaid; or
- (b.) Having given the notice and furnished the plan commences or causes to be commenced the construction or alteration of the work before the expiration of the seven days above mentioned, and before the plan has been returned by the Board; or
- (c.) Fails to follow the directions indorsed on the plan,

he shall be liable to a penalty not exceeding twenty pounds, and any work constructed or altered contrary to or not in accordance with the said directions may be removed by the Board, and the expenses of the removal may be recovered by the Board from the owner or occupier:

Provided that the above provisions of this section shall not apply in a case where the chairman of the Board declares in writing under his hand that he is satisfied that an emergency had arisen which rendered it necessary or desirable that the work should be constructed or altered before the directions of the Board could be obtained, and that notice was given and a plan was furnished as soon as practicable.

(2.) If the construction or alteration of a work to which this section applies is suspended for a month, two clear days' notice of the resumption thereof shall be given by the owner or occupier to the Board.

If the owner or occupier resumes the construction or alteration of a work as aforesaid, or causes it to be resumed, without giving notice as aforesaid, or before the expiration of the time hereinbefore mentioned, he shall be liable to a penalty not exceeding ten pounds.

Inspection by Minister.

85. WHERE any drain is made to communicate with any sewer, any engineer, surveyor, or other person authorised by the Board may enter upon any house, tenement, or land and inspect such drain; and in the event of the same being found to be improperly laid, the Board may cause the same to be properly laid at the expense of the owner of such drain. Such expense shall be recoverable in like manner as penalties are recoverable under this Act.

Penalties on persons encroaching on sewers.

86. (1.) EVERY person who shall erect, construct, or place any building, wall, fence, or obstruction in, upon, over, or under any sewer, so as to interfere with or injuriously affect such sewer in the carrying away of sewerage or drainage, and every person who

shall obstruct, fill in, close up, or divert any sewer without the previous consent in writing of the Board, shall, in addition to any other penalty to which he may be liable, forfeit and pay a sum not exceeding twenty pounds for every such offence, and in case of a continuing offence, a further penalty not exceeding five pounds for each day after notice shall have been given by the Board to such person.

(2.) The Board may demolish and remove any such building, wall, fence, or obstruction, and perform any works necessary for restoring or reinstating such sewer; and the person erecting such building, wall, fence, or causing such obstruction, or obstructing, filling in, closing up, or diverting such sewer, as the case may be, shall also pay the expense of removing such wall, fence, or obstruction, or of re-opening, restoring, repairing, or re-instating such sewer.

87. ANY person acting under the authority of the Board may at all reasonable times enter into or upon any land having a drain communicating with the sewers of the Board, to examine if there is any communication with any other drain or sewer into any land; and if such person is at such time refused admittance or on being admitted is obstructed or prevented from making such inspection and examination as aforesaid, the occupier shall be liable to a penalty not exceeding ten pounds.

Inspection of communicating drains.

88. IF any person supplied with a drain in pursuance of this Act, or having any drain or sewer which may communicate with the sewers of the Board, permits any other person not having the authority or consent of the Board to use any such drain or any branch into the same, every person so offending shall forfeit for every such offence a sum not exceeding ten pounds over and above the full amount of the damage sustained by the Board by the acts or means in respect of which such penalty shall be incurred, and the Board shall be at liberty to cut off from the main sewer the drain of every such person so offending.

Penalty for giving use of drain without permission.

89. EVERY person who, not being authorised by the Board, wilfully or carelessly breaks, injures, or opens, or permits to be broken, injured, or opened, any sewer, drain, or fitting, or any other work, shall for every such offence be liable to a penalty not exceeding fifty pounds, besides the amount of the expense to which the Board may be put in respect thereof in repairing such sewer, drain, fitting, or work, and the amount of such expense shall be ascertained, determined, and recovered in the same manner as such forfeited sum.

Penalty for destroying sewers and fittings.

90. WHERE several properties in the separate occupation of several persons are drained by one common drain, such several properties shall be liable to the payment of the same sewerage rates as they would have been liable to if each of such several

Where separate properties are drained by a common drain, each to be liable.

properties had been connected with the sewer of the Board by a separate drain, and the costs and charges of repairing and cleansing such common drain by or under the direction of the Board shall be equally borne by and between each of the owners or occupiers of such several properties.

Agreement with Board.

91. THE Board may, by agreement with and at the expense of the owner or occupier of any land within the sewerage area, execute any drainage works which such owner or occupier may be desirous to have executed.

PART VIII.—RATES AND SALE OF WATER.

(1.) *Rate Books.*

Rate books.

92. THE Board shall cause rate books to be kept in the form or to the effect of the Fourth Schedule, and shall enter therein all rateable land in the Area, or any district thereof, as the case may be, with the several particulars indicated in the said schedule, and in the appropriate column shall state the estimated net annual value or unimproved capital value of such land.

Valuation.

93. SUCH annual value may, at the option of the Board, be either—

- (1.) The current value of the local authority in whose district the land is situated ; or
- (2.) The yearly rent at which the land might reasonably be expected to let, free from all usual tenant's rates and taxes, and deducting therefrom the probable annual average cost of insurance and other expenses (if any) necessary to maintain such property in a state to command such rent ; or
- (3.) An amount not exceeding seven pounds ten shillings per centum on the capital value of the land in fee simple.

The valuation shall be made on the assumption (if necessary to be made) that the sub-letting of the land is authorised by law.

Assessment on unimproved values.

94. THE Board may adopt a general system of valuation on the basis of the unimproved value of land instead of a valuation as prescribed by the last preceding section.

In such case the unimproved capital value of rateable land shall be inserted in the rate book in place of the annual value thereof.

“Unimproved value” means the sum which the land in fee simple, unencumbered by any mortgage or charge, and if no improvements existed thereon, might be expected to realise at the time of valuation if offered for sale.

95. EVERY rate book shall be made up as early as may be in each year, and notice thereof shall forthwith be published in the *Government Gazette* and in at least one newspaper circulating in the Area.

Rate book to be open to inspection.

The rate book shall at all reasonable times be open to inspection by any ratepayer.

96. ANY person authorised by the chairman, in writing, may, as of right, at all reasonable times inspect, free of charge, all valuations, lists, and rate books of any local authority relating to any land situate in the Area, and may take copies or extracts from them.

Board may inspect rate books of local authorities.

97. ALL persons having the custody of such valuations, lists, or rate books shall, at all reasonable times, and without any fee or charge, afford to the Board, and all persons authorised by the chairman, free access to the same.

Access to be given.

98. EVERY person having the custody of a valuation list or rate book of any local authority which a person authorised by the Board is entitled to inspect, who neglects or refuses to permit any such person to inspect the same free of charge, or to make or take copies or extracts therefrom, shall be liable to a penalty not exceeding twenty pounds.

Penalty for not permitting inspection.

99. (1.) THE town clerk or secretary to the council or board of every municipality and road district in which any main-pipe or sewer is laid down, shall, as soon as practicable after the third Saturday in December in each year, and not later than one calendar month thereafter, deliver to the Board a copy of the rate book of such local authority.

Clerks of local authorities to supply copy of rate book.

(2.) Every such local authority shall be entitled to charge the Board for such copy at the rate of one penny per folio of seventy-two words for everything written therein, but not to exceed the sum of fifty pounds.

Board to pay for copy rate book.

100. IF any alteration or amendment is made to any such rate book the same shall be forthwith notified to the Board by the town clerk or secretary, and the copy of the rate book shall be altered or amended accordingly.

Clerk to notify amendments.

101. THE net annual value or unimproved capital value set against all rateable land in the rate book shall, subject to appeal as hereinafter provided, be the rateable value thereof for the current year.

Rateable value.

102. THE Board may from time to time amend the rate book by adding the particulars of any property that may have become rateable, and by inserting the particulars of any rateable property

Rate book may be amended.

omitted therefrom, or by substituting for the name of any person erroneously inserted as the owner or occupier of any land the name of the true owner or occupier, and by correcting any error that may need rectification, and otherwise amending the same.

Notice of amendment to be given.

103. WITHIN fourteen days of any such amendment, the Board shall cause notice to be given to every person affected by the same, and every such person shall have the same right of appeal from such amendment as he would have had if the amendment had appeared in the rate book as made up.

Board may use previous year's rate book.

104. THE Board may, instead of causing a new rate book to be made up in any year, use the rate book of the last or any previous year, with such alterations and additions as may appear necessary.

(2.) *Appeals.*

Grounds of appeal against assessment.

105. ANY person may appeal against any valuation in the rate book, or any alteration thereof or addition thereto; but no appeal shall be allowed when the valuation does not exceed the current valuation of the same land by the local authority.

Appeals, how made.

106. APPEALS shall be made to the Board, and from the decision of the Board there may be a further appeal to the Local Court having jurisdiction within the district, as hereinafter provided.

Appeals to the Board.

107. EVERY appeal to the Board shall be by notice setting out the grounds of appeal, in the form or to the effect of the Fifth Schedule.

The notice of appeal shall be given to the Board within one month after publication of notice of the making up of the rate book, or of the receipt by the appellant of notice of an amendment thereof.

No appeal shall be entertained unless the appellant deposits with the Board the amount of the rates then due and payable in respect of the valuation complained of.

Notice of the day appointed by the Board for the hearing of such appeal shall be given to the appellant six days at least before the day of hearing, in the form or to the effect of the Sixth Schedule.

Appeals to the Local Court from decisions of the Board.

108. EVERY appeal to a Local Court from the decision of the Board shall be commenced by notice setting out the grounds of the appeal, in the form in the Seventh Schedule or to the like effect.

The notice shall, within ten days after the decision appealed from, be served on the Board and the clerk of the Local Court.

The appeal shall come on for hearing at the sitting of the Local Court next after ten days from the service of such notice on the clerk of the Local Court.

109. (1.) ON the hearing of all appeals, the rate book or a copy or extract therefrom certified by the chairman shall be produced; and the Board, or the Local Court on appeal from the Board, on the day of hearing, or at any adjournment thereof, may make such order as shall be just, and shall direct any alterations or additions occasioned by such order to be made in the rate book. Hearing of appeal.

(2.) On any appeal to the Local Court, the Court may make such order as may seem just for the payment of the costs of the appeal, and may determine the amount of such costs; and payment of the same may be enforced in the same manner as a judgment of the Local Court.

(3.) The decision of the Local Court on any appeal shall be final.

(3.) *The Making of Rates.*

110. THE Board shall, from time to time, make and levy water rates in respect of all rateable land within the Area or any district thereof, whether actually occupied or not, situated within sixty yards of any main pipe, although the land may not be actually supplied with water. Land subject to water rates.

111. THE Board shall make and levy sewerage rates in respect of all rateable land within a sewerage district, whether actually occupied or not, situated within two hundred and twenty yards of any sewer, although the land may not be actually connected with the sewer. Land subject to sewerage rates.

112. NO rate shall in any one year exceed—

Amount of rate.

- (1.) One shilling in the pound on the annual rateable value of the land rated; or
- (2.) Two pence in the pound on the unimproved value of the land rated where the valuation is on the basis of the unimproved value of land:

But the Board may make and levy a minimum rate of the prescribed amount upon any land the annual rate of which would not exceed one pound.

113. WHENEVER any rate is ordered by the Board to be made and levied, the chairman shall, on a vacant page of the rate book, to be left blank for the purpose, enter a memorandum of such order, and shall sign the same, and cause notice thereof to be published in the *Government Gazette* and a newspaper usually circulating in the Area. Manner of making rate.

On the publication of such notice, the said rate shall, subject to any by-law as to the time and mode of payment, become due and payable by the occupier or owner of the land rated as hereinafter provided.

Rate for unexpired portion of year in case of new main or sewer.

114. WHENEVER a main pipe or sewer is laid down or extended after a rate has been struck for the year, and notice thereof is published in the *Government Gazette*, a proportionate part of the rate shall thereupon become payable in respect thereof for the unexpired portion of the year from the date of such notice.

Gazette evidence of striking of rate.

115. THE production of a copy of the *Government Gazette* containing a notice of the striking of a rate shall be conclusive evidence in all Courts of the due striking, making, and publication thereof.

(4.) *Payment of Rates and for Water.*

Rates, when payable.

116. ALL rates shall be payable in advance in accordance with the by-laws for the time being, and shall cover and be paid in respect of the period of twelve calendar months from the first day of January next following the striking thereof if struck in the month of December, or if struck after December, then in respect of the twelve calendar months from the first day of January next preceding the striking thereof.

Payment for water supplied by measure.

117. PAYMENT for water supplied or agreed to be supplied by measure shall become due and shall be made at the times and in manner prescribed.

Payment by measure when land rated.

118. WHERE water is supplied by measure to the owner or occupier of land rated under this Act, all water in excess of the prescribed quantity which the owner or occupier is entitled to receive in respect of the rate shall be paid for by him at the prescribed price.

Supply to local authorities.

119. THE Board shall supply water by measure to any local authority within the Area or to any Government department at one-half of the charge made, for the time being, to private consumers.

Recovery of rates by distress.

120. IF any person liable to pay money due for water rates, sewerage rates, or for water supplied by measure, fails to pay the same for the space of fourteen days after demand thereof made, in writing, by the secretary or any authorised collector, the chairman may issue his warrant for levying the amount with costs, by distress and sale of the goods and chattels found on the land in respect of which the money is due, in accordance with the law for the time being relating to distress for rent.

A warrant of distress may be in the form or to the effect of the Eighth Schedule.

The chairman may include in any one warrant any number of persons liable to pay rates.

The fees prescribed in the Ninth Schedule shall be payable on every distress.

121. ANY person appointed by the Board as their bailiff for the purpose of levying rates, or money due for water supplied, by distress and sale, shall have power and authority to sell by public auction any goods and chattels seized under warrant of distress without taking out a license as an auctioneer.

Bailiff may sell by auction without license.

122. INSTEAD of proceeding by distress and sale, or in case no sufficient distress can be found on the premises, the Board may, fourteen days after demand thereof, in writing, by the clerk or secretary, or any authorised collector, and notwithstanding any change of occupation or ownership, recover any money due for rates or for water supplied by measure from the occupier or owner for the time being of the land in respect of which the money is due, by complaint before two Justices of the Peace, or by action in any Court of competent jurisdiction.

Recovery by action or complaint.

123. IN any action or other proceeding against the owner of land for the recovery of money due for water rates, sewerage rates, or for water supplied, it shall not be necessary to prove service upon the occupier of any demand for payment.

In action against owner, proof of demand on occupier not necessary.

124. ANY unsatisfied judgment or order of any Court against any person for the recovery of money due for water rates, sewerage rates, or for water supplied shall not be a bar to the recovery thereof from any other person liable under the provisions of this Act to the payment thereof.

Persons liable may be resorted to in succession.

125. IN any proceeding to levy and recover, or consequent on the levying or recovering of any rate under the provisions of this Act, the rate book of the Board, and all entries purporting to be made therein, by the production thereof alone, or a certified copy thereof or extract therefrom, purporting to be signed by the chairman and sealed with the seal of the Board, shall be *prima facie* evidence of such rate and of the contents thereof, without any evidence that the notices required by or other requirements of this Act have been given or complied with.

Rate books to be evidence.

126. (1.) WHEN the owner of any land has paid any money due for water or sewerage rates or for water supplied which, as between the owner and occupier, should have been paid by the occupier, the owner may recover the sum so paid, on demand, from the occupier as arrears of rent could be recovered from the occupier by the owner.

Recovery of rates paid by owner from occupier.

(2.) When the occupier of land has paid money due for water rates, sewerage rates, or for water supplied, which, as between such occupier and the owner should have been paid by the owner, the occupier may deduct the amount paid from any rent due or to become due to the owner, or may recover the amount from the owner in any Court of competent jurisdiction.

Recovery of rates paid by occupier from owner.

Apportionment of rates between successive owners or occupiers.

127. WHEN an occupier or owner ceases to be the occupier or owner of the land in respect of which a rate is made, before the end of the period in respect of which such rate was made, such occupier or owner shall, as between himself and the succeeding occupier or owner, be liable to pay a portion only of the rate payable for the whole of such period proportionate to the time during which he continued to be the occupier or owner.

Any person who is the occupier or owner of the land during the remainder of the period shall, as between himself and the preceding occupier or owner, be liable to pay a portion of such rate in proportion to the time during which he is such occupier or owner :

But any rate made in respect of such property, and any money due for water supplied, shall continue in force, and may be recovered by the Board from the owner or occupier for the time being, without regard to any change in the occupation or ownership.

Premises may be sold for arrears of rates, etc., remaining unpaid for twelve months.

128. (1.) IF money due for water rates, sewerage rates, or for water supplied remains unpaid for the term of twelve months in respect of any land, the Board may cause a notice, in the form of the Tenth Schedule, to be published in the *Government Gazette*, and in a newspaper usually circulating in the Area, three times, at intervals of not less than one week between any two publications

(2.) If the money due and expenses are not paid at or before the expiration of the time specified in such notice, the Board may present a petition to the Supreme Court, stating the imposition of the rate on the said land, or the supply of water, and amount due for the same, the non-payment thereof, and the publication of the notices aforesaid.

(3.) Any Judge of the Supreme Court, on being satisfied of the proof of such circumstances, shall order the said land or such part thereof as may be deemed sufficient to satisfy the money due, expenses, and costs to be sold by some person to be named in such order by public auction, and the proceeds of such sale (after deducting the expenses thereof) to be paid to the Master of the Supreme Court

(4.) The Master, on receiving the same, shall, out of such moneys, pay to the Board the amount due as aforesaid, and of all rates imposed on such land and due in respect thereof up to the day of such sale, and all expenses and costs incurred by the Board in the proceedings, and shall hold the surplus (if any) in trust for such person as may prove himself entitled to the same.

(5.) The Judge may, at the time of making any such order, give any directions that he may deem proper touching the time and place of such sale, and the notices to be given thereof.

(6.) No neglect of any of such directions shall in anywise invalidate any such sale, but the person or persons neglecting the

same may be ordered by the Judge to make compensation, to be assessed as the Judge may direct, to any person injured by such neglect.

(7.) A certificate of sale of any rateable land, according to the form in the Eleventh Schedule, made out by the person directed in the order of the Judge to sell the same, shall be given to the purchaser; and the Registrar of Titles, on production of the said certificate, and of an office copy of the said order, and on payment of the proper fees, shall register the certificate of sale in like manner as a transfer of the land, and issue to such purchaser a certificate or other instrument of title free from all encumbrances.

129. ANY person ordered to sell any such land as aforesaid may act as an auctioneer in respect of any such sale, without any license authorising him so to act. Person ordered to sell need not have auctioneer's license.

PART IX.—FINANCE.

130. ALL the property, debts, and liabilities of the Metropolitan Water Works Board shall, on the constitution of the Board under this Act, by force of this Act alone be transferred to and become the property, debts, and liabilities of the Board. Transfer of liabilities of Metropolitan Water Works Board.

131. THE Minister shall, on the constitution of the Board under this Act, cause a statement to be prepared of such water-works and sewerage works as are transferred from the control of the Minister for Works, and shall determine the amount expended upon such works, and such amount shall be deemed a liability of the Board to the Colonial Treasurer, and interest shall be chargeable thereon at such rate (not exceeding four pounds per centum per annum) as the Colonial Treasurer may determine. Outstanding debts for other works.

132. ALL moneys received by the Board from rates, charges, rents, or otherwise under this Act, shall be applied in manner following, that is to say:— Revenue, how applied.

- (1.) In defraying the expenses incurred in the maintenance and management of the works, and the conduct of the business of the Board;
- (2.) In payment of the interest and contributions to the sinking fund of any loan, the liability in respect of which is transferred to the Board, or of any loan raised by the Board;
- (3.) In the payment of any interest or instalments of principal or contributions to the sinking fund due in respect of any liability of the Board to the Colonial Treasurer;
- (4.) In the construction, extension, and improvement of works.

Power to borrow money.

133. THE Board may, with the approval of the Governor, borrow money—

- (1.) For the construction of waterworks or sewerage works;
- (2.) For payment of the cost of waterworks or sewerage works constructed by the Minister for Works, under this Act;
- (3.) For payment of the cost of works charged against the Board under section one hundred and thirty one;
- (4.) To discharge the principal money of any existing loan or for the consolidation of the debts of the Board;
- (5.) For any other purpose approved by the Governor.

Money to be borrowed on debentures.

134. ALL money borrowed by the Board may be raised by the issue of debentures payable to bearer, with interest coupons attached, to be charged and secured upon the works constructed by or vested in the Board under this Act, and upon the revenues of the Board.

Provisions relating to debentures.

135. THE following provisions shall apply to debentures issued under this Act:—

- (1.) Every debenture shall be in the form or to the effect set forth in the Twelfth Schedule.
- (2.) Every debenture shall be sealed with the common seal of the Board, and the debentures shall be numbered consecutively, beginning with the number one and proceeding in an arithmetical progression, whereof the common difference shall be one.
- (3.) Every debenture, with the interest coupons annexed thereto, and every interest coupon, after being detached therefrom, shall pass by delivery and without any assignment or indorsement.
- (4.) The bearer of every debenture or detached interest coupon shall have the same rights as if he were expressly named as payee therein.
- (5.) No interest shall be payable in respect of any debenture except to the holder of the coupon representing the interest claimed, and upon delivery of the same.

Sinking fund to be created.

136. BEFORE raising any loan the Board shall make provision for the repayment thereof by the creation of a sinking fund, and for such purpose may, with the approval of the Governor, permanently appropriate any part of the revenues of the Board.

Investment of sinking fund.

137. ALL moneys so appropriated as a sinking fund, and all interest accruing thereon, shall be invested by the Board in the joint names of the Colonial Treasurer and the Board in such securities as the Colonial Treasurer may think fit.

138. THE accumulated sinking fund shall be applied in payment of the principal of the loan when the same becomes payable, or may be applied from time to time in the redemption of debentures issued.

Accumulated sinking fund to be applied in payment of loan.

139. THE Board shall keep, or cause to be kept in one or more books, a register of debentures, and within a reasonable time after the date of any debenture shall cause to be made an entry in the register specifying the number, date, and amount of the debenture; and the register may be inspected at all reasonable times by any person on payment of one shilling for each inspection. Such register shall be evidence of any matters required or authorised by this Act to be inserted therein.

Register of debentures.

140. ANY person shall be entitled to obtain from the Board copies or extracts, certified by the officer in whose custody the register is kept to be true copies or extracts of such register, upon payment for each copy or extract of a fee of two shillings and sixpence, and two pence for every folio of seventy-two words, and any copy or extract so certified shall be admissible in evidence.

Copies to be supplied.

141. NO notice of any trust, expressed, implied, or constructive shall be received by the Board, or by any officer of the same, in relation to any debenture issued under this Act.

Notice of trust not receivable.

142. A PERSON advancing money, and receiving in consideration of such advance any debenture under this Act, shall not be bound to inquire into the application of the money advanced, or be in any way responsible for the non-application or mis-application thereof.

Owners of securities not responsible for application of moneys.

143. IF, at the expiration of three months from the time when any principal money or interest has become due on any debenture, and after demand in writing, the same is not paid, the holder thereof may, without prejudice to any other mode of recovery, apply to the Supreme Court or any Judge thereof for the appointment of a receiver, and the said Court or any Judge thereof may, after hearing the parties, appoint as receiver some person to collect and receive the whole or a competent part of the rates, debts, funds, rents, fines, or other property of the Board upon which the principal moneys or interest mentioned in such debenture is charged, until such principal or interest, or both (as the case may be), together with the costs of the application and of collection, shall be fully paid.

Receiver may be appointed in certain cases.

144. EVERY such receiver shall be deemed an officer of and shall act under the direction of the Supreme Court.

Receiver an officer of Court, etc.

The Supreme Court or any Judge thereof may from time to time remove any such receiver, and on the death, resignation, or

removal of any such receiver may appoint some other person in his place.

Such receiver shall be entitled to receive the whole or such competent part of the rates, debts, funds, rents, fines, or other property of the Board as aforesaid, and to be paid such commission as remuneration for his services as the Supreme Court or a Judge thereof may think fit.

Application of
assets by receiver.

145. EVERY such receiver shall hold all moneys received by him, after payment of costs and expenses of collection and of his commission, in trust for the purpose of paying to all holders of debentures issued by the Board of any moneys secured thereby and owing to them according to their respective priorities and subject thereto for the Board.

Board may obtain
bank overdraft.

146. FOR the temporary accommodation of the Board, they may obtain advances by overdraft of current account in any bank or banks, but so that the principal moneys owing on overdraft do not at any time exceed the sum of five thousand pounds.

PART X.—ACCOUNTS AND AUDIT.

(1.) *Books of Account and Inspection.*

Books of account
and inspection by
persons interested.

147. THE Board shall cause books to be provided, and accounts to be entered therein of all sums of money received and paid on account of the business of the Board, and of the several purposes for which such sums of money are received and paid; and such books shall, at all reasonable times, be open to the inspection of any person appointed by the Minister and of any ratepayer or of any creditor of the Board, any of whom may, at all reasonable times during office hours, and without payment of any fee, make a copy thereof or take extracts therefrom.

Every person having the custody of any such book who does not, on the reasonable demand of any such member, ratepayer, or creditor, permit him to inspect such book, or to make or take such copy or extract, shall be liable to a penalty not exceeding five pounds.

Yearly balance and
audit.

148. THE Board shall, at the end of every financial year, cause their accounts to be balanced, and shall cause such accounts to be audited by competent auditors as soon as conveniently may be. The accounts so balanced shall be produced to the auditors with all vouchers in support of the same, and all books, papers, and writings in the custody of the Board relating thereto.

If the auditors, after due inquiry, are satisfied that all moneys received have been duly accounted for, and that all payments charged have been duly authorised and made, they shall sign the accounts in

token of their allowance thereof, but if they disapprove of any part of the accounts, they may disallow any parts of the accounts so disapproved of.

149. THE yearly accounts of the Board, so balanced and audited as aforesaid, and either allowed or disallowed by the auditors, shall be produced at the first ordinary meeting of the Board thereafter, or at some adjournment thereof, and shall be then finally examined and settled by the Board, and if the same are found correct, they shall be allowed by the Board and certified accordingly under the hand of the chairman of such meeting.

Examination and settlement of accounts by Board.

After such accounts have been so allowed and signed by such chairman and the auditors, the same shall (except in the case of an audit by a special auditor or special auditors appointed by the Governor) be final as against all persons whomsoever.

150. AS soon as possible after the accounts are so allowed and certified, the Board shall publish in the *Government Gazette*, and in newspapers circulating in the Area, a true statement of the receipts and expenditure of the Board for the financial year then last past, and such statement shall be signed by the chairman and certified as correct by the auditors.

Certified statement of receipts and expenditure to be published.

(2.) *Special Audit.*

151. THE Governor may, from time to time, appoint a special auditor or auditors to examine the accounts of the Board, and the chairman and secretary shall, on being requested so to do, produce and lay before the auditor or auditors so appointed all books and accounts of the Board for such period, and all vouchers in support of the same, and all books, papers, and writings in the power of the Board relating thereto.

Audit by authority of Governor.

Seven days' notice in writing shall be given to the chairman and clerk of any such intended examination.

152. THE special auditor or special auditors shall forthwith, after the examination of the accounts of the Board, report to the Minister the result thereof, and if it appears to the Minister that any money has been wilfully or corruptly misapplied to purposes to which it was not lawfully applicable, or that any member has wilfully, or by culpable negligence, misapplied or connived at or concurred in the misapplication of such money, he shall certify accordingly; and the Governor may, by Order in Council to be published in the *Government Gazette* within three months from the date of such certificate, wholly or in part confirm or disallow the same.

Report of special auditors.

153. THE special auditor or special auditors, before certifying as aforesaid, shall, by public notice or otherwise as may seem to him

Special auditors to hear explanations.

or them reasonable, appoint a time and place for hearing such explanations as may be offered by or on behalf of the Board or any member thereof.

Proceedings on
confirmation of
certificate.

154. EVERY such order of confirmation of a certificate shall be conclusive evidence in all Courts, and for all purposes whatsoever, of the facts of the misapplication of the moneys therein mentioned, of the amount so misapplied, and of the liability of the member or members named in such order as having so misapplied the same or connived at the misapplication thereof to pay the same.

Any sum of money mentioned in any such order of confirmation as having been so misapplied may be recovered in any Court of competent jurisdiction, together with full costs of suit, from any one or more of the members mentioned in such order as liable to pay the same, at the suit of the Board, or at the suit of any ratepayer, or at the suit of any of the creditors of the Board; and any sum or sums so recovered shall be paid into the funds of the Board.

Costs of special
audit.

155. THE Governor may direct that the costs and expenses of and connected with any such examination shall be paid, either wholly or partly, out of the funds of the Board, and may direct that the amount thereof shall be deducted from and retained out of any moneys payable to the Board by the Colonial Treasurer.

(3.) *Powers of Special Auditors.*

General powers of
special auditors.

156. FOR the purpose of any such examination the special auditor or special auditors may take evidence upon oath (which oath every special auditor is hereby empowered to administer), and may by summons, under his or their or either of their hands, require all such persons as he or they may think fit to appear personally before him or them, at a time and place to be fixed in and by the summons, and to produce to him or them all such books and papers as may appear necessary for the examination:

And any person so required who, without just excuse, neglects or refuses to comply with the tenor of the summons, or who, having appeared before the special auditor or special auditors, refuses without just excuse to be examined on oath or affirmation concerning the premises, or to take such oath or affirmation, or, having taken such oath or affirmation, to answer such questions concerning the premises as are put to him, shall and may be dealt with by the special auditor or special auditors in the same manner in all respects in which by any Act in force for the time being relating to Justices persons so refusing or neglecting in cases in which Justices have summary jurisdiction may be dealt with.

(4.) *Examination by Auditor General.*

157. THE Auditor General, or such officers of his staff as he from time to time directs, may, at such times as he may think fit, examine the books and accounts of the Board, and the Auditor General shall report thereupon to the Colonial Treasurer.

Auditor General may examine book annually.

The Colonial Treasurer may, if he thinks fit, require such books and accounts to be kept by the Board in such form and manner as may be prescribed by the Auditor General.

PART XI.—BY-LAWS.

158. THE Board may, subject to the provisions of this Act, make by-laws with respect to the following matters, that is to say:—

Board may make By-laws.

- (1.) The general conduct of their business and proceedings, and the control, supervision, guidance, and duties of their officers and servants. Regulating business.
- (2.) For the prevention of the pollution of water within any water reserve or catchment area. Water reserves.
- (3.) Regulating and controlling the use by any person of artesian bores sunk before or after the commencement of this Act. Regulating bores.
- (4.) The due management and use of the water and other property of the Board and of any water under their jurisdiction or authority. Managing works.
- (5.) Protecting and preventing and remedying the waste, misuse, undue consumption, fouling, or contamination of water contained in or supplied from the water works or otherwise under the control of the Board. Preventing waste, etc.
- (6.) The construction, maintenance, cleansing, repair, management, and use of the water works, sewerage works, sewers, drains, pipes, and other property of the Board. Construction and use of works.
- (7.) Protecting the water works, sewerage works, sewers, drains, pipes, and fittings from trespass and injury. Protecting water and works.
- (8.) Regulating the purposes for which any pipes, drains, or sewers shall be used or applied. The use of pipes, drains, etc.
- (9.) Regulating the dimensions, material, form, construction, and arrangement of, and the maintenance or alteration of ventilators for pipes, drains, or sewers. Ventilators.
- (10.) Regulating the disinfection and cleansing of or otherwise dealing with any substance or matter before the discharge thereof into any drain or sewer. Disinfection.
- (11.) Prescribing the fees payable for tapping the mains or connecting with the sewers of the Board. Fees for tapping mains or connecting with sewers.

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| Rates. | (12.) Making, levying, and collecting water rates and sewerage rates and fixing a minimum rate to be paid in respect of land under a prescribed value. |
| Quantity of water. | (13.) Prescribing the quantity of water which a consumer may take in respect of any rates paid for any given period. |
| Domestic purposes. | (14.) Prescribing the purposes which shall be and shall not be domestic purposes for the use of water. |
| Scale of charges for water supplied by measure. | (15.) Prescribing scales of charges for water supplied by measure, and the minimum quantity of water to be charged for, and the rent for the use of meters. |
| Specifying purposes. | (16.) Specifying the purposes for which, and the persons or classes of persons to whom, water may be supplied under agreement, and the general and special terms and conditions upon which water shall be so supplied. |
| Prescribing quantity for specified purposes. | (17.) Prescribing the quantity of water a consumer may take or consume for any specified purposes; and the price to be paid for water supplied for any specified purposes. |
| Fixing levels of water. | (18.) Fixing the level beyond which water supplied from the works may not be allowed to rise at any particular place within the Area or any district. |
| Repair of fittings. | (19.) Compelling persons using water supplied by the Board to keep their pipes and fittings in proper repair. |
| Prohibiting alteration of fittings. | (20.) Prohibiting any alteration of or interference with any meter, pipes, drain, or fittings, without the consent of or notice to the Board; and prohibiting the sale by any person to whom water is supplied by the Board of water so supplied, except with the authority in writing of the Board. |
| Enabling Board to repair fittings at cost of consumer. | (21.) Enabling the Board to repair such pipes or fittings so as to prevent waste of water, and to recover the cost of such repairs from the owner or occupier of the land. |
| Arrangement of fittings. | (22.) Prohibiting any mode of arrangement, and the use of any fittings which may, in the opinion of the Board, cause or tend to cause waste, misuse, undue consumption, fouling, or contamination of the water. |
| Inspection. | (23.) The inspection of all pipes, sewers, drains, fittings, and meters. |
| Licensing plumbers. | (24.) Regulating the examination and licensing of persons to perform work in connection with meters, pipes, sewers, drains, and fittings; the cancelling of such licenses, and prohibiting any other than licensed persons from fixing, altering, or repairing meters, pipes, sewers, drains, or fittings connected with the works of the Board. |
| Fees. | (25.) Prescribing fees or charges for or in respect of licenses. |

(26.) Prescribing forms to be used for the purposes of this Act, and modifying any of the forms contained in the Schedules. Forms.

(27.) And for any other purposes relating to the administration of this Act and the exercise of the powers vested in the Board. Generally.

159. EVERY by-law—

(1.) May impose a penalty not exceeding twenty pounds for the breach thereof, and in the case of a continuing breach, a further penalty not exceeding five pounds for each day the offence continues after notice thereof has been given by or on behalf of the Board to the offender; and

Penalties for breach of by-laws.

(2.) May provide that, in addition to the penalty, any expense incurred by the Board in consequence of the breach of such by-law shall be paid by the person committing such breach.

160. EVERY by-law shall, upon approval by the Governor and publication in the *Government Gazette*, have the force of law, and shall be laid before Parliament within fourteen days after such publication if Parliament is then in session, and if not, then within fourteen days after the commencement of the next ensuing session. By-laws to be approved by the Governor and published in *Government Gazette*.

In any proceeding in any Court the production of the *Government Gazette* containing any by-law purporting to have been made and approved under this Act shall be conclusive evidence of such by-law having been so made and approved.

PART XII.—GENERAL PROVISIONS.

161. ALL notices and demands under this Act may be in writing or in print, or partly in writing and partly in print. Notices.

162. (1.) ANY notice or demand required by this Act to be given to or made upon any person may be served— Notices and demands, how served.

(a.) By delivering the same to such person;

(b.) By leaving the same at his usual or last known place of abode;

(c.) By forwarding the same by post in a prepaid letter addressed to such person at his usual or last known place of abode.

(2.) A notice or demand forwarded by post shall be deemed to have been given or made and to have been received at the time when, by ordinary course of post, the letter would be delivered. When deemed to have been given

When name of owner or occupier unknown.

(3.) When a notice or demand under this Act is required to be given or made to any owner or occupier whose name or address is unknown to the Board, it shall not be necessary to name such owner or occupier, and such notice or demand may be served by placing it on some conspicuous part of the land of such owner or occupier, and by publishing it three times, at intervals of not less than a week between any two publications, in a newspaper usually circulating in the district.

Services on corporations.

(4.) A notice or demand may be served on a corporation, or incorporated company, or the members of a partnership, by being delivered, left, or posted in a prepaid letter, the notice or demand being addressed in each case to the corporation, company, or partnership at the principal office or place of business thereof in the State.

Notices binding on persons claiming under owner or occupier.

163. ALL notices and demands duly given to or made upon any owner or occupier shall be binding upon all persons claiming by, from, or under such owner or occupier.

Notices may be authenticated by signature of chairman without seal.

164. EVERY order, summons, notice, or other document requiring authentication by the Board may be sufficiently authenticated, without the common seal of the Board, if signed by the chairman.

Service on Board.

165. ANY summons or notice, or any writ or other proceeding requiring to be served upon the Board, may be served upon the chairman or secretary of the Board.

Saving of civil remedy.

166. THE institution of any proceedings, or the conviction of any person for any offence against this Act, shall not affect any remedy which the Board or any person aggrieved may be entitled to in any civil proceedings.

Recovery of value of water misused, etc.

167. WHEN any water supplied under this Act has been wasted, misused, or unduly consumed, the Board may recover the value thereof, as a debt due to them by the person who wasted, misused, or unduly consumed the same, and the remedy given by this section shall be additional to any other remedy which the Board may possess, and to the liability to any penalty which such person has incurred.

Obstructing Board or officers in performance of duty.

168. EVERY person who obstructs the Board or any member thereof, or any person employed by the Board, in the performance of any act or thing which they are respectively authorised or required to do in the execution of this Act or any by-law made thereunder, shall be liable to a penalty not exceeding twenty pounds.

Penalty for refusing to give up possession of works.

169. ANY person having charge of any works, the property of the Board, who refuses, on lawful demand, to give up peaceable and quiet possession of the same to any person entitled to possession

under the provisions of this Act, shall be guilty of a misdemeanour, and shall be liable to a penalty not exceeding two hundred pounds and to be imprisoned for any period not exceeding twelve months.

170. ANY officer of the Board may, without warrant, arrest any person found committing an offence against this Act or any by-law thereunder, if the offender refuses to give his name and address.

Offenders may be arrested.

171. ALL penalties and forfeitures incurred under this Act, or any by-law made thereunder, may be recovered summarily before any two or more Justices of the Peace in the manner provided by the Justices Act, 1902, on the complaint of the Board or any officer or servant of the Board.

Summary proceedings for offences and recovery of penalties.

172. ALL penalties and forfeitures recovered under this Act, or any by-law thereunder, shall be paid to the Board, and the proceeds are hereby appropriated for the purposes of this Act.

Application of penalties.

173. IN any proceeding in any Local Court, or before Justices of the Peace, the secretary or any other officer of the Board may represent the Board in all respects as if he were the party concerned.

Board may be represented by secretary or other officer.

174. (1.) ALL actions to be brought against the Board, or any person, for anything done or purporting to have been done under this Act shall be commenced within six months after the act complained of was committed.

Actions against the Board or officers.

(2.) Notice, in writing, of the intended action, and the cause thereof, shall be served upon the Board, or the person against whom the action is to be brought, at least one month before any process is issued, with the name and place of abode of the party intending to bring such action.

(3.) If—

(a.) Tender of sufficient amends has been made before such process is issued; or

(b.) The matter complained of appears to have been done under the authority and in the execution of this Act; or

(c.) Such action is brought after the time limited for bringing the same; or

(d.) Such notice is not given as aforesaid,

judgment shall be given for the defendant with costs.

175. ANY person appointed under the hand of the chairman of the Board may, for the purposes of this Act, search the public

Books of Land Titles and other offices may be searched without fee.

registers of the office of Land Titles and Registry of Deeds, or any office of the Department of Lands, without payment of any fee.

Property of Board
not to be taxed.

176. ALL lands and works vested in or under the management and control of the Board shall be exempt from any rate, tax, or imposition which any local authority might, but for this section, lawfully levy and impose.

Proof of ownership
or occupancy.

177. IN any legal proceedings under this Act, in addition to any other method of proof available,—

(1.) Evidence that the person proceeded against is rated as owner or occupier of any land; or

(2.) Evidence by the certificate, in writing, of—

(a.) The Registrar of Deeds, or his deputy, that any person appears from any memorial of registration of any deed, conveyance, or other instrument to be the owner of any land; or

(b.) The Registrar of Titles, or any assistant or deputy registrar, that any person's name appears in any register book kept under the Transfer of Land Act, 1893, as proprietor of any land; or

(c.) The Under Secretary for Lands that any person is registered in the Department of Lands as the owner, occupier, or lessee of any land,

shall, until the contrary is proved, be evidence that such person is the owner or occupier, as the case may be, of such land.

Minister may
exercise powers of
Board until trans-
fer of works.

178. THE Minister for Works may exercise all the powers of the Board with respect to any waterworks and sewerage works constructed by him under this Act, until such works are transferred to the Board.

Provisions 64 Vict.,
No. 8, relating to
water and sewerage
not to apply to area.

179. ON and after the commencement of this Act, the provisions of the Municipal Institutions Act, 1900, relating to water supply and sewerage, shall cease to have effect within the Area constituted by this Act.

SCHEDULES.

First Schedule.

Section 3.

Date.	Title.	Extent of Repeal.
53 Vict., No. 13 ...	The Waterworks Act, 1899 ...	The whole.
60 Vict., No. 19 ...	The Metropolitan Water Works Act, 1896	The whole.
62 Vict., No. 22 ...	The Metropolitan Water Works Act, 1896, Amendment Act, 1898	The whole.
63 Vict., No. 34 ...	The Metropolitan Water Works Act, 1899	The whole.
63 Vict., No. 53 ...	The Fremantle Water Supply Act, 1899	The whole.
1 & 2 Ed. VII., No. 27	The Metropolitan Waterworks Amend- ment Act, 1902	The whole.

Second Schedule.

Section 6.

All waterworks which, at the commencement of this Act were vested in or under the control of the Metropolitan Water Works Board under the Metropolitan Water Works Act, 1896.

All waterworks within the Area and which, at the commencement of this Act, were vested in, maintained by, or under the control of the Minister for Works.

Third Schedule.

Section 6.

Boundaries of the Area.

Bounded by lines starting from a point on the seashore situate West from the North-West corner of Perthshire Location Aw, and extending North-Easterly to the North-West corner of Location Ap; thence East, partly along the South boundary of Location Au, to the North-East boundary of Swan Location Z; thence South-East along part of the said boundary to the South corner of Reserve 3720; thence East-North-Easterly to the North-West corner of Location Q 2; thence North to the North boundary of Location O 1; thence East along part of that Location's North boundary to the centre of the Swan River; thence North-Easterly along the said centre of the river to a point situate West from the South-West corner of Location 14a; thence East partly along that Location's South boundary to its South-East corner; thence South to the centre of the Smith's Mill Branch of the Eastern Railway; thence North-Westerly along the said centre of the Railway to a point situate North from the North-West corner of Reserve 2101; thence South to the South boundary of Location 16; thence West along part of that Location's South boundary and onwards to the East corner of Location 8; thence South-Westerly to the North corner of Canning Location 2; thence South-East along part of that Location's North-East boundary to the centre of Brookman Road; thence South-West along the centre of Brookman Road to the centre of Welshpool Road; thence Westerly along the said centre of Welshpool Road to the centre of the Perth-Albany Road; thence South-Easterly along the said centre of the Perth-Albany Road to a point situate North-East from the North corner of Canning Location 328; thence South-West to the said corner; thence Westerly to the North-East corner of Location 37; thence West along part of that Location's North boundary to the centre of the road from Perth to Fremantle *via* the Lower Canning Bridge; thence South-Westerly along the said centre of the road to a point situate North from the North-East corner of

Fourth Schedule.

.....*Water [or Sewerage] District.*

RATE BOOK.

Surname of person rated.	Other Names of persons rated.	Trade or Occupation.	Name of Owner.	Description and situation of rateable property.	Net Annual value.	Amount o rate.

Fifth Schedule.

..... *Water [or Sewerage] District.*

NOTICE OF APPEAL.

Take notice that I appeal against the valuation in the Rate Book in respect of the undermentioned property, on the grounds stated.

Land Rated:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1

Grounds of Appeal.

[illegible]

Dated the _____ day of _____, 19____.

(Signed) _____ Name _____

Address _____

Sixth Schedule.

THE METROPOLITAN WATER AND SEWERAGE AREA.

..... *Water [or Sewerage] District.*

Notice is hereby given that the Metropolitan Water and Sewerage Board have appointed the day of, 19, at o'clock in the noon, at, to hear the under-mentioned appeals from the valuation in the Rate Book for the year 19

APPEALS.

.....
.....
.....
.....
.....
.....

Dated day of, 19

Chairman.

— — —

Seventh Schedule.

THE METROPOLITAN WATER AND SEWERAGE AREA.

..... *Water [or Sewerage] District.*

NOTICE OF APPEAL FROM THE BOARD TO THE LOCAL COURT AGAINST VALUATION.

To the Chairman of the Metropolitan Water and Sewerage Board, and the Clerk of the Local Court, holden at

Take notice that it is my intention to appeal from the decision of the Board in the matter of the valuation of the undermentioned land, to the Local Court holden at on the day of, 19

Description of Land:

.....
.....

Grounds of Appeal:

.....
.....

Dated the day of, 190

(Signed)
Name
Address

— — —

Section 120.

Eighth Schedule.**THE METROPOLITAN WATER AND SEWERAGE AREA.**.....*Water [or Sewerage] District.***WARRANT OF DISTRESS.**

To and his assistants.

Whereas the persons whose names appear in the schedule are liable to pay to the the amount of rates or for water supplied set opposite their names, in respect of the land stated, and demand for payment thereof has been made in accordance with "The Metropolitan Water and Sewerage Act, 1904," and default has been made in payment: These are therefore to authorise you to make distress of the several goods and chattels in the first place of the persons named in the schedule, if resident on the land and having any goods and chattels there, and in case of change of occupation then upon the goods and chattels of any person who is the occupier in possession of the premises at the time of the execution of this warrant, and if, within five days next after the making of any distress under this warrant, the several sums so distrained for, including any lawful charges for levy, inventory, sale, commission, and delivery of goods in each case are not paid, then that you do sell the said goods and chattels so by you distrained, and out of the money arising by such sale you retain the respective sums so due and owing according to the said schedule, and render to the parties respecting whose goods you have sold the surplus (if any), and that you certify to me on or before the day of what you have done by virtue of this warrant.

Schedule.

Names of Ratepayers.	Description of Lands rated.	Amounts payable for Rates or water supplied.		
		£	s.	d.

Given under my hand this day of , 19
Chairman.

Section 120.

Ninth Schedule.**SCALES OF FEES ON DISTRESS FOR RATES.**

Warrant (each person)	...	...	...	...	One shilling.
Levy	...	...	...	...	Five shillings.
For man in possession	...	...	...	...	One shilling an hour for first three hours, and if longer detained, eight shillings a day or part of a day, together with actual travelling expenses.
For inventory, sales, commission, and delivery of goods	...	...	...	...	Not exceeding One shilling in the pound on proceeds of sale.

Tenth Schedule.

THE METROPOLITAN WATER AND SEWERAGE AREA.

..... *Water [or Sewerage] District.*

NOTICE.

By virtue of the provisions of the Metropolitan Water and Sewerage Act, 1904, notice is hereby given to all persons interested that the sum of £
has now been due and unpaid for twelve months in respect of water [*or sewerage*]
rates made and assessed [*or for water supplied*] by the Metropolitan Water and
Sewerage Board, upon [*or to*] [*here describe the land*], and payment of the said
sum is now required; and the owner of the said property, and all other persons
interested therein are hereby warned that in default of payment of the said sum
of £ , together with all expenses caused by the non-payment
of the same, on or before the day of , 19 ,
to [*the person appointed by the Board to receive the same*], a petition will be
presented to the Supreme Court, praying the said Court to order the said property,
or a competent part thereof, to be sold, pursuant to the provisions of the said Act.

Dated this day of , 19

(Signed)

Chairman.

Eleventh Schedule.

THE METROPOLITAN WATER AND SEWERAGE AREA.

..... *Water [or Sewerage] District.*

CERTIFICATE OF SALE.

Whereas, by an order of the Supreme Court, dated the day
of , 19 , it was ordered that [*here describe the property ordered to be sold*]
should be sold by public auction by me, the undersigned, and the proceeds of such
sale be dealt with as in the said order mentioned: Now I, the undersigned, do
hereby certify that the said property was put up for sale by public auction on
the day of , 19 , and that of became the
purchaser thereof for the sum of £

In witness whereof I have hereto set my hand this day
of , 19 .

(Signed)

Section 135.

Twelfth Schedule.

THE METROPOLITAN WATER AND SEWERAGE ACT, 1904.

No. Debenture £

(Total Issue £)

Issued by the Metropolitan Water and Sewerage Board of Perth, Western Australia.

TRANSFERABLE BY DELIVERY.

This Debenture was issued by the Metropolitan Water and Sewerage Board, of Perth, Western Australia, and is to secure to the bearer the principal sum of pounds, payable on the day of , 19 .

Interest on such principal sum at the rate of pounds per centum per annum is payable in the meantime by half-yearly payments on the day of , and the day of in every year, and a coupon is annexed for each payment, which entitles the bearer of such coupon thereto.

Such principal sum and interest are payable at , and are charged on the property and revenues of the Metropolitan Water and Sewerage Board, and are not otherwise secured.

Dated the day of , 19 .

[SEAL]

(Signed)

Chairman.
Member.

Secretary.