

[CONFIDENTIAL]

(Rough Draft for Consideration Only.)

No. , 1923.

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## A BILL

To reconstitute the Board of Water Supply and Sewerage; to provide for a new basis of election of the elected members thereof; to amend the Metropolitan Water and Sewerage Act of 1880 and certain other Acts; and for purposes connected therewith.

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**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**1.** This Act may be cited as the "Metropolitan Short title. Water and Sewerage (Amendment) Act, 1923," and shall be read and construed with the Metropolitan Water

*Metropolitan Water and Sewerage (Amendment).*

Water and Sewerage Act of 1880 as subsequently amended, which Act as so amended is herein referred to as the Principal Act.

**2.** The Acts mentioned in the Schedule to this Act <sup>Repeals.</sup> are to the extent therein expressed hereby repealed.

**3.** Notwithstanding anything in the Principal Act— <sup>Continuation of present members till</sup>

- (a) the members of the board in office at the passing of this Act shall continue to hold office until the first day of July, one thousand nine hundred and twenty-four; <sup>1st July, 1924.</sup>
- (b) the said members shall then cease to hold office and shall not be entitled to compensation by reason of their so ceasing to hold office;
- (c) the said members shall, if otherwise qualified, be eligible for election or appointment to the board;
- (d) should any extraordinary vacancy occur in the board prior to the first day of July, one thousand nine hundred and twenty-four, the Governor may appoint some person to fill the vacancy until that date.

**4.** The Principal Act is amended—

<sup>Amendment</sup>

(a) By omitting from section five all words after the words "The Board of Water Supply and Sewerage" and by inserting in lieu thereof the following subsections:—

<sup>Act, 43 Vic. No. 32, s. 5.</sup>

(2) The board shall be composed of a president and eight elected members.

(3) The president shall be appointed by the Governor by commission under the seal of the State, and shall hold office for four years, and shall be eligible for reappointment.

(4) At any time upon the office of the president becoming vacant the Governor may either appoint a successor or may require the elected members to choose a president to be appointed by the Governor.

(5) In case the choice falls upon one of the members of the board, the office of that member

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as elected member shall be filled as in the case of an extraordinary vacancy, by election in the constituency for which he was elected.

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

(b) by omitting from section six the word "seven" Sec. 6. and by inserting in lieu thereof the word "nine";

(c) by omitting sections seven to twenty-three, Secs. 7-23. both inclusive, and by inserting the following sections in lieu thereof:—

7. (1) The elected members shall be elected Constituencies. for constituencies, which shall each return one member.

(2) Each constituency shall comprise the areas grouped therein respectively as set out in the Fifth Schedule to this Act: Provided that the Governor may by proclamation published in the Gazette add the names of other areas to the names of the areas mentioned in the said Schedule, and may include such areas in any of the constituencies named, and may re-group the areas included in the constituencies by including or excluding areas from such constituencies.

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

(4) For the purposes of this Part and of the said Fifth Schedule, "area" shall have the meaning ascribed thereto in the Local Government Act, 1919, and shall include the city of Sydney.

8. Every person shall be eligible for election as a member of the board if at the time of the holding of any election he possesses in and for any area for the time being specified in the said Fifth Schedule the qualification, and is not within any disqualification prescribed and imposed in respect of the office of alderman or councillor by the Local Government Act, 1919, the Sydney Corporation Act, 1902, or any Act amending or consolidating those Acts.

Qualification for election.  
43 Vic. No. 32, s. 16.

9. (1) For the purposes of the election of members of the board the Governor may appoint a returning officer and such deputy returning officers as he may deem necessary.

Appointment of returning officer.

(2) The elections shall be carried out and conducted as prescribed by regulations made under this Act.

Conduct of elections.

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

Date of elections.

(2) The days upon which the elections shall be held shall be appointed by the Governor and notified in the Gazette.

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

11. (1) If at the time appointed for an election to be held in a constituency there is no candidate, the Governor may appoint a person qualified under the provisions of this Act to be a member of the board for the constituency.

Governor may appoint in certain cases.

43 Vic. No. 32, s. 20.

(2) The person so appointed shall hold office for the term for which the member to be elected would have held office, and shall for the purposes of this Act be deemed to be an elected member.

12. No election under this Act shall be questioned by reason of any defect in the appointment of any returning officer or deputy before whom such election has taken place if such person has really acted at such election, nor by reason of any formal error or defect in any publication under this Act or the regulations made thereunder, nor by reason of any publication being out of time, nor by reason of any election not having been duly held.

Election not to be questioned for informality.  
43 Vic. No. 32, s. 21.

13. (1) If a candidate at an election, or any other person, shall directly or indirectly by himself or his agent, offer to pay or give money, food, drink, or valuable consideration to induce any person to vote or to abstain from voting at the election, he shall be guilty of a misdemeanour.

Bribery.  
Ibid. s. 19.

(2) The election of a candidate shall upon his conviction for an offence under this section be null and void.

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

Declaration and oath.  
Ibid s. 12.

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

(2) If a person after having been afforded an opportunity of making and subscribing the oath and declaration neglects to do so for a period of one month after the date of his election or appointment, he shall be deemed to have declined to accept office: Provided that where the Governor is satisfied that the delay in making and subscribing the oath and declaration is unavoidable he may extend the time

time for making and subscribing the oath and declaration for any period not exceeding three months. Any person declining to accept office shall not be eligible for re-election to fill the extraordinary vacancy thus created.

15. A member of the board shall cease to hold his office— Vacation of office.

- (a) if he becomes bankrupt, compounds with his creditors, or assigns his estate for the benefit of his creditors ;
- (b) if he dies, or becomes an insane person, an insane patient, or an incapable person within the meaning of the Lunacy Act, 1898 ;
- (c) if he is convicted of any felony or misdemeanour ;
- (d) if he is absent from four consecutive ordinary meetings of the board without leave granted by the board ;
- (e) if he resigns his office by writing under his hand delivered to the Minister.

16. (1) An election to fill an extraordinary vacancy shall be carried out and conducted as prescribed by regulations made under this Act. Extraordinary vacancy. 43 Vic. No. 32, ss. 10 and 18.

(2) A person elected to fill a vacancy shall hold office until the time when his predecessor's term of office would have expired and no longer, but shall be eligible for re-election if otherwise qualified.

17. The expenses incurred in the conduct of an election shall, when certified under the hand of the returning officer, be paid out of the Consolidated Revenue Fund. Expenses of election. Ibid. s. 15.

18. (1) The president of the board shall be paid an annual salary of *one thousand five hundred pounds*. Remuneration of members. Ibid. s. 9.

(2)

(2) Each of the elected members of the board shall be entitled to receive as remuneration for his services a sum not exceeding *two hundred and fifty pounds* per annum, to be paid in the form of a fee of such amount as may be prescribed by regulations for each meeting of the board attended.

(3) The office of an elected member of the board shall not, for the purposes of the Constitution Act, 1902, be deemed to be an office of profit under the Crown.

19. (1) The board shall elect one of its members to be the vice-president thereof. Vice-president.

(2) In the absence of the president the vice-president may act in his stead, and whilst so acting shall have the same power as the president, if present, would have. 43 Vic. No. 32, s. 8.

(3) The president, or in his absence the vice-president, shall preside at all meetings of the board, and shall have a casting vote in addition to a deliberative vote.

20. (1) Any four members of the board, of whom the president or vice-president for the time being shall be one, shall be a quorum thereof, and shall have and may exercise all the powers and authorities which by this Act are conferred on the board. Quorum. Ibid. s. 11. Government Railways Act, s. 10.

(2) All questions arising at any meeting of the board shall be decided by the majority of the votes of the members present.

(3) No proceedings of the board shall be invalid or illegal in consequence only of the fact that there was at the time a vacancy in the board;

(d) by omitting the Second Schedule;

(e)

(e) by inserting the following Schedule next after the Fourth Schedule :—

FIFTH SCHEDULE.

Constituencies.	Areas.	Constituencies.	Areas.
First ...	Sydney. Paddington. Darlington. Glebe.	Fourth ...	Vaucluse. Woollahra. Waverley. Randwick. Mascot. Botany.
Second ...	Central Illawarra. Wollongong. North Illawarra. Bulli. Wollondilly. Campbelltown. Camden. Ingleburn. Sutherland. Nepean. Liverpool. Cabramatta and Canley Vale. Prospect and Sher- wood. Fairfield. St. Mary's. Blacktown. Penrith. Castlereagh. Richmond. Windsor. Colo. Baulkham Hills. Hornsby.	Fifth ...	Strathfield. Enfield. Burwood. Drummoyne. Ashfield. Canterbury. Petersham.
		Sixth ...	Kogarah Hurstville. Bankstown. Bexley. Rockdale. St. Peters. Marrickville.
		Seventh ...	Concord. Homebush. Lidcombe. Auburn. Granville. Parramatta. Ermington and Rydalmere. Dundas. Kuring-gai. Eastwood. Ryde. Hunter's Hill.
Third ...	Waterloo. Alexandria. Newtown. Redfern. Erskineville. Annandale. Balmain. Leichhardt.	Eighth ...	North Sydney. Mosman. Manly. Warringah. Willoughby. Lane Cove.

SCHEDULE.

*Metropolitan Water and Sewerage (Amendment).*

SCHEDULE.

Sec. 2.

Reference to Act.	Short Title.	Extent of repeal.
51 Vic. No. 28...	Metropolitan Water and Sewerage Act Amendment Act of 1888.	Sections 3 and 4.
53 Vic. No. 16...	Metropolitan Water and Sewerage Act Amendment Act of 1889.	Section 26.
1905, No. 39 ...	Sydney Corporation Amendment Act, 1905.	Section 14.