

185A. (1) In addition to exercising any other powers conferred by this or any other Act or any corresponding previous enactment the Ballarat Water Board, with the consent of the Governor in Council, may—

Establishment and maintenance of timber mills.  
S. 185A inserted by No. 10048 s. 15 (d).

- (a) establish and maintain plant and buildings for the milling and processing of timber and forest produce from lands vested in or controlled by the Board;
- (b) use those plant and buildings to convert any such timber or forest produce into logs, sawn timber or merchantable articles; and
- (c) sell any timber or forest produce whether so converted or otherwise.

185B. (1) The members of the Ballarat Water Board may for each and every year appropriate any sum not exceeding in any one year the sum of two per centum of the annual net revenue of the Ballarat Water Board to be granted in two half-yearly instalments to the members as an allowance in consideration of the performance of the duties of their office.

Members' allowances.  
S. 185B inserted by No. 10048 s. 15 (d).

(2) Notwithstanding anything to the contrary in this or any other Act, the acceptance of the allowance shall not vacate the seat of such members.

#### PART IV.—SUPPLY OF WATER DIVISION 1—GENERAL\*

186. Any Authority may within its district supply water by measure to any person for such period and for such charge as is agreed upon.

Supply of water by measure.  
No. 3801 s. 170.  
S. 186 amended by No. 8890 s. 3 (4).

Any Authority with the consent of the Governor in Council may without its district supply water by measure to any other Authority or to any person for such period and for such charge or other consideration as is agreed upon.

But no Authority shall so supply water whether within or without its district until all persons within its district entitled to a supply for domestic and ordinary use and for watering cattle or other stock have been first supplied with such quantity of water (not exceeding the maximum to which such persons are respectively entitled in respect of the annual rates or domestic and stock charges paid or payable by them) as they require.

187. When any Authority supplies water outside its district to any other Authority or person the Authority or person so supplied shall pay therefor such charge as is agreed upon and such charge may be recovered by action of debt in any court of competent jurisdiction.

Charge for water supplied outside district.  
No. 3801 s. 171.

\* Note: Section 243, relating to powers of entry, &c. though under a Part relating to urban districts, applies generally.

Notice to lay  
service pipes in  
rural district.  
Schedule 8A.  
S. 207A inserted  
by No. 8046 s. 6  
(k).

notice by excising from it any street or part of a street in which pipes have not been laid for the supply of water.

**207A.** (1) The Authority having jurisdiction within a rural district shall from time to time after pipes have been laid for the supply of any part thereof cause notice to be given in the *Government Gazette* and in some newspaper circulating generally in such district in the form contained in Schedule 8A or to the like effect.

(2) The owner of each tenement to which such notice applies shall forthwith cause a proper pipe and stop-cocks to be laid so as to convey a supply of water within such tenement.

(3) Where in a notice published pursuant to sub-section (1) there is included any part of the district in which pipes have not been laid for the supply of water, the notice shall nevertheless be a valid notice in relation to any part included in the notice in which pipes have been laid for the supply of water, and the Authority may by a further notice published in the *Government Gazette* and in some newspaper circulating generally in the district amend the notice by excising from it any part in which pipes have not been laid for the supply of water.

The owner or  
occupier of any  
tenement may lay  
service pipes.  
No. 3801 s. 191.  
And may open  
and break up a  
street or drain.

**208.** The owner or occupier of any tenement or of part thereof who wishes to have water from a pipe of the Authority brought into such tenement and who has paid or has tendered to the Authority the rates and charges then payable in respect thereof may between such tenement and the pipe of the Authority open and break up the soil and pavement of any street and any drain in such street and may lay pipes to communicate with the pipe of the Authority.

He shall do as little damage as may be and in respect of any damage shall be liable to make compensation to the Authority municipality or person having the care and management of such street or drain.

Conditions for so  
doing.

He shall be subject to the like necessity of giving previous notice and to the like control restrictions and obligations in and during the time of breaking up and reinstating the same and to the like penalties for delay in regard thereto as is the Authority by virtue of this Act.

Opening of  
ground with  
consent of owner  
and occupier  
thereof.

He may also for the said purposes open any ground between the pipes of the Authority and such tenement having first obtained the consent of the owner and occupier of such ground and lay pipes to communicate with the pipe of the Authority.

Notice to  
Authority of  
laying pipes.  
No. 3801 s. 192.

**209.** Every such owner or occupier shall before he begins to lay any such pipe give to the Authority two days' notice of his intention to do so.

Size and quality  
of pipes.  
No. 3801 s. 193.

**\*210.** All pipes so laid by any owner or occupier shall be subject to any by-law of the Authority in that behalf and shall be of quality approved by the proper officer of the Authority.

\* Note: When item 85 in the Schedule to the *Building Control Act* 1981 No. 9720 comes into operation, section 210 will be repealed. Item 85 in the Schedule to Act No. 9720 was not in operation at the date of this reprint.

agree as to the amount of such compensation the same shall be settled in the manner provided by the *Lands Compensation Act 1958* as modified by and incorporated with this Act.

Ss. (1A) inserted by No. 8712 s. 6; amended by No. 9996 s. 5 (b) (i).

(1A) For the removal of doubts, it is hereby declared that in this section and any corresponding previous enactment—

- (a) the words “this Act” mean this Act or the corresponding previous enactment and any enactment required to be read and construed therewith;
- (b) the words “waterworks” and “race” include pipe (whether constructed above or below the surface of any ground or water) and aqueduct (whether open or closed); and
- (c) the words “take possession of and appropriate” include “compulsorily take possession of and appropriate”.

Para. (c) inserted by No. 9996 s. 5 (b) (ii).

Para. numbered Ss. (2) by No. 7590 s. 7 (d), amended by No. 10081 s. 5 (1).

(2) Notwithstanding anything contained in this section where the Director-General or the Rural Water Commission is the Authority exercising any of the powers thereby conferred it shall not be necessary to obtain any approval or sanction of the Governor in Council and it shall not be necessary for the Governor in Council to specify the lands upon and through which any race drain dam or reservoir may be constructed and used.

Ss. (3) inserted by No. 9996 s. 5 (c).

(3) The provisions of the *Lands Compensation Act 1958* relating to the procedure for the taking and appropriation of land are hereby incorporated with this Act and shall be read and construed therewith and shall take effect with regard to any taking or appropriation of land pursuant to this section.

Ss. (4) inserted by No. 9996 s. 5 (d).

(4) For the purposes of this section, in the construction of the *Lands Compensation Act 1958* unless inconsistent with the context or subject-matter—

“Land” includes any easement, right or privilege in over or affecting the land.

“Minister of Public Works” and “Minister” shall mean an Authority empowered by this section to carry out any work or undertaking.

“Special Act” shall mean this Act.

Ss. (5) inserted by No. 9996 s. 5 (e).

(5) Nothing in sub-section (3) or (4) shall affect the operation of Part VI. of this Act.

An Authority may enter into agreements with owners of land with respect to the provision of water and the construction of works.

S. 307AA inserted by No. 8531 s. 13.

307AA. (1) In this section unless inconsistent with the context or subject-matter—

“Present cost” in relation to completed works means the cost that would have been incurred if a contract for the works had been let at the date of the agreement.

“Works” means water mains, pumping stations, pipelines, reservoirs, storage tanks and any other ancillary equipment.

(2) An Authority may enter into an agreement with the owner of any land providing for the supply of water to such land and the construction or installation of such works as may be specified in the agreement to serve the land concerned either alone or together with other lands.

(3) An agreement under sub-section (2) may *inter alia* make provision for—

- (a) the payment to the Authority by the owner of the land of the whole of the costs of the construction or installation of the works together with the estimated cost of operating any pumping station or works for a period not exceeding five years or such part thereof as the Authority considers reasonable to be paid in respect of such land having regard to the benefit of such works to the land and to any other lands that would be in the opinion of the Authority capable of being served by such works;
- (b) the payment to the Authority by the owner of the land of an amount based on the area of the land and the proposed use to which the land is to be put and assessed by the Authority to be a fair and reasonable contribution towards the cost of the Authority's headworks and distribution systems;
- (c) the payment to the Authority by the owner of the land of—
  - (i) a reasonable proportion of the cost of any works being or to be constructed or installed by the Authority and paid for or to be paid for out of the funds of the Authority; and
  - (ii) a reasonable proportion of the present cost of the construction or installation of completed works constructed or installed by the Authority and paid for out of the funds of the Authority—

which are or after their construction or installation will be available to be connected to and of adequate capacity to serve the land or any part thereof (whether with or without construction or installation of additional works);

- (d) the payment to the Authority by the owner of the land of—
  - (i) a reasonable proportion of the cost of any works being or to be constructed or installed pursuant to an agreement between the Authority and the owner of any other land in the vicinity whether entered into before or after the commencement of the *Local Government (Subdivision of Land) Act 1973*;
  - (ii) a reasonable proportion of the present cost of the construction and installation of completed works constructed or installed pursuant to an agreement between the Authority and the owner of any other land in the vicinity whether entered into before or after the commencement of the *Local Government (Subdivision of Land) Act 1973*—

which are or after their construction or installation will be available to be connected to and of adequate capacity to serve the land or any part thereof (whether with or without construction or installation of additional works);

- (e) the construction or installation of all or any part of the works required by and at the expense of the owner;
- (f) the amount to be advanced to the Authority (other than the Director-General or the Rural Water Commission) by such owner towards any remaining part of the cost of construction or installation of such works;
- (g) the repayment to such owner by the Authority of the whole or such part as may be agreed upon of the advance referred to in paragraph (f); and
- (h) security which may be lodged with the Authority to secure a payment or advance referred to in paragraph (a), (b), (c), (d) or (f).

(4) Where any plan of subdivision of land is referred to an Authority pursuant to the provisions of sub-section (2) of section 569B of the *Local Government Act 1958* the Authority may serve a notice on the owner of the land to which the plan of subdivision relates requiring such owner to enter into an agreement under sub-section (2).

(5) The construction or installation other than by the Director-General or the Rural Water Commission of works pursuant to an agreement under this section shall not be commenced unless the plans and specifications therefor have been approved by the Minister.

(6) (a) Where an authority proposes to enter into an agreement under this section and the works to be constructed or installed pursuant to the agreement will after their construction or installation be available to serve lands other than the lands of the person with whom the authority proposes to enter into the agreement the authority may serve notice of that proposal on the owner of those other lands.

(b) Where a notice is served pursuant to the provisions of paragraph (a) on the owner of any land—

- (i) if such land has been subdivided into residential rural-residential or industrial allotments the owner shall within three months after receiving the notice pay a headworks and distribution contribution towards the cost of the authority's headworks and distribution schemes; or
- (ii) if such land has not been subdivided into residential rural-residential or industrial allotments the owner may within three months after receiving the notice enter into an agreement to pay a headworks and distribution contribution applicable to the land in its existing state or a contribution applicable to a proposed future subdivision of the land in respect of which he may enter into a separate agreement

Para. (f)  
amended by No.  
10081 s. 5 (1).

Ss. (5) amended  
by No. 10081 s. 5  
(1).

Requirement for  
contribution to  
cost of headworks  
or distribution.  
Ss. (6)  
substituted by  
No. 9141 s. 10.