

# LEGISLATIVE ASSEMBLY

Read 1<sup>o</sup> 19 June 1979

(Brought in by Mr Smith, Warrnambool, and Mr Borthwick)

## A BILL

To amend the *Melbourne and Metropolitan Board of Works Act 1958* and for other purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

1. (1) This Act may be cited as the *Melbourne and Metropolitan Board of Works (Amendment) Act 1979*. Short title.

(2) In this Act the *Melbourne and Metropolitan Board of Works Act 1958* is called the Principal Act. Principal Act No. 6310.

Reprinted to No. 8650.  
Subsequently amended by Nos. 8794, 8811, 8893, 8943, 9019, 9030, 9037, 9078, 9130, 9165, 9178, 9204, 9212, 9228, 9235, 9239.

10 (3) This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

15 2. In section 41 of the Principal Act for the words and expressions commencing with the words "Subject to the provisions hereinafter" and ending at the end of the first paragraph there shall be substituted the following words and expressions: Amendment of No. 6310 s. 41.

"The Board shall appoint a secretary who shall be the principal officer of the Board.

With the approval of the Minister the secretary to the Board may in the case of the illness suspension or absence of the Chairman of the Board have and exercise the powers and perform the functions and duties of such Chairman save and except that the secretary to the Board shall not be entitled to sit as a member of the Board or to vote upon any question at any meeting of the Board or to receive additional remuneration for having and exercising such powers and performing such functions and duties. 5

In addition to the secretary to the Board the Board may appoint a treasurer and appoint or employ such engineers surveyors collectors and other officers servants and persons to assist in the execution of this Act as the Board thinks necessary or proper, and such persons shall hold office during pleasure only.”. 10

New section inserted.  
Board may agree to supply water outside metropolis, &c.

3. After section 100 of the Principal Act there shall be inserted the following section: 15

“100A. (1) Where it appears to the Board that the works and services of the Board may be extended usefully and conveniently to land outside the metropolis (and any extension thereto) which land adjoins or lies in the vicinity of any reservoir aqueduct water main or pipe of the Board the Board may with the approval of the Minister agree to supply water to the owner or owners of the land on such terms and conditions as the Board sees fit. 20

(2) The provisions of this Part and all by-laws made or continued thereunder shall with such adaptations as are necessary apply to such water supply.”. 25

Amendment of No. 6310 s. 185.

4. After paragraph (a) of section 185 (2) of the Principal Act there shall be inserted the following paragraph:

“(aa) the making of contributions and costs and expenses of arrangements entered into under section 258c;”.

Amendments of No. 6310 ss. 187, 199.

5. In section 187 (1), (4) and (5) and in section 199 (2) (b) of the Principal Act for the expression “\$1,300,000,000” (wherever occurring) there shall be substituted the expression “\$2,000,000,000”. 30

Amendment of No. 6310 s. 188.

6. In section 188 of the Principal Act after the words “with interest coupons attached” there shall be inserted the words “and by the issue of debentures payable to bearer together with interest payable thereon both”. 35

Amendment of No. 6310 s. 189.

7. In section 189 of the Principal Act after the word “debentures” (where first appearing) there shall be inserted the words “with interest coupons”.

8. After

8. After section 189 of the Principal Act there shall be inserted the following section:

“189A. The following provisions shall apply to debentures other than debentures with interest coupons under this Act:

New section inserted.  
Debentures other than debentures with interest coupons.

- 5 (a) Every debenture shall be in the form or to the effect set forth in Schedule 11AA to this Act;
- (b) Every debenture shall—
- 10 (i) be sealed with the common seal of the Board or have that seal reproduced thereon by engraving or other process approved by the Treasurer of Victoria;
- (ii) be signed personally by—
- 15 the Chairman of the Board or if he is absent one other member thereof; and the secretary of the Board—
- or have the signatures of such persons reproduced thereon by engraving or other process approved by the said Treasurer; and
- 20 (iii) if the said seal or the said signatures are reproduced thereon as aforesaid, be prepared on watermarked paper approved by the said Treasurer—
- and the debentures shall be numbered consecutively beginning with the number one;
- (c) Every debenture shall pass by delivery and without any assignment or endorsement;
- 25 (d) The bearer of every debenture shall have the same rights as if he were expressly named as payee therein;
- (e) No interest shall be payable in respect of any debenture except to the holder of the debenture in accordance with the registered interest instruction;
- 30 (f) The bearer of every debenture shall be entitled to have registered the manner in which interest payable on the debenture is to be made only by the bearer presenting or causing to be presented the debenture at the office of the Board in Melbourne or elsewhere at the discretion of the Board;
- 35 (g) The Board shall cause the register to be closed for the registration of an instruction of the manner in which interest payable is to be made on debentures for a period of fourteen days next before any of the days on which interest is payable and subject to paragraph (h) shall cause the amount of the interest payable to be paid in accordance with the interest instruction registered at the closure of the register;
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(h) The

(h) The principal and interest secured by any debenture may be made payable in Melbourne or elsewhere at the discretion of the Board.”

Amendment of No. 6310 s. 195.

9. In section 195 of the Principal Act for the words “with interest coupons attached” there shall be substituted the expression “with or without interest coupons (as the case requires)”.

Board may enter into arrangements, &c. with any person, &c. engaged in scientific research, &c.

10. For section 258c of the Principal Act there shall be substituted the following section:

“258c. (1) With the approval of the Minister the Board may enter into arrangements with and make contributions to any person body or fund (whether within or outside Victoria) engaged in or established to promote or which has as a principal object scientific research, training or development which the Minister considers may be of benefit to the Board.

Power to Board to become member of research company.

(2) The Board may, with the approval of the Minister—

(a) become a member of a company that is engaged in or is established to promote or has as a principal object scientific research, training or development which the Minister considers may be of benefit to the Board; and

(b) make contributions to such a company.

(3) The Minister may appoint a member of the Board (including the Chairman) or an officer nominated or appointed by the Board, notwithstanding anything in this Act to the contrary, to be a director on the board of management of a company referred to in sub-section (2).”

New Schedule inserted.

11. After the Eleventh Schedule to the Principal Act there shall be inserted the following Schedule:

## " SCHEDULE 11AA

Section 189A.

## FORM OF DEBENTURE

*Melbourne and Metropolitan Board of Works' Debenture*

Secured upon the Metropolitan General Fund, and upon all rates leviable by the Board upon the city of Melbourne and the other metropolitan municipalities.

No.

*Transferable by Delivery*

Under the authority of the *Melbourne and Metropolitan Board of Works Act 1958*.

This debenture entitles the bearer to the sum of \_\_\_\_\_ dollars  
on the \_\_\_\_\_ day of \_\_\_\_\_ with  
the interest thereon in the meantime at the rate of \_\_\_\_\_  
per centum per annum payable \_\_\_\_\_ on the  
\_\_\_\_\_ in every year as per registered interest  
instruction, which principal sum and interest are hereby charged and secured upon the  
Metropolitan General Fund and upon all rates leviable by the said Board in the city of  
Melbourne and the other metropolitan municipalities. And such principal sum and  
interest are payable at the office of the Board in the city of Melbourne or elsewhere at  
the discretion of the Board.

Given under the common seal of the Board at the city of Melbourne in the  
State of Victoria this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

.....Chairman

.....Secretary "





