



LAUNCESTON FLOOD PROTECTION

—
 No. 102 of 1977
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ANALYSIS

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AN ACT to repeal the Launceston Flood Protection Act 1960 and to enable the city of Launceston to make by-laws and exercise certain powers with respect to flood protection.

[30 November 1977]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Launceston Flood Protection Act 1977*. Short title and commencement.

(2) This Act, except section 2, shall be deemed to have commenced on 1st July 1975.

(3) Section 2 shall commence on the day on which the Governor gives his assent to this Act.

Repeal.

2 The *Launceston Flood Protection Act* 1960 is repealed.

Interpretation.

3 In this Act, unless the contrary intention appears, “corporation” means the body corporate under the name of the Mayor, Aldermen, and Citizens of the City of Launceston.

By-laws.

4—(1) Without prejudice to any powers to make by-laws conferred by any other Act, the corporation may, and if required by the Minister shall, make by-laws with respect to the control, maintenance, protection, supervision, and use of—

- (a) any works the management of which has by virtue of any agreement made under section 10 of the *Launceston Flood Protection Act* 1960 been transferred to the corporation;
- (b) any land that, by virtue of such an agreement, has been transferred to the corporation; and
- (c) any land situated within the flood plains enclosed by any works constructed under the *Launceston Flood Protection Act* 1960 any estate or interest of which is vested in the Crown or any body established by or under any enactment.

(2) No by-laws shall be made under this section in respect of any land referred to in paragraph (c) of subsection (1) except with the approval either of the Minister or of the bodies referred to in that paragraph that have estates or interest in that land.

Management, &c., of works constructed under repealed Act.

5—(1) The corporation has the management of all works constructed or in the course of construction which have been transferred to it by virtue of an agreement made under section 10 of the *Launceston Flood Protection Act* 1960 and may do all such acts and things as it considers necessary for the proper management, control, maintenance, protection, supervision, and use of those works.

(2) Without prejudice to the generality of subsection (1), the powers conferred on the corporation shall, at a time of flooding or a danger of flooding, include the power—

- (a) to close any drains or drainage outlets and to erect any flood gates which have been constructed as part of any works constructed under the *Launceston Flood Protection Act* 1960 and to keep them closed or erected, as the case may be, for such time as the corporation thinks fit; and

(b) to close any temporary gaps in a levee constructed under that Act in such manner as the corporation thinks fit and to keep them closed for such time as the corporation thinks fit,

and may, for the purposes of this subsection, notwithstanding any other law or rule of law to the contrary, stop up or close any highway or railway line across, over, or under which any works constructed under that Act pass for such time and in such manner as the corporation thinks fit.

6 Notwithstanding anything in this Act, the corporation and any person acting with reasonable care and in good faith in the execution of this Act shall not be liable to pay any compensation, damages, or other sum in respect of any loss, injury, or damage arising from the diversion, or the alteration of the flow or accumulation, of any waters arising from the construction or maintenance of any works authorized by this Act or by the *Launceston Flood Protection Act 1960*. ^{Indemnity.}

