



**LOCAL GOVERNMENT (CITY OF LAUNCESTON
REORGANIZATION) CONSEQUENTIAL
AMENDMENTS ACT 1985**

No. 31 of 1985

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**SCHEDULE 1
AMENDMENT OF ACTS**

AN ACT to amend certain enactments consequential on the enactment of the Local Government (City of Launceston Reorganization) Act 1985.

[Royal Assent 8 May 1985]

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—This Act may be cited as the *Local Government (City of Launceston Reorganization) Consequential Amendments Act 1985*. Short title.

Commence-
ment.

2—(1) Except as provided in subsection (2), this Act shall commence on the day on which the *Local Government (City of Launceston Reorganization) Act 1985* receives the royal assent.

(2) Where the day referred to in subsection (1) occurs—

(a) before the day on which the *Libraries Act 1984* commences, the amendments to that Act contained in Schedule 1 shall commence on the last-mentioned day;
or

(b) on or after the day on which that Act commences, those amendments shall commence on the first-mentioned day.

Amendment
of Acts.

3—The Acts specified in Schedule 1 are amended in the manner specified in that Schedule.

SCHEDULE 1

Section 3

AMENDMENT OF ACTS

Acts Interpretation Act 1931

(22 Geo. V No. 59)

Section 43 is amended as follows:—

- (a) by omitting from subsection (2) (b) “Lilydale,” and “St Leonards,”;
- (b) by omitting subsection (3) and substituting the following subsection:—

(3) In subsection (2)—

- (a) a reference to a city (other than the city of Launceston) or a municipality shall be construed as a reference to that city or municipality as it existed on 1st January 1976; and
- (b) a reference to the city of Launceston shall be construed as a reference to that city as it exists on and after the commencement of the *Local Government (City of Launceston Reorganization) Act 1985*.

Ambulance Service Act 1982

(No. 105 of 1982)

Section 13 (b) is amended by omitting “Lilydale,” and “St Leonards,”.

Egg Marketing Act 1957

(No. 95 of 1957)

Schedule 1 is amended by omitting “Lilydale,” and “St Leonards,” from the definition of “Northern District”.

Fire Service Act 1979

(No. 35 of 1979)

Section 16 (b) is amended by omitting “Lilydale,” and “St Leonards,”.

Libraries Act 1984

(No. 109 of 1984)

1—Section 13 (e) is amended by omitting “Lilydale,” and “St Leonards,”.

2—Section 14 (4) (e) (i) is amended as follows:—

- (a) by omitting sub-subparagraphs (A) and (B) and substituting the following sub-subparagraph:—
 - (A) two shall be persons nominated by the corporation of the city of Launceston;
- (b) by omitting from sub-subparagraph (E) “Lilydale, Ringarooma,” and substituting “Ringarooma”.

Local Government Act 1962

(No. 67 of 1962)

1—Section 7 (1) is amended as follows:—

- (a) by omitting from paragraph (a) “hundreds; and” and substituting “hundreds;”;
- (b) by inserting the following paragraph after paragraph (a):—
 - (ab) create, unite, abolish, alter the boundaries of, give names to, and alter the names of, wards of the city of Launceston; and

2—Section 9 (1) is amended by inserting “, other than the city of Launceston,” after “city”.

3—Section 30 is amended as follows:—

- (a) by omitting paragraphs (a) and (b) of subsection (1) and substituting the following paragraphs:—
 - (a) subdivide the city of Hobart; or
 - (b) subdivide or alter the subdivision of any other city, except the city of Launceston.
 - (b) by omitting from subsection (2) “cities of Hobart and Launceston” and substituting “city of Hobart”.
 - (c) by inserting in subsection (2) “, other than the city of Launceston” after “a city”.
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Marine Act 1976

(No. 18 of 1976)

1—Section 28 is amended as follows:—

- (a) by inserting “ (1) ” before “ The ”;
- (b) by adding the following subsection as subsection (2) of that section:—

(2) Subject to clause 19 of Schedule 2 to the *Local Government (City of Launceston Reorganization) Act 1985*, the provisions for the rotational retirement of the wardens of the Port of Launceston Authority in force immediately before the commencement of this Act continue in force on and after that commencement.

2—Section 29 is amended as follows:—

- (a) by omitting paragraph (a) of subsection (1) and substituting the following paragraph:—
 - (a) under the *Launceston Corporation Act 1963* to vote at an election of an alderman for a ward of the city of Launceston; or
- (b) by omitting from subsection (2) “ annual election of aldermen ” and substituting “ annual elections of aldermen for the wards of that city ”;
- (c) by omitting from subsection (4) “ any election of aldermen for ” and substituting “ an election of an alderman for a ward of ”;
- (d) by omitting from subsection (5) (a) (i) “ October ” and substituting “ February ”;
- (e) by omitting from subsection (5) (a) (ii) “ November ” and substituting “ March ”.

Metropolitan Transport Act 1954

(No. 77 of 1954)

Section 2 (1) is amended by omitting the definition of “ Launceston metropolitan area ” and substituting the following definition:—

“ Launceston metropolitan area ” means the city of Launceston, as existing immediately before the commencement of the *Local Government (City of Launceston Reorganization) Act 1985*, together with—

- (a) such parts of the municipalities of St Leonards and Lilydale, (being those municipalities as existing immediately before that commencement); and

(b) such parts of the municipalities of Evandale, Westbury, and Beaconsfield,
as are situated within a radius of 12 kilometres from the principal post office at Launceston;

—
North Esk Regional Water Act 1960

(No. 65 of 1960)

1—The long title is amended by omitting “portions of the municipalities of Evandale, George Town, Lilydale, Saint Leonards, and Westbury,” and substituting “portions of the city of Launceston and portions of the municipalities of Evandale, George Town, and Westbury,”.

2—Section 3 is amended as follows:—

(a) by inserting the following definition after the definition of “Commission”:

“the District” means the North Esk Regional Water District referred to in section 10 (1);

(b) by omitting the definition of “municipality” and substituting the following definition:—

“municipality” means the corporation of the city of Launceston, the corporation of the municipality of George Town, or the corporation of the municipality of Westbury;

(c) by omitting the definition of “water district”.

3—Section 10 is repealed and the following section is substituted:—

10—(1) The North Esk Regional Water District comprises—

(a) the water districts set forth in column 2 of Schedule III as they exist immediately before the commencement of the *Local Government (City of Launceston Reorganization) Act 1985*, each of those water districts being constituted by the appropriate municipality specified in column 1 of that Schedule for the purpose of providing for the supply of water taken by the municipality solely from the North Esk Regional Water Supply to the lands within that district; and

(b) such part or parts of the municipality of Evandale as the Commission may, from time to time, require to be supplied with water from the North Esk Regional Water Supply.

(2) The boundaries of the District are subject to the approval of the Commission.

(3) Where the part of the District is a part of the municipality of Evandale in respect of which there is in force a requirement under subsection (1) (b), that part of the District shall be deemed to be part of the city of Launceston that includes the St Leonards Water District.

4—Section 11 is amended as follows:—

- (a) by omitting from subsection (1) “ Each ” and substituting “ Subject to subsection (1A), each ”;
- (b) by omitting from subsection (1) “ 1906 ” and substituting “ 1962 ”;
- (c) by inserting the following subsection after subsection (1):—

(1A) Subsection (1) applies to the corporation of the city of Launceston, notwithstanding that the Commission is not required, under Division 3 of Part III of the *Water Act* 1957, to regulate, control, and supervise the construction of local works constructed by a city, being local works within the meaning of that Division.

5—Section 12 (1) is amended by omitting “ water district ” and substituting “ municipal district that is part of the District ”.

6—Section 14 (1) is amended by omitting “ within its water district ” and substituting the following:—

“ in its municipal district that are used for the supply of water to the part of the District—

- (a) consisting of a water district referred to in section 10 (1) (a); or
- (b) in the case of the corporation of the city of Launceston, consisting of a part of the municipality of Evandale in respect of which there is in force a requirement under section 10 (1) (b).”.

7—Section 15 is amended by omitting “ municipalities ” and substituting “ District ”.

8—Section 16 (1) is amended by inserting “ that is supplied to the District pursuant to section 15 ” after “ Water ”.

9—Section 17 is repealed and the following section is substituted:—

17—Where the part of the District to which water is supplied pursuant to section 15 is a water district referred to in section 10 (1) (a) or a part of the municipality of Evandale in respect of which there is in force a requirement under section 10 (1) (b), the municipality in whose municipal district the water district is situated or the corporation of the city of Launceston, as the case requires, shall not supply water to a person at a place outside that water district or outside that part of the municipality of Evandale, unless it has first obtained—

- (a) the written approval of the Commission; and

Limitation
on supply
of water by
municipalities.

(b) if the place is outside its municipal district, the approval of the corporation of the city or other municipality in whose municipal district that place is situated.

10—Section 21 is repealed and the following section is substituted:—

Subsidies to municipalities.

21—(1) Subject to subsection (2), if so requested by a municipality, the Minister may, in accordance with section 40 of the *Water Act 1957*, pay an annual subsidy—

- (a) to the municipality, in respect of a water district in the municipal district of that municipality that is part of the district; or
- (b) to the corporation of the city of Launceston, in respect of a part of the municipality of Evandale in respect of which there is in force a requirement under section 10 (1) (b).

(2) An annual subsidy may be paid, as mentioned in subsection (1), to the corporation of the city of Launceston, notwithstanding that it is paid in respect of local works within the meaning of Division 3 of Part III of the *Water Act 1957*.

11—Section 23 is repealed.

12—Section 25 is repealed and the following section is substituted:—

Supply of water to part of city of Launceston that is not part of the District.

25—(1) If there is a surplus of water above all other requirements as provided in this Act, the Commission may enter into a contract with the corporation of the city of Launceston for the supply of water from the North Esk Regional Water Supply to a part of that city that is not part of the District.

(2) The supply of water pursuant to a contract under subsection (1) is subject to such terms and conditions as may be approved by the Minister.

13—Section 26 (1) is amended by inserting “which is not part of the District” after “Launceston”.

14—Section 27 (2) is amended by inserting “referred to in section 10 (1) (a) or outside a part of the municipality of Evandale in respect of which there is in force a requirement under section 10 (1) (b)” after “district”.

15—After Schedule II, the following Schedule is inserted:—

SCHEDULE III Section 10 (1)

NORTH ESK REGIONAL WATER DISTRICT

COLUMN 1 Municipality	COLUMN 2 Water District
George Town	George Town/Low Head Water District
Lilydale	Hillwood Water District Newnham Water District Dilston Water District Windermere Water District Swan Bay Water District
St Leonards	St Leonards Water District
Westbury	Hadspen Water District Prospect Vale Water District

North Esk Regional Water Act 1974

(No. 25 of 1974)

Section 4 is amended by inserting the following subsection after subsection (5):—

(6) On and after the commencement of the *Local Government (City of Launceston Reorganization) Act 1985*, subsection (5) shall be deemed to read as follows:—

(5) Notwithstanding anything in the Principal Act, if at any time the Commission considers it necessary to do so to enable an adequate supply of water to be maintained in a part of the District—

(a) that, immediately before the commencement of the *Local Government (City of Launceston Reorganization) Act 1985*, is the St Leonards Water District; or

(b) that, immediately before that commencement, is a water district within the municipality of Westbury,

the Commission may give directions to the corporation of the city of Launceston, or to the corporation of the municipality of Westbury, with respect to the flow, from works vested in it to the water reticulation works in the water district, or a water district, of the other of those corporations, of water supplied by the Commission under the Principal Act; and the corporation shall comply with any such directions.

North Esk Regional Water Act 1975

(No. 96 of 1975)

Section 4 is amended as follows:—

(a) by inserting “(1)” before “Upon”;

(b) by adding the following subsection as subsection (2) of that section:—

(2) On and after the commencement of the *Local Government (City of Launceston Reorganization) Act 1985*, subsection (1) shall be deemed to read as follows:—

(1) The corporation of the city of Launceston shall, subject to section 4 (5) of the *North Esk Regional Water Act 1974*, have the exclusive use of the water main and the other works referred to in Schedule II to the Principal Act for the purposes of the part of the municipal district of that city that, before the commencement of the *Local Government (City of Launceston Reorganization) Act 1985*, was the municipal district of St Leonards, so long as that corporation carries out such maintenance in respect of that main and other works as may be necessary from time to time.

Tamar Improvement Act 1912

(3 Geo. V No. 52)

1—Section 2 is amended by omitting the definition of “the Tamar District” and substituting the following definition:—

“the Tamar District” means the city of Launceston and the municipalities of Beaconsfield and George Town.

2—Section 23 is amended as follows:—

(a) by omitting “three” and substituting “two”;

(b) by inserting “a ward of” after “aldermen for”.

3—Section 25 (1) is amended by omitting “aldermen for” and substituting “an alderman for a ward of”.

4—Section 29 (a) is amended by omitting “aldermen” and substituting “an alderman for a ward of that city”.