



## NORTH ESK REGIONAL WATER

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 No. 25 of 1974  
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### ANALYSIS

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4. Westbury water district.
5. Consequential amendments of the Principal Act.

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**AN ACT to enlarge the North Esk Regional Water Supply and to amend the North Esk Regional Water Act 1960.**

[5 June 1974]

**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 *North Esk Regional Water Act 1974*. Short title and citation.

(2) The *North Esk Regional Water Act 1960*, as subsequently amended, is in this Act referred to as the Principal Act.

## Interpretation.

**2** In this Act “appointed day” means such day as the Minister may, by order, appoint for the purposes of this Act.

## Extension of water supply.

**3—(1)** The powers of the Commission under section 8 of the Principal Act to take and divert water are extended to empower the Commission to take and divert water from the South Esk River at any point between Hadspen and the Trevallyn Dam.

(2) The Commission may cause to be carried out the works specified in Schedule II to the Principal Act added to that Act by this Act at a total cost that, together with the total cost of the completion of the other water supply works referred to in that Act, does not exceed \$5 500 000.

## Westbury water district.

**4—(1)** On the appointed day, the corporation of the municipality of Westbury becomes a municipality within the meaning of the Principal Act, and so much of that municipality as immediately before that day formed, pursuant to section 10 of that Act, part of the water district constituted by the corporation of the municipality of Saint Leonards ceases to form part of that water district.

(2) All water reticulation works that immediately before the appointed day were situated in the municipality of Westbury and vested in the corporation of the municipality of Saint Leonards are on that day, by force of this Act, transferred to and vested in the corporation of the municipality of Westbury; and the works so vested shall be deemed, for the purposes of the Principal Act, to have been provided by that corporation in accordance with section 11 of that Act.

(3) The corporation of the municipality of Westbury shall pay to the corporation of the municipality of Saint Leonards such sums as are sufficient to discharge the liabilities of the latter corporation arising after the appointed day in respect of such loan charges as are properly attributable to the construction of the works transferred to and vested in the corporation of the municipality of Westbury pursuant to subsection (2).

(4) The sums required to be paid under subsection (3) shall be determined by agreement between the corporations referred to therein, or, in default of agreement, by arbitration.

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

the municipality of Saint Leonards or the municipality of Westbury, it may give directions to the corporation of either of those municipalities with respect to the flow, from works vested in it to the water reticulation works in the water district of the other of those municipalities, of water supplied by the Commission under the Principal Act; and the corporation shall comply with those directions.

5—(1) The Principal Act is amended as specified in Part I of the Schedule and the Schedule set forth in Part II of that Schedule is added to the Principal Act as Schedule II to that Act. Consequential amendments of the Principal Act.

(2) On the appointed day the Principal Act is amended as specified in Part III of the Schedule.

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## SCHEDULE

(Section 5)

*Amendments to Principal Act*

### PART I

#### *Enlargement of water supply scheme*

1. Section 3 is amended—
  - (a) by omitting from the definition of “the North Esk Regional Water Supply” the words “and specified in the schedule” and substituting therefor the words “or any subsequent Act and specified in Schedule I and Schedule II”; and
  - (b) by omitting from the definition of “the water supply works” the words “the schedule” and substituting therefor the words “Schedule I or Schedule II”.
2. Section 7 is amended by omitting the words “four million five hundred thousand dollars” and substituting therefor “\$5 500 000”.
3. Section 8 is amended by adding at the end thereof the words “and from the South Esk River at any point between Hadspen and the Trevallyn Dam.”.
4. After section 8A the following section is inserted:—
 

“8B In respect of water taken by the Commission from the South Esk River the Commission shall, on demand being made by the Hydro-Electric Commission, pay to that Commission such sums as may be agreed between the Commission and the Hydro-Electric Commission or as determined by order of the Governor.”.

Payments to Hydro-Electric Commission.
5. The Schedule is amended by omitting the words “THE SCHEDULE” and substituting therefor the words “SCHEDULE I”.

## PART II

*New works*

## “ SCHEDULE II

(Section 3)

## ADDITIONAL WORKS

A pump station on the bank of the South Esk River and the works required to convey water therefrom to a reservoir near Hadspen.

The works required to convey water from that reservoir to a reservoir at Prospect Vale.”.

## PART III

*Westbury Water District*

1. Section 3 is amended by omitting from the definition of “ municipality ” the word “ and ” and adding after the words “ Saint Leonards ” the words “, and the corporation of Westbury ”.

2. Section 10 is amended—

(a) by omitting from subsection (1) the words “ municipalities of Evandale and Westbury ” and substituting therefor the words “ municipality of Evandale ”; and

(b) by omitting from subsection (3) the words “ and Lilydale ” and substituting therefor the words “ Lilydale, and Westbury ”.

3. Section 42 is amended by adding at the end thereof “, and the South Esk River for a distance of 4 kilometres above any intake that the Commission may construct pursuant to this Act.”.