



NORTH ESK REGIONAL WATER AMENDMENT ACT 1983

—
 No. 31 of 1983
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TABLE OF PROVISIONS

1. Short title.
2. Substitution of section 24 of *North Esk Regional Water Act 1960*.
 24—Default in payment by municipality.



AN ACT to amend the North Esk Regional Water Act 1960 for the purpose of making further provision with respect to the consequences of a municipality defaulting in carrying out certain obligations under the Act.

[Royal Assent 19 July 1983]

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 *North Esk Regional Water Amendment Act 1983*. Short title.

Substitution of
section 24 of
*North Esk
Regional
Water Act
1960.*

Default in
payment by
municipality.

2—Section 24 of the *North Esk Regional Water Act 1960** is repealed and the following section is substituted:—

24—(1) In this section—

“ Australian Loan Council ” means the Australian Loan Council created under the Financial Agreement;

“ the prescribed rate ”, in relation to interest payable by a municipality under this section, means the rate that, at the time when that interest first becomes payable under this section, is approved by the Australian Loan Council and in force as the maximum rate of interest payable in respect of a private loan of the longer or longest term raised within the State by an authority established under the law of the State;

“ private loan ” means a loan a condition of which is that subscriptions to the loan are not available to members of the public.

(2) Where an amount required to be paid by a municipality to the Commission under this Act remains unpaid for a period of 1 month after a demand for payment of that amount has been given to the municipality, the Commission may, by notice in writing given to the municipality, direct that that amount shall, as from the expiration of that period, bear interest at the prescribed rate.

(3) A notice under subsection (2) shall have effect according to its tenor.

(4) Where—

(a) an amount required to be paid by a municipality to the Commission under this Act remains unpaid for a period of 2 months after a demand for payment of that amount has been given to the municipality; and

(b) a notice under subsection (2) has been given to the municipality,

that amount, together with the interest on it payable under that subsection, shall bear interest at the prescribed rate.

* No. 65 of 1960. Subsequently amended by No. 43 of 1963, No. 55 of 1965, Nos. 16 and 56 of 1967, No. 33 of 1969, No. 75 of 1973, No. 25 of 1974, No. 96 of 1975, No. 19 of 1976, and Nos. 1 and 53 of 1977.

(5) Where a municipality is in default for a period of more than 3 months in payment of any amount required to be paid to the Commission under this Act, the Commission may recover the amount due, including any interest payable on that amount under this section, in a court of competent jurisdiction.

(6) In a proceeding against a municipality for recovery of an amount required to be paid to the Commission under this Act, a certificate by the Treasurer that, on a day specified in the certificate, a rate so specified was the prescribed rate on that day is, for the purposes of this section, evidence of that fact.

