

NORTH WEST REGIONAL WATER ACT 1987

No. 43 of 1987

TABLE OF PROVISIONS

<p style="text-align: center;">PART I</p> <p style="text-align: center;">PRELIMINARY</p> <p>1. Short title.</p> <p>2. Commencement.</p> <p>3. Interpretation.</p> <p>4. Incorporation of <i>Waterworks Clauses Act 1952</i>.</p> <p style="text-align: center;">PART II</p> <p style="text-align: center;">THE NORTH WEST REGIONAL WATER AUTHORITY</p> <p><i>Division 1—Continuation and composition of Authority, &c.</i></p> <p>5. Continuation of North West Regional Water Authority.</p> <p>6. Members of Authority.</p> <p><i>Division 2—Functions, powers, &c., of Authority</i></p> <p>7. Functions of Authority.</p> <p>8. General powers of Authority.</p> <p>9. Advisory committees.</p> <p>10. Staff of Authority.</p> <p>11. Delegation of functions and powers of Authority.</p> <p>12. Immunity of members and employees of Authority.</p> <p><i>Division 3—Policy objectives of Authority</i></p> <p>13. Power of Minister to give statement of policy objectives to Authority.</p>	<p>14. Powers and functions of Authority subject to statement of policy objectives.</p> <p style="text-align: center;">PART III</p> <p style="text-align: center;">SUPPLY AND USE OF WATER</p> <p><i>Division 1—The North West Regional Water District</i></p> <p>15. North West Regional Water District.</p> <p><i>Division 2—Supply of water by Authority</i></p> <p>16. Sources of supply.</p> <p>17. Maps of water districts with details of bulk supply works, &c.</p> <p>18. Vesting of certain bulk supply works and water reticulation works.</p> <p>19. Existing works for bulk supply to be under control of Authority.</p> <p>20. Transfer of certain works to Authority or constituent municipalities.</p> <p>21. Powers of Authority as to bulk supply, water reticulation, &c.</p> <p>22. Referral of certain disputes to Auditor-General.</p> <p>23. Duty of Authority to ensure water supplies to constituent municipalities.</p> <p>24. Failure of master meter, &c.</p> <p>25. Indemnity for Authority.</p>
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- 26. Restriction of bulk water supply.
- 27. Supply of water otherwise than for domestic consumption.

Division 3—Duties of constituent municipalities

- 28. Duties of constituent municipalities.
- 29. Duty of municipalities to comply with directions of Authority.
- 30. Duty of constituent municipalities not to supply water outside districts.

Division 4—Determination of disputes

- 31. Referral of certain disputes, &c., to tribunal.

**PART IV
FINANCE**

Division 1—Funds of Authority

- 32. Funds of Authority.
- 33. Temporary investment of Authority's funds.

Division 2—Borrowing powers of Authority

- 34. Authority's power to borrow for working expenses.
- 35. State loans to Authority.
- 36. Authority's power to borrow from public.
- 37. Guarantees.

Division 3—Accounts and audit

- 38. Accounts of Authority.
- 39. Depreciation account.
- 40. Reserve accounts.
- 41. Investment of surplus funds.
- 42. Audit of Authority's accounts.

Division 4—Annual estimates and payment for water

- 43. Annual returns and estimates by constituent municipalities.
- 44. Annual estimates by Authority.
- 45. Payments by constituent municipalities for water supplied.

Division 5—Borrowings by constituent municipalities

- 46. Borrowings by constituent municipalities before 1st July 1977.

Division 6—Subsidies to constituent municipalities

- 47. Subsidies to constituent municipalities.

PART V

**MISCELLANEOUS AND
SUPPLEMENTAL**

- 48. Offence to obstruct, &c., employee of Authority.
- 49. Annual report.
- 50. Regulations.
- 51. Repeal of *North West Regional Water Act 1976* and savings.

SCHEDULE 1

**PROVISIONS WITH RESPECT TO
MEMBERSHIP OF THE AUTHORITY**

SCHEDULE 2

**PROVISIONS WITH RESPECT TO
MEETINGS OF THE AUTHORITY**

SCHEDULE 3

**THE NORTH WEST REGIONAL
WATER DISTRICT**

SCHEDULE 4

**PROVISIONS WITH RESPECT TO
APPOINTMENT AND TERMS AND
CONDITIONS OF EMPLOYMENT OF
EMPLOYEES OF THE AUTHORITY**

SCHEDULE 5
BULK SUPPLY WORKS

SCHEDULE 6
THE TRIBUNAL

SCHEDULE 7
TRANSITIONAL PROVISIONS AND
SAVINGS

SCHEDULE 8
ACTS REPEALED

The following abbreviations are used in the marginal notes to this Act:—

1976—*North West Regional Water Act 1976*

1984—*Hobart Regional Water Act 1984*.



NORTH WEST REGIONAL WATER ACT 1987

No. 43 of 1987

AN ACT to provide for the planning, further development, administration, operation, and control of the supply of water in bulk by the North West Regional Water Authority to the constituent municipalities, to provide for related matters, and to repeal the North West Regional Water Act 1976.

[Royal Assent 3 June 1987]

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:—

PART I

PRELIMINARY

1—This Act may be cited as the *North West Regional Water Act 1987*. Short title.

2—(1) This Part, section 51 (1), and Part I of Schedule 7 shall commence on the day on which this Act receives the Royal assent. Commencement.

(2) The remaining provisions of this Act shall commence on 1st July 1987.

Interpretation.

3—(1) In this Act, unless the contrary intention appears—

“ the Authority ” means the North West Regional Water Authority continued in existence under section 5;

“ bulk supply works ” means a works for the supply of water in bulk to a constituent municipality and includes—

(a) a screen, pipeline, valve, meter, fitting, and any other appliance or structure used for the purpose of the storage, supply, or measurement of water in or from any such works; and

(b) a works that, pursuant to a determination of the tribunal under Part III of Schedule 6, is to be treated as a bulk supply works;

“ the commencement date ” means 1st July 1987;

“ the Commission ” means the Rivers and Water Supply Commission;

“ constituent municipality ” means—

(a) the corporation of the city of Devonport or of the municipality of Latrobe, Kentish, Ulverstone, Penguin, Circular Head, or Wynyard; or

(b) the corporation of a municipality declared to be a constituent municipality by notice published in the *Gazette* under section 15 (3);

“ consumption year ” means a period of 12 months commencing on 1st April in any year;

“ financial year ” means a period of 12 months commencing on 1st July in any year;

“ functions ” includes duties;

“ municipality ” means the corporation of a municipality;

“ the North West Regional Water District ” means the district specified in section 15;

“ reticulation reservoir ” means a reservoir that supplies water only to a water reticulation works;

“ special consumer ” means a person who consumes, or agrees with a constituent municipality to consume, water in excess of the prescribed quantity in a consumption year;

“ the tribunal ” means the tribunal established under Schedule 6;

“water district”, in relation to a municipality, means a water district of that municipality as constituted under Division 24 of Part XVI of the *Local Government Act 1962*;

“water reticulation works” means a works, other than a bulk supply works, for the supply of water in a water district of a constituent municipality and includes—

(a) a reticulation reservoir; and

(b) a works that, pursuant to a determination of the tribunal under Part III of Schedule 6, is to be treated as a water reticulation works.

(2) In this Act, a reference to a bulk supply works or water reticulation works shall be read as including a reference to land appurtenant to that bulk supply works or water reticulation works, as the case may be.

4—The *Waterworks Clauses Act 1952*, except sections 19, 20, and 21, is incorporated in this Act.

*Incorporation
of Waterworks
Clauses Act
1952.*

PART II

THE NORTH WEST REGIONAL WATER AUTHORITY

Division 1—Continuation and composition of Authority, &c.

5—(1) The North West Regional Water Authority, as incorporated immediately before the commencement date, shall continue in force as a body corporate of the same name with perpetual succession and a common seal.

*Continuation
of North West
Regional Water
Authority.
1976, s. 4.*

(2) The Authority—

(a) may take proceedings, and be proceeded against, in its corporate name;

(b) may do, and be subject to, all other things that a body corporate may by law do and be subject to and that are necessary for, or incidental to, the purposes for which it is established; and

(c) has the functions imposed, and the powers conferred, on it by, or under, this or any other Act.

(3) The common seal of the Authority shall not be affixed to a document except in pursuance of a resolution of the Authority and every sealing shall be authenticated by the signature of at least one member of the Authority and the secretary to the Authority.

(4) All courts, judges, and persons acting judicially shall take judicial notice of the common seal of the Authority affixed to a document and, unless the contrary is established, shall presume that it was duly affixed.

Members of
Authority.
1976, s. 4.

6—(1) The Authority shall consist of 7 members of whom—

- (a) one shall be the Administrative Member of the Commission;
- (b) one shall be the Engineering Member of the Commission;
- (c) one shall, as the Governor may direct, be either the Under Treasurer or an employee, within the meaning of the *Tasmanian State Service Act 1984*, who is employed in the Treasury and appointed by the Governor on the nomination of the Treasurer; and
- (d) the remaining 4 members shall be municipal representatives appointed in accordance with subsection (2) or (4).

(2) Subject to subsections (3) and (4), the municipal representatives shall be nominated, in writing, to the Minister and shall be appointed by the Governor—

- (a) one being appointed on the nomination of the corporation of the city of Devonport and being a member of the council of that city;
- (b) one being appointed on the nomination of the municipalities of Ulverstone and Penguin and being a member of the council of one of those municipalities;
- (c) one being appointed on the nomination of the municipalities of Kentish and Latrobe and being a member of the council of one of those municipalities; and
- (d) one being appointed on the nomination of the municipalities of Wynyard and Circular Head and being a member of the council of one of those municipalities.

(3) Where a person is required to be nominated for appointment as a municipal representative under paragraph (b), (c), or (d) of subsection (2) and the municipalities concerned fail to agree

on the person to be nominated, they may each nominate to the Minister a person for the appointment, and the person appointed shall be one of those so nominated.

(4) Where a municipal representative is required to be appointed as a member of the Authority and no person is nominated for that appointment in accordance with directions given by the Minister in that behalf, the Governor may appoint as a member of the Authority such person as he considers suitable to act as that municipal representative.

(5) A municipal representative, unless he sooner resigns or otherwise ceases to hold office, continues in office as a member of the Authority for a period of 3 years, except that when a municipal representative dies or ceases to hold office otherwise than by reason of the effluxion of time, the representative appointed to fill the vacancy ceases to hold office at the expiration of the unexpired term of office of the representative in whose place he is appointed.

(6) Schedule 1 has effect with respect to the membership of the Authority.

(7) Schedule 2 has effect with respect to the meetings of the Authority.

Division 2—Functions, powers, &c., of Authority

7—The Authority has the following functions:—

Functions of
Authority.
1984, s. 6.

- (a) to collect, treat, and conserve water in bulk and to supply it to constituent municipalities;
- (b) to provide for the future supply of water in bulk in the North West Regional Water District for domestic purposes and such other purposes as the Authority may determine;
- (c) to establish, operate, and manage bulk supply works for a purpose referred to in paragraph (a) or (b); and
- (d) to act as the sole authority in respect of the North West Regional Water District for the purposes referred to in paragraphs (a), (b), and (c).

General powers
of Authority.
1984, s. 7.

8—The Authority has power, for, or in connection with, the performance of its functions—

- (a) to purchase or take land in accordance with the *Public Authorities' Land Acquisition Act* 1949 which for the purpose is incorporated in this Act;
- (b) to sell, dispose of, lease, or mortgage land owned by it;
- (c) to acquire and dispose of personal property;
- (d) to negotiate and enter into financial arrangements and other contracts in connection with, or incidental to, the performance of its functions or the exercise of its powers under this Act, and to undertake or administer such projects as may be necessary or desirable for the construction, modification, or management of a bulk supply works on any land held or used by the Authority;
- (e) to enter into agreements with constituent municipalities as provided by section 21; and
- (f) to do any other act, matter, or thing as may be necessary or expedient for the performance of its functions or the exercise of its powers under this Act.

Advisory
committees.
1984, s. 8.

9—(1) For the purpose of advising it as to the performance of its functions or the exercise of its powers under this Act, the Authority may appoint such committees as it thinks fit.

(2) Subject to subsection (5), a committee appointed under this section shall not include a person who is not a member of the Authority.

(3) The Authority may appoint the chairman of a committee appointed under this section or direct the manner in which the chairman is to be appointed.

(4) The terms of office of the members of a committee appointed under this section shall be such as the Authority determines.

(5) Subject to any directions given to it by the Authority, a committee appointed under this section may regulate its own proceedings and may co-opt an additional person, whether or not he is a member or employee of the Authority.

Staff of
Authority.
1984, s. 9.

10—(1) The Authority shall appoint a person to be secretary of the Authority, and may employ such other employees as may be required for the performance of its functions or the exercise of its powers under this Act.

(2) Schedule 4 has effect with respect to the appointment and terms and conditions of employment of employees appointed under subsection (1).

11—(1) The Authority may, by resolution in accordance with subsection (3), delegate to a member or employee of the Authority the performance of a function, or the exercise of a power, of the Authority and may, by resolution, revoke wholly, or in part, any such delegation.

Delegation
of functions
and powers
of Authority.
1984, s. 10.

(2) A delegation of the exercise of a power of the Authority under subsection (1) does not extend to—

- (a) the power of delegation conferred by that subsection; or
- (b) the power to give directions to a constituent municipality under section 26 (b) unless there is urgent necessity for doing so.

(3) A resolution for the delegation of the performance of a function or the exercise of a power of the Authority under subsection (1) is not valid unless at least 5 members of the Authority vote in favour of the proposed resolution.

(4) A function or power, the performance or exercise of which has been delegated under this section, may, while the delegation remains unrevoked, be performed or exercised from time to time in accordance with the terms of the delegation.

(5) A delegation under this section may be made subject to such conditions or limitations as to the performance or exercise of any of the functions or powers delegated, or as to time or circumstance, as are specified in the resolution.

(6) Notwithstanding any delegation under this section, the Authority may continue to perform or exercise all or any of the functions or powers delegated.

(7) Any act or thing done by, or to, a delegate while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing had been done by, or to, the Authority and shall be deemed to have been done by, or to, the Authority.

(8) An instrument purporting to be signed by a delegate of the Authority in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the Authority under seal and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Authority under this section.

(9) Where the performance of a function or the exercise of a power by the Authority is dependent on the opinion or belief of the Authority, a delegate of the Authority under this section may, in performing that function or exercising that power, act on his own opinion or belief.

Immunity of
members and
employees of
Authority.
1984, s. 11.

12—No liability shall attach to a member or employee of the Authority for any act or omission by him, or by the Authority, in good faith and in the performance or exercise, or purported performance or exercise, of any function or power under this Act.

Division 3—Policy objectives of Authority

Power of
Minister to
give statement
of policy
objectives to
Authority.
1976, s. 8a.

13—(1) The Minister may, from time to time, give to the Authority a statement in writing specifying the policy objectives of the Government of Tasmania with respect to any matter relating to the powers, functions, affairs, or activities of the Authority and, on being given such a statement, it is the duty of the Authority to exercise its powers, to perform its functions, and to conduct its affairs and activities in a manner that is consistent with the objectives specified in the statement.

(2) Before the Minister gives a statement under subsection (1) to the Authority, the Minister shall consult the Authority with regard to the proposed statement.

(3) Where the Authority receives a statement under subsection (1), the Authority may, if it is of the opinion that compliance with the statement would have a detrimental or prejudicial effect on the proper exercise or performance by the Authority of any of its powers and functions under this Act or any other Act, lodge with the Minister, within 2 months after receipt by it of the statement, a notice in writing setting out its objections to the statement and the reasons for those objections.

(4) Where a notice under subsection (3) is lodged with the Minister in accordance with that subsection and the Minister is of the opinion that the statement to which the notice relates should not be withdrawn or modified, he shall cause a copy of the notice and a copy of the statement to be laid on the table of each House of Parliament within the first 10 sitting days of the House after the notice is lodged with him.

(5) The power conferred on the Minister by subsection (1) shall not be exercised so as—

- (a) to require the Authority to do anything that it is not empowered to do by this or any other Act;
- (b) to prevent the Authority from performing any function that it is expressly required by this Act or any other Act to perform, either conditionally or unconditionally;
- or
- (c) to interfere with the formation by the Authority of any opinion or belief in relation to any matter that has to be determined as a prerequisite to the performance or exercise by the Authority of any of its functions or powers.

(6) The Minister may, by notice in writing given to the Authority, vary or revoke a statement of policy objectives given under subsection (1) and the notice shall have effect according to its tenor.

(7) The fact that the Minister has power to give a statement of policy objectives to the Authority under subsection (1) or gives such a statement to the Authority does not have the effect of—

- (a) making the Authority the servant or agent of the Crown for the purposes of this or any other Act; or
- (b) conferring on the Authority any status, privilege, or immunity of the Crown.

14—The exercise of the powers conferred on the Authority by this or any other Act and the performance of the functions imposed on the Authority by this or any other Act are subject to any duty arising under subsection (1) of section 13 on the Minister giving to the Authority a statement of policy objectives under that subsection.

Powers and functions of Authority subject to statement of policy objectives. 1976, s. 6a.

PART III

SUPPLY AND USE OF WATER

Division 1—The North West Regional Water District

15—(1) The North West Regional Water District comprises the water districts of the constituent municipalities that are specified in Schedule 3.

North West Regional Water District. 1976, s. 3.

(2) Where a constituent municipality proposes to vary a water district that is specified in Schedule 3—

- (a) the municipality shall provide the Authority in writing with full particulars of the proposal;
 - (b) the Authority shall, within 2 months after receipt of those particulars, refer the proposal to, and consult with, each of the other constituent municipalities relating to the proposal;
 - (c) each of those other municipalities shall, within 3 months after the proposal is so referred to it, consider the proposal and advise the Authority of any objection to it; and
 - (d) the first-mentioned municipality shall not present a petition under Division 24 of Part XVI of the *Local Government Act* 1962 in furtherance of the proposal unless the Authority, after considering any objection made under paragraph (c), approves of the proposal with at least 5 of its members voting in favour.
- (3) On application by a municipality, whether a constituent municipality or not, the Governor may, by order made in accordance with subsection (4) and published in the *Gazette*, declare—
- (a) that a water district of that municipality shall be added to, and shall form part of, the North West Regional Water District; and
 - (b) if the case so requires, that the municipality concerned shall be a constituent municipality.
- (4) An order under subsection (3) shall not be made unless—
- (a) the Authority has referred the proposal to, and consulted with, each constituent municipality;
 - (b) within 2 months after the time limited by subsection (2) (c) for any objection to the proposal to be advised to the Authority, the Authority recommends that the order be made; and
 - (c) at least 5 members of the Authority have voted in favour of the recommendation.

Division 2—Supply of water by Authority

Sources of
supply.

16—(1) The Authority may, for the purposes of this Act, take water from—

- (a) a place that the Governor, by order made on the recommendation of the Commission, declares to be a source of supply for the purposes of this Act; and

- (b) a place from which a constituent municipality was, immediately before the commencement day, entitled to take water for the supply of water to a water district.

(2) Except with the consent of the Hydro-Electric Commission, an order shall not be made under subsection (1) (a) declaring any place within a hydro-electric district appointed under section 26 of the *Water Act* 1957 to be a source of supply.

(3) Where the Authority takes water from a place by virtue of subsection (1) (b), the Authority shall not take more water from that place than might lawfully have been taken by a constituent municipality unless—

- (a) the Authority is exercising the powers conferred by section 17 of the *Waterworks Clauses Act* 1952; and
 (b) the Rivers and Water Supply Commission has approved of the taking of that water.

17—(1) The Minister shall, within 3 months after the commencement date, cause to be prepared and delivered to each constituent municipality—

Maps of water districts with details of bulk supply works, &c. 1984, s. 14.

- (a) a statement giving full particulars of each bulk supply works specified in Schedule 5; and
 (b) such maps as may be necessary to show the location of each of those works.

(2) The Minister shall, as soon as practicable after delivery of the copies of the statement and maps as mentioned in subsection (1)—

- (a) deposit in the office of the Director-General of Lands an additional copy of each of the statements so delivered and of the maps referred to in subsection (1) (b); and
 (b) give public notification in the *Gazette* of the deposit of the copies of the statements and maps.

(3) All copies of the statements and maps deposited under this section are available for public inspection free of charge.

18—(1) Where, immediately before the commencement date, a water reticulation works was held by the Authority for the supply of water to a constituent municipality, all the estate, right, and interest of the Authority in that water reticulation works shall, by force of this section but subject to subsection (2), vest in that constituent municipality.

Vesting of certain bulk supply works and water reticulation works. 1984, s. 15.

(2) Subsection (1) does not have the effect of transferring an estate, right, or interest in land under the *Land Titles Act* 1980 but any such estate, right, or interest that would, but for this subsection, vest in a constituent municipality shall be deemed to be held in trust for that municipality to be transferred to it at its request.

Existing works
for bulk
supply to be
under control
of Authority.
1984, s. 16.

19—(1) On and after the commencement date, each bulk supply works specified in Schedule 5 shall be under the control and management of the Authority, except as may be otherwise provided by an agreement between the Authority and a constituent municipality made under section 21 (1) (a) as to the management of any such works.

(2) Subsection (1) does not apply to the exclusion of an order made by the tribunal in the case of a dispute between the Authority and a constituent municipality as to the use of the works concerned.

Transfer of
certain works
to Authority
or constituent
municipalities.
1984, s. 18.

20—(1) The Authority may make an agreement in writing with a constituent municipality for—

- (a) the transfer to, or the holding in trust for, the Authority of a works that is used as a bulk supply works; or
- (b) the transfer to, or the holding in trust for, that constituent municipality of a works that is used as a water reticulation works.

(2) An agreement made under subsection (1) or a conveyance, transfer, or other document executed pursuant to that agreement is not liable to stamp duty under the *Stamp Duties Act* 1931.

Powers of
Authority
as to bulk
supply, water
reticulation,
&c.
1984, s. 17.

21—(1) The Authority may, subject to subsection (2)—

- (a) enter into an agreement with a constituent municipality—
 - (i) for the construction or management by the Authority of a water reticulation works;
 - (ii) for the Authority to supply water to a special consumer;
 - (iii) for the management by the municipality of a bulk supply works;
 - (iv) providing for a supply of water to a consumer outside the North West Regional Water District; or

(v) for the management of an area of land that, pursuant to section 16, is a source of supply for the purposes of this Act;

(b) after consultation with each constituent municipality, enter into an agreement with a municipality that is not a constituent municipality for the supply to it of water in bulk; and

(c) give directions to a constituent municipality having the management of a bulk supply works as to how the works or any part of the works is to be managed, so long as those directions are consistent with any agreement between the Authority and that municipality that is in force under paragraph (a).

(2) An agreement under subsection (1) (a) (v) or (b) is of no effect unless at least 5 members of the Authority have voted in favour of it.

22—(1) A dispute between the Authority and a constituent municipality as to an amount payable by the Authority or the municipality under an agreement relating to the management of a bulk supply works or water reticulation works shall be referred to the Auditor-General for decision.

Referral of certain disputes to Auditor-General. 1984, s. 20.

(2) The Auditor-General may make such inquiries as he thinks fit relating to any such dispute.

(3) A decision of the Auditor-General under this section is final and binding on the Authority and the constituent municipality concerned.

23—(1) The Authority shall supply water in bulk to the constituent municipalities at such places within the North West Regional Water District as may from time to time be determined by the Authority after consultation with the municipality concerned.

Duty of Authority to ensure water supplies to constituent municipalities. 1984, s. 21.

(2) The Authority shall ensure that the water supplied is measured by the Authority's meters at least once a month and is supplied in such quantities and at such pressures or within such range of pressures as may be determined by the Authority after consultation with the municipality concerned.

(3) The Authority shall, as soon as practicable after each measurement, advise the municipality concerned of the quantity of water supplied.

(4) Notwithstanding section 7 and this section, the Authority may at any time restrict or discontinue the supply of water for the purpose of carrying out repairs or alterations to a bulk supply works and, if it does so, the Authority shall—

- (a) forthwith notify any municipality affected by the restriction or discontinuance of that fact; and
- (b) as soon as it is practicable to do so, restore the supply of water.

Failure of
master meter,
&c.
1984, s. 22.

24—If a meter used by the Authority has failed to record the quantity of water supplied to a municipality during a particular period, that quantity shall be estimated in accordance with the following formula:—

$$a = b \times \frac{c}{d}$$

where—

- “ a ” is the quantity of water to be ascertained;
- “ b ” is the quantity of water that was supplied to that municipality during the last preceding period in respect of which that meter was read;
- “ c ” is the quantity of water that, during the period in respect of which the meter has failed, passed through all other meters used by the Authority; and
- “ d ” is the quantity of water that passed through those other meters during the last preceding period in respect of which they were read.

Indemnity for
Authority.
1984, s. 23.

25—The Authority shall supply water to the constituent municipalities in accordance with section 23 but shall not incur any legal liability to a constituent municipality by reason of any failure to supply water accordingly.

26—For the purposes of conserving the supply of water in bulk, the Authority may, after consultation with a constituent municipality—

Restriction of bulk water supply.
1984, s. 24.

- (a) restrict the supply of water in bulk to that municipality; and
- (b) give directions to that municipality requiring it to exercise its powers to restrict the supply of water to—
 - (i) its consumers generally; or
 - (ii) its consumers in any area determined by the Authority,
 and any such direction may relate to the manner in which, and the extent to which, the restrictions are to be imposed.

27—The Authority may, at the request of a constituent municipality, supply water in bulk on such terms and conditions as the Authority may determine for purposes other than domestic consumption as may be approved by the Authority.

Supply of water otherwise than for domestic consumption.
1984, s. 25.

Division 3—Duties of constituent municipalities

28—(1) A constituent municipality shall not seek to acquire water in bulk otherwise than from the Authority unless the Authority has previously given its approval in writing to the proposed acquisition.

Duties of constituent municipalities.
1984, s. 26.

(2) A constituent municipality shall not seek the approval of the Commission under Division 3 of Part III of the *Water Act* 1957 for the construction or alteration of, or an addition to, a water reticulation works unless the Authority has previously given its approval in writing to the proposed construction, alteration, or addition.

29—A constituent municipality shall comply with any direction given to it by the Authority under section 21 (1) (c) as to the management of a bulk supply works or under section 26 (b) as to restricting the supply of water.

Duty of municipalities to comply with directions of Authority.
1984, s. 27.

30—A constituent municipality shall not supply water to any person at any place outside its water district or water districts except with the prior approval in writing of the Authority.

Duty of constituent municipalities not to supply water outside districts.
1984, s. 28.

Division 4—Determination of disputes

Referral of
certain
disputes, &c.,
to tribunal.
1984, s. 29.

31—(1) If, within a period of 3 months after delivery to a constituent municipality of the statement and maps as mentioned in section 17 (1)—

(a) a dispute arises between the Authority and the municipality as to whether a works constructed before the commencement date is used as a bulk supply works or for water reticulation; or

(b) the municipality objects to any particulars specified in the statement or map,

Schedule 6 has effect in relation to the hearing and determination of the dispute or objection by the tribunal and the composition of the tribunal.

(2) Where—

(a) a works used for the supply of water to a water district of a constituent municipality is constructed or modified after the commencement date; and

(b) the Authority and the constituent municipality have failed to agree in writing within 3 months after the completion of that construction or modification on the question of whether, for the purposes of this Act, an agreement between the Authority and the constituent municipality should be varied,

the matter shall be referred to the tribunal for determination as provided by Schedule 6.

PART IV

FINANCE

Division 1—Funds of Authority

Funds of
Authority.
1984, s. 33.

32—(1) The Authority shall establish in a bank in Tasmania an account to be known as “ the North West Regional Water Authority Account ”.

(2) The funds of the Authority shall be paid to the credit of the account referred to in subsection (1) and shall consist of—

(a) any money appropriated by Parliament for the purposes of the Authority;

- (b) all money received by the Authority for the supply of water in bulk;
- (c) all money received by the Authority from the sale, leasing, letting on hire, or other disposal by the Authority of any property which the Authority has power to sell, lease, let on hire, or otherwise dispose of;
- (d) all money received by the Authority as interest in respect of any loan or investment made by it in the performance of its functions, in the exercise of its powers, or as profit arising out of any investment so made;
- (e) all money borrowed by the Authority under this Act; and
- (f) all other money received from any source by the Authority.

(3) A payment of money to the credit of the account referred to in subsection (1) shall not be made if the payment would be a breach of a condition or trust affecting the money.

(4) The funds of the Authority shall be applied only—

- (a) in payment or discharge of the expenses, charges, and obligations incurred, or undertaken, by the Authority in the performance of its functions or the exercise of its powers under this or any other Act; or
- (b) in the payment of any remuneration payable under this Act.

(5) Nothing in this section prevents the Authority from establishing (whether or not jointly with any other person) accounts additional to the account referred to in subsection (1).

33—The Authority may invest any money that it is holding and for which it has no immediate use—

- (a) in such manner as the Treasurer may approve; or
- (b) with the approval of the Treasurer, by a deposit bearing interest with a person approved by the Reserve Bank of Australia as a dealer in the short term money market.

Temporary investment of Authority's funds.
1984, s. 34.

Division 2—Borrowing powers of Authority

34—(1) The Authority may, with the consent of the Treasurer and subject to subsection (3), borrow by overdraft on the North West Regional Water Authority Account for the purposes of this Act.

Authority's power to borrow for working expenses.
1984, s. 35.

(2) The Treasurer may, subject to subsection (3), grant a loan to the Authority for the purpose of—

(a) meeting working expenses; or

(b) paying off any overdraft, either wholly or in part, and the loan shall be on such terms as to repayment, payment of interest, and otherwise, as the Treasurer may determine.

(3) The aggregate of the amounts borrowed by the Authority under this section shall not exceed one-half of the amount of its revenue in respect of the preceding financial year.

State loans
to Authority.
1984, s. 36.

35—(1) In this section, “the State rate”, in relation to a financial year, means the rate that is payable by the Hydro-Electric Commission to the Treasurer in respect of that year under section 24 of the *Hydro-Electric Commission Act 1944*.

(2) Subject to this Act, the Treasurer may lend to the Authority, from money available to him out of the Consolidated Fund for the purpose, an amount that is required for capital expenditure in connection with a bulk supply works.

(3) The amount of all charges and expenses incurred by the Treasurer in borrowing or raising an amount for the purpose of this section shall, as at the date when the amount of those charges and expenses has been ascertained, be deemed—

(a) to constitute a payment by the Treasurer to the Authority under subsection (2); and

(b) to form part of the money payable out of the Consolidated Fund for the works referred to in that subsection.

(4) The Authority shall pay to the Treasurer on account of the Consolidated Fund quarterly, on the last days of September, December, March, and June respectively in each financial year, interest at the State rate in respect of all money paid by the Treasurer to the Authority under this section or, as the case may be, the balance of that money which for the time being remains owing.

(5) The Authority shall pay to the Treasurer annually such amounts as he may from time to time require to reimburse him for sinking fund contributions paid to the National Debt Commissioners in respect of money borrowed by him and paid to the Authority under this section.

(6) Upon payment to the Treasurer by the Authority of an amount pursuant to subsection (5), the amount of the loan or advance in relation to which that amount is so paid shall be reduced by an amount equal to the amount so paid together with any amount that the Commonwealth, in accordance with the Financial Agreement, contributes towards the redemption of that loan or advance.

36—(1) In subsection (2)—

“ private loan ” means a loan to which members of the public are not invited to subscribe;

“ public loan ” means a loan that is not a private loan.

Authority's
power to
borrow from
public.
1984, s. 37.

(2) Subject to this section, the Authority may, with the consent of the Treasurer—

(a) borrow on the security of its revenues or on a guarantee as provided by section 37 such amounts of money as it may require for the performance of its functions or the exercise of its powers under this or any other Act; or

(b) request the Commission to raise, on behalf of the Authority and for the purposes of this Act, a public loan within Australia or a private loan outside Australia.

(3) Where the Commission raises a loan at the request of the Authority made pursuant to subsection (2), the Authority shall, without prejudice to its right under section 20 (2E) of the *Water Act* 1957 to refer a dispute between it and the Commission to the Treasurer, comply with a requisition made of it by the Commission under that section.

(4) Any money borrowed by the Authority pursuant to subsection (2) (a)—

(a) may be raised within Australia as one loan or as several loans; and

(b) may be raised—

(i) by the issue of transferable debentures payable to the registered holder or to bearer with or without interest coupons attached;

(ii) by the creation and issue of transferable inscribed stock, to be called “ North West Regional Water Authority Inscribed Stock ”;

(iii) partly as provided by subparagraph (i) and partly as provided by subparagraph (ii); or

(iv) in such other manner as the Treasurer may approve.

(5) All debentures and inscribed stock issued or created pursuant to subsection (4) —

- (a) shall, with all interest on the debentures and inscribed stock, be charged and secured on the revenues of the Authority;
- (b) shall bear interest at such rate, and be redeemable at such date and at such place, as the Authority may, with the approval of the Treasurer, determine;
- (c) may, with the consent of the holder or the registered owner, as the case may be, of the debentures or inscribed stock, be paid off at any time before the due date for repayment, at not more than the face value of the debentures or inscribed stock; and
- (d) whether original or not, shall rank *pari passu* in point of charge without any preference or priority one over another.

(6) Interest secured by any debentures or inscribed stock issued or created pursuant to subsection (4) shall be payable in respect of such periods and at such places as the Authority may determine.

(7) The Authority may, at the request of the holder of any debenture or the registered owner of any inscribed stock issued or created pursuant to subsection (4), in place of that debenture or inscribed stock, issue to him a debenture or inscribed stock, as the case may be, in respect of the same loan, and of the same amount, and of the same currency, and bearing the same interest.

(8) For the purpose of making provision to pay off either the whole or any part of any loan raised by the Authority pursuant to subsection (2) (a), the Authority may, with the consent of the Treasurer, borrow the necessary money before the loan or part of the loan becomes payable.

(9) The Authority shall make provision for a sinking fund to be paid to the State Sinking Fund Commissioners for the purpose of redeeming any loans raised by it pursuant to subsection (2) (a) or raised on its behalf pursuant to requests made by it under subsection (2) (b), and the sinking fund shall contain such amount as the Treasurer may from time to time require.

(10) Where it is necessary to repay the whole or a part of a loan referred to in subsection (2) from the sinking fund—

- (a) the State Sinking Fund Commissioners shall at the request of the Authority sell any securities in which the amount needed is invested; and
- (b) the Authority may borrow on the security of its rights against the Commissioners.

(11) Any trustee, unless expressly forbidden by the instrument, if any, creating the trust, may invest any trust money in his hands in any debentures or inscribed stock issued or created pursuant to subsection (4), and the investment shall be deemed to be an investment authorized by the *Trustee Act 1898*.

(12) Any debentures or inscribed stock issued or created pursuant to subsection (4) are a lawful investment for any money which a body corporate is authorized or directed to invest, in addition to any other investments expressly provided for the investment of that money.

(13) The Authority is not bound by notice of a trust, whether express, implied, or constructive, in relation to any inscribed stock created and issued pursuant to subsection (4).

37—(1) The Treasurer may execute a guarantee, either alone or jointly with some other person, in favour of a bank or another person or a body of persons, whether corporate or unincorporate, for the repayment of, and payment of interest on, any loan, including a bank overdraft, made to the Authority under section 36 (2). Guarantees.
1984, s. 38.

(2) The following provisions apply to, and in respect of, a guarantee executed under subsection (1):—

- (a) the guarantee may include any interest, charges, and expenses chargeable by the creditor against the Authority and the expenses of enforcing or obtaining, or endeavouring to enforce or obtain, payment of the loan guaranteed and that interest or those charges and expenses;
- (b) the guarantee may be expressed to include compound interest;
- (c) the creditor shall, if required to do so by the Treasurer, obtain, take and hold, or retain and hold, securities for the payment of the principal loan of such nature as the Treasurer may require;

- (d) the guarantee is not enforceable against the Treasurer unless and until the creditor has exercised his rights and remedies under all securities held by or for him in respect of the loan guaranteed, other than the guarantee;
- (e) the creditor shall not, without the consent in writing of the Treasurer, assign or encumber the benefit of the guarantee.

(3) Subject to subsection (2), a guarantee executed under subsection (1) may be subject to such terms and conditions as the Treasurer thinks fit.

(4) The amount of any liability incurred under a guarantee executed under this section is a charge on the Consolidated Fund and is payable out of that Fund without further appropriation than this subsection.

Division 3—Accounts and audit

Accounts of
Authority.
1984, s. 39.

38—The Authority shall cause to be kept proper accounts and records in relation to all of its operations and shall, as soon as is practicable after the last day of each financial year, prepare a statement of accounts in a form approved by the Auditor-General, exhibiting a true and correct view of the financial position and the transactions of the Authority with respect to that financial year.

Depreciation
account.
1984, s. 40.

39—(1) The Authority shall make such annual provision as the Treasurer may approve for the depreciation of its assets, and the amount so set aside shall be credited to a special account to be known as “the depreciation account”.

(2) The money provided pursuant to subsection (1) may be applied by the Authority for—

- (a) meeting repayments required in respect of money advanced, or lent, to the Authority;
- (b) financing the purchase of new assets or the replacement of, or otherwise making good the depreciation of, its assets; and
- (c) making investments in such manner as the Treasurer may approve.

40—(1) Subject to subsection (2), the Authority may, out of the money received by it under this Act, set aside such amount as it considers necessary for the purpose of—

Reserve
accounts.
1984, s. 41.

(a) making provision for undetermined losses or liabilities;

or

(b) creating a reserve, or reserves, against contingencies, or for such other purpose as may be determined by the Authority.

(2) The Authority shall not exercise the power conferred on it by subsection (1) unless the Treasurer has approved of the amount of each provision or reserve and the purpose for which each provision or reserve is made.

(3) The Authority may, with the approval of the Treasurer, apply an amount that has been set aside as a reserve under subsection (1) to offset recurrent expenditure.

41—Any surplus funds or any amounts for which provision was made, or a reserve was created, under section 40 may be invested by the Authority in such investments as may be approved by the Treasurer.

Investment of
surplus funds.

42—(1) The accounts of the Authority are subject to the *Audit Act* 1918.

Audit of
Authority's
accounts.
1984, s. 42.

(2) The Authority shall pay to the Consolidated Fund towards defraying the costs and expenses of any audit under this section such amounts, at such times, as the Treasurer may require.

Division 4—Annual estimates and payment for water

43—A constituent municipality shall, on or before 10th May in each year, provide the Authority with particulars in writing of—

Annual returns
and estimates
by constituent
municipalities.

- (a) the total number of lands in respect of which an assessment of water charges was issued during the preceding consumption year;
- (b) the total number of special consumers to whom water was supplied by that constituent municipality in the preceding consumption year;
- (c) all lands in respect of which the consumption of water is estimated to exceed the quantity prescribed in respect of special consumers; and

- (d) an estimate of the total consumption of water by that constituent municipality during the current consumption year.

Annual
estimates by
Authority.
1984, s. 44

44—(1) The Authority shall, in respect of each financial year, prepare an estimate of—

(a) its recurrent expenditure, stating in particular—

- (i) its administration and operating costs;
- (ii) amounts to be paid to a constituent municipality for the running expenses of a bulk supply works managed by the municipality pursuant to section 21 (1) (a);
- (iii) amounts to be provided for depreciation or transferred to a reserve account pursuant to an approval given by the Treasurer under section 39 (1) or 40 (2);
- (iv) amounts to be paid by way of interest on a loan; and
- (v) amounts required to be paid to constituent municipalities under section 46 (1); and

(b) revenue to be received otherwise than for the supply of water to a constituent municipality,
and shall include in that estimate a statement of—

- (c) amounts that have been set aside as a reserve and that, pursuant to an approval given by the Treasurer under section 40 (3), may be applied to offset recurrent expenditure, together with any amounts in respect of which that approval will be sought; and
- (d) amounts accumulated before the financial year to which the estimate relates and determined by the Authority to be in excess of its requirements.

(2) On or before 31st May in each year, the Authority shall—

- (a) prepare an estimate of the volume of water expected to be consumed by each constituent municipality during the next succeeding consumption year;
- (b) having regard to the estimates prepared under subsection (1) and paragraph (a) of this subsection, determine a unit rate for the supply of water pursuant to this Act

for the purpose of recovering the difference between the estimates prepared under paragraphs (a) and (b) of subsection (1), taking into account the amounts, if any, referred to in paragraphs (c) and (d) of that subsection; and

(c) in respect of each constituent municipality, prepare an estimate of the amounts required as payment during the next succeeding financial year for—

- (i) a basic allowance of water;
- (ii) the supply of water in excess of the basic allowance;
- (iii) the supply of water to special consumers;
- (iv) the supply of water pursuant to section 27; and
- (v) the supply of water for any other purpose.

(3) The Authority shall, as soon as practicable after preparing the estimates referred to in subsection (2), provide each constituent municipality with a copy of those estimates.

45—(1) A constituent municipality shall pay to the Authority an amount determined in accordance with the regulations for all water supplied to it by the Authority under this Act, but without prejudice to any agreement between the Authority and the constituent municipality in force for the purposes of section 27.

Payments by
constituent
municipalities
for water
supplied.
1984, s. 45.

(2) An amount payable under subsection (1) is payable—

- (a) on the last days of September, December, and March in each financial year by equal quarterly payments; and
- (b) on 30th June in each financial year, or, if a final account under subsection (3) has not then been received from the Authority, within 30 days after receipt of that account, by payment of the balance of the total amount payable.

(3) On or before 15th June in each year, the Authority shall forward to each constituent municipality a final account stating—

- (a) the actual volume of water consumed by that municipality in the preceding consumption year, including particulars of—
 - (i) a basic allowance;
 - (ii) excess consumption; and
 - (iii) consumption by special consumers,in respect of that municipality; and

(b) the amounts then owing by that municipality in respect of that year for that allowance and that volume of water consumed.

(4) An amount payable to the Authority under this section is a debt due to the Authority and is recoverable as such in any court of competent jurisdiction.

Division 5—Borrowings by constituent municipalities

Borrowings by
constituent
municipalities
before 1st July
1977.
1976, s. 33.

46—(1) Where a constituent municipality has borrowed money before 1st July 1977 for the purpose of constructing a works for the supply of water to any place that on that day became part of the North West Regional Water District as established under section 3 of the *North West Regional Water Act 1976*, the Authority shall provide the municipality with such money as may be required from time to time to repay the money so borrowed or to pay any interest on that money, including any payments made by the municipality into a sinking fund for the repayment of the money.

(2) Nothing in subsection (1) shall be construed as requiring the Authority to provide any money that has been, or was required to be paid, by a constituent municipality before 1st July 1977 for the purpose referred to in that subsection.

(3) When so required by the Authority, a constituent municipality shall provide the Authority with such information as it may require in order to determine its obligations under subsection (1).

Division 6—Subsidies to constituent municipalities

Subsidies to
constituent
municipalities.
1976, s. 15.

47—If so requested by a constituent municipality, the Minister may pay an annual subsidy to the constituent municipality in accordance with section 40 of the *Water Act 1957*.

PART V

MISCELLANEOUS AND SUPPLEMENTAL

Offence to
obstruct, &c.,
employee of
Authority.
1984, s. 47.

48—Any person who—

(a) refuses or intentionally delays the admission to any place of an employee of the Authority in the exercise by him of his powers under this or any other Act;

- (b) fails to comply with a request of an employee of the Authority made in the exercise of his powers under this or any other Act when it is within his power to comply with the request; or
- (c) intentionally obstructs, harasses, or interferes with an employee of the Authority in the performance of his functions, or the exercise of his powers, under this or any other Act,

is guilty of an offence and is liable on summary conviction to a penalty not exceeding 10 penalty units.

49—(1) The Authority shall, before 30th November in each year, prepare a report of its transactions and activities for the preceding financial year and submit the report to the Minister.

Annual report.
1976, s. 30.

(2) The Minister shall lay, or cause to be laid, before each House of Parliament a copy of a report submitted to him in accordance with subsection (1) within 14 sitting days of the House after the day on which he receives that report.

50—(1) The Governor may make regulations for the purposes of this Act.

Regulations.
1984, s. 49.

(2) Without limiting the generality of subsection (1) but subject to this section, the regulations may make provision for, or with respect to—

- (a) ensuring that water supplied by the Authority will be of proper quality;
- (b) regulating the use for recreation of land appurtenant to a bulk supply works;
- (c) regulating the use for recreation of water contained in a reservoir that is vested in, or under the control of, the Authority;
- (d) prohibiting or regulating any activity on any land that, pursuant to section 16, is a source of supply for the Authority;
- (e) the submission of disputes to the tribunal;
- (f) the practice of, and the procedure to be followed by, the tribunal;
- (g) the method by which a basic allowance of water will be determined and requiring payment for that basic allowance, whether the allowance is taken or not;

- (b) the method of calculating charges for water in excess of a basic allowance supplied pursuant to this Act;
- (i) the method of calculating a special rate of payment for water supplied for a special consumer;
- (j) providing for penalty rates of payment if payment for water supplied is not made within such period as may be prescribed; and
- (k) subject to Schedule 7, matters of a transitional or savings nature consequent on the enactment of this Act.

(3) Regulations made under subsection (2) (g), (b), or (i) shall not be amended unless a majority of the constituent municipalities approve of the amending regulations.

(4) The regulations may be made subject to such conditions, or be made so as to apply differently according to such facts and circumstances as may be specified in the regulations, or according to such limitations or restrictions, whether as to time or circumstance or otherwise, as may be so specified.

(5) Regulations under this section may provide that it is an offence, punishable on summary conviction, for a person to contravene, or fail to comply with, any of the regulations and may provide in respect of any such offence for the imposition of a penalty not exceeding 10 penalty units and, in the case of a continuing offence, a further penalty not exceeding 0.5 penalty unit for each day during which the offence continues.

Repeal of
North West
Regional Water
Act 1976
and savings.
1984, s. 50.

51—(1) The transitional provisions specified in Part I of Schedule 7 have effect.

(2) The transitional provisions and savings specified in Part II of Schedule 7 have effect.

(3) The Acts specified in Schedule 8 are repealed.

SCHEDULE 1

Section 6 (6)

PROVISIONS WITH RESPECT TO MEMBERSHIP OF THE AUTHORITY

1—A member of the Authority, other than a member of the Commission, shall be appointed for such term, not exceeding 3 years, as is specified in the instrument of his appointment and shall, if otherwise qualified, be eligible for re-appointment from time to time for a term, not exceeding 3 years, specified in the instrument of his re-appointment.

Term of office.

2—Where, by or under any Act, provision is made requiring the holder of an office to devote the whole of his time to the functions of his office, that provision shall not operate to disqualify him from holding that office and also the office of a member of the Authority.

Provisions relating to members.

3—A member of the Authority shall be paid such remuneration and allowances as the Governor may determine, but no such determination shall apply in respect of a member of the Authority who is an employee, within the meaning of the *Tasmanian State Service Act* 1984, without the approval of the Head of the Agency in which he is employed.

Remuneration of members.

4—The members of the Authority are not, as such, subject to the provisions of the *Tasmanian State Service Act* 1984.

Tasmanian State Service Act 1984 not to apply.

5—(1) Where a member of the Authority is out of the State or unable to perform the functions of his office by reason of illness or for any other reason that the Minister deems sufficient, a delegate member may act in his stead in accordance with this clause.

Appointment of delegate members to act during absence of member of Authority.

(2) A delegate member may be appointed—

(a) for a period of less than 3 months, by the Minister; or

(b) in any other case, by the Governor,

and, in the case of a member representing one or more municipalities, the appointment shall be made on the nomination of that municipality or, as the case may be, those municipalities.

(3) For the purposes of this clause—

(a) the Governor may appoint any person (including a member of the Authority other than the chairman of the Authority) to act in the office of the chairman;

(b) a member of the Authority other than the chairman shall be deemed to be absent from his office if he is acting in the office of chairman pursuant to paragraph (a); and

(c) a member of the Authority shall be deemed to be absent from his office if there is a vacancy in that office which has not been filled in accordance with clause 7.

(4) A person shall not be concerned to inquire whether or not any occasion has arisen requiring or authorizing a person to act in the office of a member of the Authority and all things done or omitted to be done by that person while so acting shall be as valid, and shall have the same consequences, as if they had been done or omitted to be done by that member.

Vacation of
office.

6—(1) In this clause, “appointed member” means a member of the Authority who is appointed by the Governor under section 6 (1) (c) or (d).

(2) An appointed member shall be deemed to have vacated his office—

- (a) when he dies;
- (b) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors, or makes an assignment of his remuneration or estate for their benefit;
- (c) if he is absent from 3 consecutive ordinary meetings of the Authority of which reasonable notice has been given to him, either personally or in the ordinary course of post, unless on leave granted by the Authority or unless, before the expiration of 3 weeks after the last of those meetings, he is excused by the Authority for his absence from those meetings;
- (d) if he becomes liable to be detained under the *Mental Health Act* 1963 in a hospital that is a hospital within the meaning of section 3 (1) of that Act;
- (e) if he is convicted in the State of a crime or an offence which is punishable by imprisonment for a period of not less than 12 months, or if he is convicted elsewhere than in the State of an offence which, if committed in the State, would be a crime or an offence so punishable;
- (f) if he resigns his office by writing under his hand addressed to the Governor and the Governor accepts the resignation; or
- (g) if he is removed from office by the Governor under subclause (3).

(3) The Governor may remove an appointed member from office for misbehaviour or incompetence or if the Governor is satisfied that—

- (a) the appointed member has participated or has claimed to be entitled to participate in the profit of, or in any benefit arising from, any contract made by or on behalf of the Authority other than a contract for a service ordinarily supplied by the Authority, on the same terms as that service is supplied to other persons in the same situation;
- (b) the appointed member has voted at any meeting of the Authority in respect of any matter in which he was at that time interested (otherwise than as a member of the public or as an elector of, or ratepayer to, any municipality, or as a shareholder in a company in which there were at that time more than 20 members and of which he was not at that time a director or officer), or if he has remained at any meeting of the Authority while the matter was under discussion;
- (c) the municipality that nominated the appointed member has resolved that it no longer wishes to be represented by that member on the Authority or, as the case may be, both of the municipalities that nominated him have resolved accordingly;

- (d) has, at a meeting of the Authority, failed to vote against a resolution rescinding or varying a determination of the Minister referred to in clause 3 (4) of Schedule 2, if the resolution was passed by the Authority without the prior approval of the Minister; or
- (e) has failed to take reasonable steps to ensure the performance by the Authority of a duty arising from a statement of policy objectives given to it by the Minister under section 13 (1) or has participated in, or connived at, any act or omission that prevents or will prevent, or is likely to prevent, the Authority from performing a duty arising from such a statement.

(4) A member of the Authority shall be deemed to vacate his office as such if he ceases to hold the office or employment by virtue of which he is, or is eligible to be, such a member.

7—(1) On the occurrence of a vacancy in the office of a member of the Authority representing a constituent municipality, the Governor may, on a recommendation made under subclause (2), appoint a person to the vacant office for the balance of his predecessor's term of office. Filling of casual vacancies.

(2) A recommendation referred to in subclause (1)—

- (a) shall be made by the municipality or, as the case may be, by both the municipalities that nominated the member who ceased to hold office; and
- (b) shall be submitted in writing to the Minister.

8—(1) No act or proceeding of the Authority or of any person acting pursuant to any direction of the Authority is invalidated or prejudiced by reason only of the fact that, at the time when the act or proceeding was done, taken, or commenced, there was a vacancy in the membership of the Authority. Validity of proceedings, &c.

(2) All acts and proceedings of the Authority or of any person acting pursuant to any direction of the Authority are, notwithstanding the subsequent discovery of any defect in the appointment of any member of the Authority or that any person was disqualified from acting as, or incapable of being, a member of the Authority, as valid as if the member had been duly appointed and was qualified to act as, or capable of being, a member, and as if the Authority had been fully constituted.

9—In any proceedings by or against the Authority, unless evidence is given to the contrary, proof is not required of— Evidentiary provision.

- (a) the constitution of the Authority;
 - (b) any resolution of the Authority;
 - (c) the appointment of any member of the Authority; or
 - (d) the presence of a quorum at any meeting of the Authority.
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SCHEDULE 2

Section 6 (7)

PROVISIONS WITH RESPECT TO MEETINGS OF THE AUTHORITY

Convening of
meetings of
the Board.

1—Meetings of the Authority may be convened by the chairman of the Authority or by any 2 members of the Authority.

Procedure at
meetings.

2—(1) If the chairman of the Commission is a member of the Authority, he shall be its chairman.

(2) If the chairman of the Commission is not a member of the Authority, the Minister shall appoint a member of the Authority to be its chairman.

(3) The chairman of the Authority shall preside at all meetings of the Authority at which he is present.

(4) If the chairman of the Authority or the person appointed under clause 5 (3) (a) of Schedule 1 is not present at a meeting of the Authority, a member of the Authority elected by the members present shall preside at that meeting.

Voting.

3—(1) A matter before a meeting of the Authority shall be decided by a majority of the votes of the members who are present at the meeting and vote on the matter.

(2) A member of the Authority who votes on a matter referred to in subclause (1) has a deliberative vote only.

(3) Where there is an equality of votes on a matter before a meeting of the Authority—

(a) that matter stands adjourned until the next meeting of the Authority;
and

(b) if the voting on that matter at the meeting to which it is adjourned is again equal, the chairman or other person presiding at that meeting shall refer the matter to the Minister for determination by him.

(4) The determination with respect to a matter by the Minister pursuant to a reference under subclause (3) (b) is binding on the Authority and the Authority shall not, without the prior approval of the Minister, pass a resolution rescinding or varying that determination.

Quorum.

4—Four members of the Authority constitute a quorum at any meeting of the Authority.

General
procedure.

5—Subject to this Act, the Authority may regulate its own proceedings.

Minutes of
proceedings.

6—(1) The Authority shall cause full and accurate minutes to be kept of proceedings at its meetings.

(2) Within 14 days after the holding of the meeting at which the minutes kept under subclause (1) are confirmed, the Authority shall—

(a) send to each of the constituent municipalities a copy of those minutes; and

(b) submit to the Minister a copy of every part of the minutes of each of its meetings that relates to a resolution—

(i) rescinding or varying a determination of the Minister referred to in clause 3 (3) (b) if the resolution was passed by the Authority without the prior approval of the Minister; or

(ii) with respect to a statement of policy objectives given to it by the Minister under section 13 (1).

(3) Without prejudice to the generality of subclause (1), the part of any minutes relating to a resolution referred to in subclause (2) (b) shall record whether a member of the Authority present at the meeting at which the resolution was passed voted for or against the resolution or, as the case may be, abstained from voting with respect to the resolution.

SCHEDULE 3

Section 15 (1)

THE NORTH WEST REGIONAL WATER DISTRICT

Municipality	Water district
Circular Head	Smithton
	Stanley
Devonport ..	Devonport
Kentish	Railton
	Sheffield
Latrobe	Latrobe
Penguin	Penguin
Ulverstone ..	Ulverstone
Wynyard	Somerset
	Wynyard

SCHEDULE 4

Section 10 (2)

PROVISIONS WITH RESPECT TO APPOINTMENT AND TERMS AND CONDITIONS OF EMPLOYMENT OF EMPLOYEES OF THE AUTHORITY

1—(1) Subject to subclause (2), a person who has attained the age of 65 years shall not be appointed as an employee of the Authority, and an employee of the Authority who attains that age shall cease to be so employed.

Age of employees.

(2) Subclause (1) does not prevent the employment by the Authority of a person over the age of 65 years in a part-time capacity in any case where the Authority is satisfied that he has special qualifications and experience for his functions.

2—An employee of the Authority shall perform such functions as may be specified in the instrument of his appointment and such other functions as the Authority may from time to time determine.

Employees to perform functions determined by the Authority.

3—The terms and conditions of employment (including remuneration, allowances, and leave) of employees of the Authority shall, subject to any award or industrial agreement relating to persons engaged in the work for which they are appointed, be determined by the Authority.

Certain terms and conditions of employment of employees to be determined by the Authority.

4—An employee of the Authority, in his capacity as such an employee, is not subject to the *Tasmanian State Service Act 1984*.

Employees not subject to *Tasmanian State Service Act 1984*.

5—The *Retirement Benefits Act 1982* and the *State Employees (Long-Service Leave) Act 1950* apply to, and in relation to, an employee of the Authority as if—

Superannuation and long service leave.

(a) the employee were an employee as defined in the *Retirement Benefits Act 1982*; and

(b) the Authority were an undertaking carried on on behalf of the State or a State authority, as the case may require.

6—(1) If an employee, within the meaning of the *Tasmanian State Service Act 1984*, is employed under section 10 by the Authority, he is entitled to retain all his existing and accruing rights as if his service as an employee of the Authority were a continuation of his service as an employee, within the meaning of that Act.

Provisions applicable where employee in the State Service is appointed as employee of the Authority.

(2) Where an employee of the Authority who, immediately before his employment as such was an employee, within the meaning of the *Tasmanian State Service Act 1984* ceases to be an employee of the Authority and becomes an employee employed in the State Service, his service as an employee of the Authority shall be regarded as service in the State Service for the purposes of determining his rights as an employee, within the meaning of that Act.

7—(1) Where an employee of a municipality becomes an employee of the Authority, the employee may, within one month after he does so, notify the Authority in writing that he desires that subclause (2) apply to him.

Transfer of employees of a municipality to the Authority.

(2) On a notification in writing under subclause (1), Divisions 3 and 4 of Part VI of the *Local Government Act* 1962 continue to apply, notwithstanding this Schedule but subject to such modifications as may be prescribed, to, and in relation to, that employee as if the Authority were that municipality.

(3) A person who becomes an employee of the Authority under this clause is not entitled to claim benefits under this Act as well as under any other Act in respect of the same period of service.

SCHEDULE 5

Sections 17 (1) (a)
and 19 (1)

BULK SUPPLY WORKS

CIRCULAR HEAD

Smithton Treatment Plant
Deep Creek Pump Station
Stanley Pump Station
Dam at Lake Mikany
Big Massey Reservoir
Little Massey Reservoir
Wells Reservoir

The pipelines from Deep Creek Pump Station to the Smithton Treatment Plant, from that plant to the Massey Reservoirs and from those reservoirs to Wells Reservoir.

WYNYARD

Cam Treatment Plant
Big Somerset Reservoir
Little Somerset Reservoir
Wynyard Reservoir

The pipeline from Cam Treatment Plant to Somerset Reservoir.

The pipeline from Somerset Reservoir to Wynyard Reservoir.

PENGUIN

Whitehills Treatment Plant
Leven Pump Station
Murfets Reservoir
Sulphur Creek Reservoir
Heybridge Reservoir

The pipelines from Leven Pump Station to Whitehills Treatment Plant and from that plant to Heybridge Reservoir.

ULVERSTONE

Gawler Treatment Plant
Gawler Pump Station
Isandula Dam
Carr-Lords Break Pressure Tank
Von Bibra Reservoir
Kimberley Reservoir
Hearps Reservoir
Turners Beach Reservoir

The pipelines from Isandula Dam to the Gawler Treatment Plant, from Carr-Lords Break Pressure Tank to Edgells factory at Ulverstone, from the Gawler Treatment Plant to Von Bibra Reservoir, from that plant to Kimberley Reservoir, from that plant to Hearps Reservoir, from Forth to Turners Beach Reservoir, and from that reservoir to Kimberley Reservoir.

DEVONPORT

Forth Treatment Plant
Paloona Pump Station
Girdlestone Reservoir
Williams Reservoir
Paloona Reservoir
New Kelcey Tier Reservoir
Old Kelcey Tier Reservoir

The pipelines from Forth to Williams Reservoir, from Williams Reservoir to Stoney Rise, Main Road, Devonport, from Paloona Pump Station to the Kelcey Tier Reservoirs, and from Girdlestone Reservoir to James Street, Forth.

LATROBE

Panaroma Pump Station
Dooleys Reservoir
Port Sorell Reservoir
Papas Reservoir

The pipeline from Williams Reservoir to Port Sorell Reservoir.

KENTISH

Barrington Pump Station (high lift)
Barrington Pump Station (low lift)
Barrington Treatment Plant
Butlers Reservoir
Railway Break Pressure Tank
Munroe's Reservoir
Redwater Tank at Railton

The pipeline from Barrington Pump Station to Redwater Tank.

SCHEDULE 6

Section 31

THE TRIBUNAL

PART I—INTERPRETATION

1—In this Schedule, “dispute” means a dispute referred to in section 31 and includes an objection made by a constituent municipality under that section and a matter referred to the tribunal under subsection (2) of that section. Interpretation.

PART II—MEMBERS OF TRIBUNAL

2—The tribunal shall consist of 5 members appointed by the Minister of whom— Composition of tribunal.

- (a) one shall be a person nominated in accordance with clause 3 who shall be chairman of the tribunal;
- (b) 2 shall be persons nominated by the Authority; and
- (c) 2 shall be persons nominated by the constituent municipality that is a party to the dispute referred to the tribunal under section 31.

3—As soon as practicable after the commencement date, the Minister shall request the concurrence of the Authority and each constituent municipality on the nomination of the chairman and— Nomination of chairman.

- (a) if the Minister obtains that concurrence, the person so nominated shall be appointed as the chairman; or
- (b) if the Minister fails to obtain that concurrence, the Authority and each constituent municipality shall, within one month after the request by the Minister, submit to the Minister the name of a person that it nominates as the chairman.

4—Where nominations are submitted to the Minister under clause 3 (b), the Minister shall appoint from the persons so nominated a person who appears to him to be suitable as the chairman of the tribunal. Appointment of chairman.

5—The chairman of the tribunal shall be appointed for such period, not exceeding 3 years, as may be specified in his instrument of appointment and on such terms and conditions as are so specified. Term of office, &c., of chairman.

6—Each member of the tribunal, other than the chairman, shall be appointed for the purpose of hearing a dispute and on such terms and conditions as are specified in his instrument of appointment. Term of office, &c., of other members.

PART III—DETERMINATION OF DISPUTES

7—Where a dispute arises as mentioned in section 31, the Authority and the constituent municipality concerned in the dispute shall each, as soon as it is practicable to do so, forward to the Minister a statement giving particulars of the dispute and the grounds of its case. Duty to forward statement of dispute.

8—On receipt of the statements from the Authority and a constituent municipality as mentioned in clause 7, the Minister shall— Duties of Minister.

- (a) notify each other constituent municipality of the dispute; and
- (b) refer the dispute to the tribunal for determination.

- Determination of disputes. 9—The tribunal shall hear and determine a dispute and in so determining a dispute—
- (a) the tribunal is not bound by strict legal requirements and may inform itself in any manner it thinks fit, whether the evidence would be admissible in a court or not; and
 - (b) the decision of the majority of the members shall be the decision of the tribunal.
- Disputes affecting 2 or more constituent municipalities. 10—Where the tribunal is of opinion that the determination of a dispute may affect more than one constituent municipality—
- (a) the tribunal may grant leave to any such municipality to appear in those proceedings; and
 - (b) if a municipality appears pursuant to any such leave, it shall, for the purposes of this Part, be deemed to be a party to the dispute in question.
- Power to vary, &c., previous determination. 11—In order to determine a dispute, the tribunal may vary or set aside a previous determination of the tribunal.
- Interim orders. 12—The tribunal may, if it thinks it expedient to do so, make an interim order having effect pending the final disposal of a dispute.
- Effect of decision. 13—Subject to clauses 11 and 12, a decision of the tribunal is final and binding on the Authority and the constituent municipality concerned.
- Costs of tribunal. 14—The costs incurred by the tribunal in the hearing and determination of a dispute shall be paid equally by the parties to the dispute.
- Costs of parties. 15—The parties to a dispute shall each bear their own costs of, and incidental to, the hearing of the dispute by the tribunal.

PART IV—ALTERATION OF MAPS

- Duty to advise Director-General of Lands of determination. 16—On making a determination under Part III, the tribunal shall provide the Director-General of Lands with particulars of the determination.
- Alterations of maps. 17—On receipt of notification of a determination under clause 16, the Director-General of Lands shall—
- (a) make such alterations and additions as may be appropriate to the copies of the statement and maps deposited in his office under section 17 (2); or
 - (b) if he thinks it expedient to do so, prepare a fresh map showing the particulars of the determination.
- Effect of fresh map. 18—A fresh map prepared under clause 17 shall be deemed to be a copy of a map deposited in the office of the Director-General of Lands under section 17 (2).
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SCHEDULE 7 Section 51 (1) and (2)

TRANSITIONAL PROVISIONS AND SAVINGS

PART I—PROVISION OPERATIVE BEFORE 1st JULY 1987

1—Section 43 applies and has effect in relation to the consumption year commenced on 1st April 1986, and for the purposes of this Part, a constituent municipality shall comply with that section as soon as practicable after the commencement of this Part.

Return and
estimates
for 1986
consumption
year.

PART II—PROVISIONS ARISING FROM REPEAL OF NORTH WEST REGIONAL
WATER ACT 1976

2—In this Part, “ the repealed Act ” means the *North West Regional Water Act 1976*. Interpretation.

3—For the purposes of section 34 (3), in its application to the financial year commencing on 1st July 1987, the reference to the revenue of the Authority in that section shall be read as a reference to the revenue of the Authority as established under the repealed Act.

Retrospective
application of
section 34 (3).

4—For the purposes of section 49, in its application to the financial year commenced on 1st July 1986, the Authority shall submit to the Minister a report on the administration of this Act and the repealed Act.

Annual report
for 1986-1987.

5—The repeals effected by section 51 (3) do not affect—

Saving
provision.

- (a) the tenure or term of office of a person who, immediately before the commencement date, was a member of the Authority as then established; or
 - (b) the operation of section 31 of the repealed Act in relation to the vesting of an estate, right, or interest of a constituent municipality in any land or works or any right of a constituent municipality derived under that section that was in force immediately before the commencement date.
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SCHEDULE 8

Section 51 (3)

ACTS REPEALED

Year and number of Act	Short title of Act
No. 109 of 1976	<i>North West Regional Water Act 1976</i>
No. 6 of 1984	<i>North West Regional Water Amendment Act 1984</i>
No. 70 of 1985	<i>North West Regional Water Amendment Act 1985</i>