

CYGNET WATER.

No. 57 of 1959.

AN ACT to amend the *Lovett Water Act 1914*.
[9 December 1959.]

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:—

Short title
and citation.

1—(1) This Act may be cited as the *Cygnet Water Act 1959*.

(2) The *Lovett Water Act 1914*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the *Cygnet Water Act 1914*.

Diversion
of water.

2 Section six of the Principal Act is amended by inserting after the word "Riley" the words "and from the Nicholls Rivulet at a point or points distant upstream approximately five chains from the south-west corner of 75 acres and 29 perches in the name of J. J. Mundy".

General
powers for
purposes of
diversion.

3 Section seven of the Principal Act is amended by omitting therefrom the word "rivulet" (first occurring) and substituting therefor the word "rivulets".

Formal
amendments.

4—(1) The preamble to the Principal Act is amended by omitting from the first and second recitals thereto the word "Lovett" (wherever occurring) and substituting therefor, in each case, the word "Cygnet".

(2) Section six of the Principal Act is amended by omitting therefrom the word "Lovett" and substituting therefor the word "Cygnet".

SPRINGFIELD IMPROVEMENT.

No. 58 of 1959.

AN ACT to amend the *Springfield Improvement Act 1958*.
[9 December 1959.]

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:—

Short title
and citation.

1—(1) This Act may be cited as the *Springfield Improvement Act 1959*.

(2) The *Springfield Improvement Act 1958* is in this Act referred to as the Principal Act.

2 Section two of the Principal Act is amended by inserting after the definition of "Loan Fund" the following definitions:—

Interpretation.

- " 'quarter days' means the first days of July, October, January, and April in any financial year;
 'relevant date', used in relation to any land, means the first quarter day next following after the service of a notice with respect to that land under section seven A;".

3 Section five of the Principal Act is amended—

Agreement for loan.

- (a) by omitting from subsection (1) all the words in that subsection after the word "into" and substituting therefor the words "agreements with the council for the lending to the council of sums of money not exceeding, in the aggregate, the sum of four hundred thousand pounds.";
 (b) by omitting from subsection (2) the word "the" (third occurring) and substituting therefor the word "an";
 (c) by omitting from subsection (3) the words "the agreement," and substituting therefor the words "an agreement under this section,";
 (d) by inserting after subsection (3) the following subsection:—

"(3A) Nothing in this section or in any agreement made thereunder authorizes or requires the Minister to make any payment of money to the council by way of loan after the thirtieth day of June 1963, or, without the consent of the Governor, to make any such payment after the thirty-first day of December 1962."; and

- (d) by omitting from subsection (4) the word "the" (first occurring) and substituting therefor the word "an".

4 Section six of the Principal Act is amended—

Provisions as to repayment of loan and payment of interest thereon.

- (a) by omitting subsections (1), (2), (3), and (4) and substituting therefor the following subsections:—

"(1) Subject to this section, the council shall repay to the Minister the amounts of the principal moneys lent to it under this Act in each of the periods specified in the first column of the first schedule, together with interest thereon, or on the balance thereof not for the time being repaid, calculated at a rate of five and one-half per cent per annum from the date specified in respect of that period in the second column of that schedule.

"(2) The repayment, under subsection (1) of this section, of any principal moneys lent during a period specified in the first column

of the first schedule, and any interest thereon, shall be by one hundred quarterly instalments, the first of which becomes due on the date specified in respect of that period in the third column of that schedule.

“(3) Quarterly payments required to be made under this section become due on the quarter days.

“(4) Where, in respect of any land—

(a) the relevant date falls within the earliest of the periods specified in the first column of the first schedule; or

(b) the relevant date falls within any other period specified in the first column of that schedule and the council certifies to the Minister that the greater portion of the cost of the works by reference to which that relevant date was determined has been, or will be, met out of moneys lent to the council during that period,

the council shall pay to the Minister any sums received by it in respect of that land under section eight during the period specified in the first column of the first schedule within which the relevant date falls, except so much of any of such sums as it receives by way of payment of interest on any sum for any period as exceeds the interest on that sum for that period calculated at the rate of two and three-quarters per cent per annum.

“(4A) The amount to be paid by the council to the Minister by way of repayment of principal moneys lent to the council under this Act within any period specified in the first column of the first schedule shall be reduced by the amount of the payments made by the council to the Minister, under subsection (4) of this section, of sums received by it within that period, except in so far as those sums are in payment of any interest, and the amount due from the council by way of payment of interest on those principal moneys shall be abated accordingly.”; and

(b) by omitting from subsection (5) the figure “(8)” and substituting therefor the figure “(9)”.

5 After section seven of the Principal Act the following section is inserted:—

“7A—(1) Where the council is of opinion that the relevant works have been substantially completed with respect to any land it shall serve a notice in writing on the owner of that land informing him that those works have been so completed.

“(2) Section two hundred and twenty-seven of the *Local Government Act 1906* applies to notices served under this section as it applies to notices served under that Act.

“(3) In this section, ‘relevant works’ means—

- (a) with respect to any land that is an allotment to which subsection (12) of section eight applies, such of the drainage works as, in the opinion of the council, affect, or may affect, the drainage of that land; and
- (b) with respect to any other land, the street works in the street on which that land abuts or to which it is adjacent, or, if it does not abut on or is not adjacent to any street, in the street to which there is a means of access from the land.”.

6 Section eight of the Principal Act is amended—

Cost of
works a
charge
on lands.

(a) by inserting after subsection (2) the following subsection:—

“(2A) Where the council is of opinion that an allotment is capable of being subdivided, that allotment shall, for the purposes of subsection (2) of this section, be deemed to consist of the number of allotments into which the council may, with the approval of the Minister, determine that it may reasonably be subdivided.”;

(b) by omitting from paragraph (a) of subsection (5) the word “equal” and the words “commencing on the first day of July 1959,”;

(c) by inserting after that subsection the following subsections:—

“(5A) No interest is payable under subsection (5) of this section in respect of any period before the relevant date.

“(5B) The first instalment payable under subsection (5) of this section in respect of any land becomes due on the first quarter day after the relevant date.

“(5C) The amount of any instalment payable under subsection (5) of this section shall be such as is determined by the council and the council, in making determinations under this subsection, shall secure that the instalments payable in respect of any one allotment are as far as is practicable equal to one another.”;

(d) by omitting paragraph (b) of subsection (9) and substituting therefor the following paragraph:—

“(b) if any land in the defined area is sold (whether before or after the relevant date), the whole of the amount payable in respect of

that land under this section, less any part thereof that has already been paid, together with any interest payable on that amount or any part thereof up to the date of completion of the sale, becomes due to the council forthwith and shall be paid to the council by the vendor accordingly.”;

- (e) by inserting after that subsection the following subsections:—

“(9A) Where at the time any land to which paragraph (b) of subsection (9) of this section applies is sold the costs and expenses referred to in subsection (1) of this section have not been finally determined, the amount payable in respect of that land under this section shall be determined by reference to a reasonable estimate made by the council of the amount of those costs and expenses.

“(9B) Where any land to which paragraph (b) of subsection (9) of this section applies comprises or contains only part of an allotment referred to in subsection (2) of this section the amount payable under this section in respect of so much of that land as consists of that part of that allotment shall be deemed to be such proportion of the amount payable under this section in respect of the whole of that allotment as the council, with the approval of the Minister, may determine.”;

- (f) by inserting in subsection (12), after the word “the” (sixth occurring), the word “second”;

and

- (g) by adding at the end thereof the following subsection:—

“(13) In a case where the council considers it reasonable so to do, the council may, with the consent of the Minister, release any person from any obligation arising under this section to pay any sum to the council.”.

Acquisition
of certain
pieces of
land.

7 Section nine of the Principal Act is amended—

- (a) by omitting from paragraph (a) of subsection (1) the word “the” (second occurring) and substituting therefor the word “an”;

- (b) by omitting from paragraph (b) of that subsection the word “that” (second occurring) and substituting therefor the words “any such”.

8 After section twelve of the Principal Act the following ^{First} schedule is inserted:—

“ THE FIRST SCHEDULE.

(Section 6.)

Commencement of repayment of loans.

Period in which money is lent.	Commencement of interest.	Date first instalment due.
9th January 1959 to 30th June 1962	1st July 1962	1st October 1962
1st July 1962 to 31st December 1962	1st January 1963	1st April 1963
1st January 1963 to 30th June 1963	1st July 1963	1st October 1963”.

9 The schedule to the Principal Act is amended—

^{Second} schedule.

- (a) by inserting in the heading thereto, after the word “THE”, the word “SECOND”; and
- (b) by omitting the numerals “(11)” (first, second, and third occurring) and substituting therefor, in each case, the numerals “(12)”.

CROWN LANDS (MISCELLANEOUS PROVISIONS).

No. 59 of 1959.

AN ACT to provide for the reinstatement of certain persons as purchasers of Crown lands, to authorize the sale by private contract of certain pieces of Crown land and the granting of certain other pieces of Crown land, to provide for the extinguishment of public rights of passage over certain lands and for the disposal of those lands, to authorize the Crown to purchase certain land, and for other purposes connected with the use and disposal of Crown lands.

[9 December 1959.]