

SOUTHERN REGIONAL WATER.

No. 66 of 1960.

AN ACT to amend and consolidate the Acts for the construction, management, and operation of certain works for the purpose of providing a water supply for the municipalities of Brighton, Clarence, Green Ponds, New Norfolk, and Richmond and for the purposes connected therewith, and to amend the *Water Act 1957*. [19 December 1960.]

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 *Southern Regional Water Act 1960*. Short title.

2—(1) The *Southern Regional Water Supply Act 1946* and the *Southern Regional Water Supply (Magra) Act 1948* are repealed. Repeals and savings.

(2) All works, equipment, stores, rights, duties, and liabilities subject to or existing under the Acts repealed by this section continue as if those Acts and this Act were one Act, but subject wholly to this Act from its commencement.

3 In this Act, unless the contrary intention appears—

“Commission” means the Rivers and Water Supply Commission;

“Financial Agreement” means the agreement made between the Commonwealth and the States and ratified by the *Financial Agreement Act 1927*, and includes that agreement as varied from time to time and any agreement made in substitution therefor;

“Loan Fund” means the loan fund established under section six of the *Public Account Act 1957*;

“municipality” means the corporation of a municipality to which water is supplied in pursuance of this Act;

Interpretation.
10 Geo. V
No. 27, s. 2.

“ State rate ” means the State rate as defined in section twenty-four of the *Hydro-Electric Commission Act 1944*;

“ the Southern Regional Water Supply ” means the water supply works authorized to be constructed under this Act and specified in the first schedule;

“ the water supply works ” means the works specified in the first schedule or any of them;

“ water district ” means the water district constituted under any Act in respect of any municipality;

“ water reticulation works ” means works constructed and provided by a municipality for the purpose of providing for the supply of water taken by the municipality from the Southern Regional Water Supply to the residents of its water district, and includes all water supply works constructed and provided by the municipality of New Norfolk for the purposes of the supply of water to the town of New Norfolk and the villages of Lawitta and Magra and parts adjacent thereto.

Application of
Water Act
1957.

4 The *Water Act 1957* applies to and in respect of the water supply works as if they were established by the Commission under section twenty-one of that Act, except so far as different provision is made in this Act.

PART II.

ADMINISTRATION.

Administra-
tion.

Ibid., ss. 3, 4.

5—(1) This Act shall be administered, for and on behalf of the Crown, by the Commission.

(2) The control, management, and maintenance of the water supply works known as the Southern Regional Water Supply is vested in the Commission, and shall be exercised by it in accordance with this Act.

(3) The Commission has power to perform, carry out, and do all such acts, matters, and things as may be necessary or convenient for or in relation to the control, management, and maintenance of the water supply works.

PART III.

COMPLETION AND MAINTENANCE OF THE WATER SUPPLY WORKS.

Completion
of works.

Ibid., s. 5.

6 The Commission may cause the water supply works to be completed at a total cost not exceeding one million two hundred and fifty thousand pounds.

Power to
buy water.

7 The Commission may purchase or buy water from any other water works for the purposes of this Act.

PART IV.

OBLIGATIONS OF MUNICIPALITIES.

Certain muni-
cipalities to
construct
reticulation
works.

Ibid., s. 12.

8 Each of the municipalities of Brighton, Green Ponds, and Richmond, in accordance with the provisions of the

Local Government Act 1906, and the municipality of Clarence, in accordance with the provisions of the *Clarence Water Act 1941*, shall construct and provide all such water reticulation works as may be necessary to enable the municipality to take water from the Southern Regional Water Supply at such point or points and at such times as the Commission specifies by notice, in writing, to the municipality, and to provide an adequate supply of water to the residents of its water district.

9—(1) Each municipality shall cause meters to be attached to the pipes by which water is supplied by the municipality to properties in its water district, and all water supplied to such properties shall be drawn only through such meters.

Meters to be attached to municipal supply.

Ibid., s. 13.

(2) Each municipality shall, at least once a year, cause meters installed pursuant to this section to be read and the readings recorded and shown on demand to the Commission.

10 The municipality of New Norfolk shall, whenever required by the Commission in writing so to do, make such alterations and additions to the existing works for the supply of water in its water districts, as may be required, in the opinion of the Commission, to enable it to take water from the Southern Regional Water Supply at such times and from such points as the Commission, by notice in writing, directs.

Power of Commission to supply New Norfolk.

Ibid., s. 14.

11 Notwithstanding anything contained in any Act, after the commencement of this Act, no agreement shall be entered into by any municipality with respect to the supply of water in bulk, except with the approval, in writing, of the Commission.

Municipalities not to enter into agreements in respect of supply of water.

Ibid., s. 15.

12—(1) Each municipality shall, whenever directed by the Commission by notice in writing so to do, take such action as may be necessary, or as may be specified by the Commission, for the prevention of excessive or unnecessary consumption of water, and of wastage or leakage from any pipe or water-work fitting or equipment within its water district.

Municipalities to check waste of water.

Ibid., s. 18.

(2) If a municipality neglects or refuses to comply with a direction given by the Commission under this section, the Commission may do or cause to be done all such acts and things as may be necessary, or as may be specified in a notice under this section, for the purposes set out in subsection (1), and may recover the cost thereof from the municipality.

PART V.

SUPPLY OF WATER BY COMMISSION.

13 The Commission shall supply water to the municipalities of Brighton, Clarence, Green Ponds, New Norfolk, and Richmond, respectively, as provided by this Act.

Commission to supply water to municipalities.

Ibid., s. 19.

14—(1) Water shall be supplied to the municipalities from trunk mains within their respective municipal boundaries at such points as may be fixed by the Commission.

Supply points, meters.

Ibid., s. 20.

(2) The Commission shall retain or install master meters at such points as it thinks convenient.

Supply of
water to
Hobart
Corporation.

15 The Commission may supply water to the Lord Mayor, Aldermen, and Citizens of the City of Hobart on and in accordance with such terms and conditions as may be agreed between them, and may construct and carry out any works that may be necessary for that purpose.

Supply of
water to
individuals.
Ibid., s. 21.

16—(1) Subject to this section, the Commission may supply water, in accordance with terms and conditions specified in the second schedule to any person and may construct and carry out any works which may be necessary for that purpose.

(2) The Commission may make charges for all water supplied to a person under this section in any financial year at such rates as may be fixed by the Commission in relation to that financial year, but not exceeding—

- (a) in respect of the first eighty thousand gallons so supplied to that person in that financial year, such rate per gallon as it deems a reasonable rate for the supply of water to a dwelling-house; and
- (b) in respect of any quantity of water in excess of eighty thousand gallons so supplied to that person in that financial year, such rate as it may consider necessary for the purpose of reimbursing the actual cost to the Commission of supplying that water.

(3) The Commission shall, during the month of July in each financial year, publish in the *Gazette* a notice specifying the rates fixed by it in relation to that financial year for the purposes of paragraphs (a) and (b) respectively of subsection (2) of this section.

Municipalities
not to
supply water
outside
district.
Ibid., s. 22.

17—(1) A municipality shall not supply water to any person at any place outside the water district of the municipality except with the approval, in writing, of the Commission.

(2) This section does not affect the supply of water to any person to whom water was supplied by a municipality before the twenty-ninth day of October 1946.

Supply of
water by
Commission.
Ibid., s. 23.

18—(1) Subject to this Act, the Commission shall, so far as practicable, supply water to the municipalities in such quantities and at such times, as they may respectively require.

(2) The Commission is not, under any circumstances, liable to pay compensation or damages to any municipality by reason of the failure or partial failure to supply water as provided by this Act, arising from any cause whatsoever.

Supply of
water for
purposes
other than
domestic
purposes.
Ibid., s. 24.

19—(1) Notwithstanding anything contained elsewhere in this Part, the Commission may, subject to this section, enter into a contract with any person for the supply to that person of water for purposes other than domestic purposes, for such period, upon and subject to such terms and conditions and at such price, as may be specified in the contract.

(2) A contract may be entered into under this section notwithstanding that the water to be supplied in pursuance thereof is to be supplied to a place outside a water district.

(3) The Commission shall not enter into a contract under this section unless—

- (a) it is satisfied that it is practicable to supply water in the quantity required by the other party to the contract without prejudice to the supply of water to municipalities and other persons for domestic purposes; and
- (b) the Governor has approved of the price proposed to be charged by the Commission for water supplied pursuant to the contract.

20—(1) The quantity of water supplied to a municipality under this Act shall be measured on the master meters installed in pursuance of section fourteen, but any quantity of water supplied to any other person that is measured by that meter shall be deducted.

Measurement of quantity of water supplied.
Ibid., s. 25.

(2) The Commission shall, in each month, advise each municipality of the quantity of water supplied to that municipality in the preceding month.

(3) The reading of the master meters shall be conclusive evidence of the quantity of water supplied to a municipality, unless varied in accordance with this section.

(4) If a master meter fails, the reading of the same master meter for the corresponding month of the previous year shall be taken as the measurement of the quantity of water that has passed through the same meter during the month in which that meter is out of action.

(5) If a municipality is at any time dissatisfied with the accuracy of the reading of a master meter, it may apply, in writing, to the Commission to have the master meter tested as provided by this section.

(6) When an application is made by a municipality under subsection (5), the Commission shall cause the master meter to be tested by an officer appointed by it for that purpose, in the presence of a person nominated by the municipality.

(7) The reading of the master meter shall be deemed to be accurate if, upon being tested, it is found to register the quantity of water measured at the test with an error of not more than four per cent.

(8) If a master meter is found, upon being tested, not to register the quantity of water accurately, within the meaning of subsection (7), the quantity of water supplied to the municipality, as measured by that meter, shall be adjusted for the percentage of error disclosed by the test, but such an adjustment shall not be made in respect of any period earlier than the commencement of the month in which the municipality applied for the master meter to be tested as provided by subsection (5).

(9) If upon being tested as provided by this section the reading of the master meter is found to be accurate, within the meaning of subsection (7), the municipality shall pay the cost, as determined by the Commission, of making the test.

21—(1) Subject to section twenty-two, the Commission may make charges for all water supplied to a municipality

Charges for water supplied to municipalities.
Ibid., s. 26.

under this Act in any financial year up to an amount fixed by the Commission (to be called the "basic amount") at such rate as may be fixed by the Commission in relation to that financial year.

(2) A rate fixed by the Commission under subsection (1) of this section shall not exceed such rate as the Commission may consider necessary for the purpose of reimbursing the actual cost to it of supplying that water.

(3) The Commission shall, during the month of July in each financial year, publish in the *Gazette* a notice specifying the rate fixed by it in relation to that financial year for the purposes of this section.

(4) If in any financial year a municipality takes more water than the basic amount, the Commission shall, as soon as possible thereafter, fix a rate for the excess as it thinks reasonable in the circumstances.

(5) The regulations may provide for the manner in which, and the times at which, payment shall be made by municipalities for the supply of water under this Act.

Charge
for water
supplied to
municipality
of New
Norfolk.
Ibid., ss. 27,
28A.

22—(1) Notwithstanding any other provision of this Act, the Commission may enter into an agreement with the municipality of New Norfolk to supply water to that municipality on such terms, as to payment therefor and otherwise, as may be specified in the agreement.

(2) Where in any financial year the Commission expects to spend more in carrying out the agreement than it expects to receive under it, the Treasurer may, out of moneys to be provided by Parliament, pay the Commission a subsidy equal to the excess, as estimated by it and approved by the Minister.

Subsidies to
municipalities.
Ibid., ss. 28,
28A.

23—(1) The Commission may, for the purpose of assisting a municipality to pay for water supplied to it by the Commission in pursuance of this Act, recommend to the Minister that an annual subsidy be paid to the municipality in accordance with this section.

(2) The Commission may recommend that the payment of a subsidy under this section shall be subject to the observance by the municipality of such terms and conditions as it may think desirable (including conditions as to the rates or amounts to be charged by the municipality in respect of water supplied to persons residing in any water district).

(3) For the purposes of this section, the Commission shall, during the month of July in each financial year, determine—

(a) the total amount of the reasonable annual charges that, in the opinion of the Commission, should be met by the municipality during that financial year in relation to—

(i) the costs of construction, and the maintenance and administration of water reticulation works constructed by the municipality in accordance with section eight; and

- (ii) the supply of water to the municipality in accordance with section thirteen; and
- (b) the amount of the revenue that, in the opinion of the Commission, the municipality could reasonably be expected to receive during that financial year for water taken from the water supply works and supplied by the municipality to persons residing within any water district, having regard to such standard relating to charges for water supplied as the Commission may determine,

and may recommend the payment to the municipality during that financial year of a subsidy of such amount (not exceeding the difference between the amounts referred to in paragraphs (a) and (b) of this subsection) as the Commission thinks reasonable in the circumstances.

(4) Subsidies under this section shall be paid out of moneys to be provided by Parliament.

24 If a municipality makes default for a period exceeding three months in payment of any sum required to be paid under this Act to the Commission, the Commission may cut off and discontinue the supply of water to that municipality, and may recover the amount due in any court of competent jurisdiction.

Default by municipality.
Ibid., s. 30.

PART VI.

FINANCIAL PROVISIONS.

25 Section twenty-five of the *Water Act* 1957 does not apply in respect of transactions under this Act.

Exclusion of financial provisions of *Water Act* 1957.

26 In respect of its transactions under this Act the Commission shall keep such accounts, and prepare such annual financial statements in relation thereto, in such form and containing such particulars as the Treasurer may approve.

No. 14 of 1960, s. 12.
Form, &c., of accounts.

27—(1) The Commission shall submit its accounts in respect of the water supply works to the Auditor-General for audit on or before the sixteenth day of August in each year.

Ibid., s. 13.
Audit of accounts.
Ibid., ss. 17, 14.

(2) The Auditor-General has, in respect of the accounts of the Commission under this Act, all the powers conferred on him by the *Audit Act* 1918 in relation to the public accounts.

28—(1) The Commission shall cause to be opened in the Reserve Bank of Australia or the Commonwealth Trading Bank of Australia such accounts as may be necessary for the purposes of this Act.

Bank accounts.
Ibid., s. 15.

(2) All—

(a) moneys received by the Commission under this Act shall be paid into; and

(b) expenditure under, or in connection with, this Act shall be drawn from,

the accounts referred to in subsection (1) of this section.

29—(1) Subject to this Act, the Commission may requisition the Treasurer for any moneys required by it for capital expenditure in connection with the water supply works, not

Loans and working capital.
Ibid., s. 9.

exceeding £1,250,000 out of the Loan Fund which, to the necessary extent, is appropriated accordingly, and the Treasurer may pay those moneys to the Commission forthwith.

(2) The Treasurer may, out of the Loan Fund (which, to the necessary extent, is appropriated accordingly) advance to the Commission such sums as it may require for the purposes of this Act as working capital, but the amount so advanced shall not exceed £40,000 at any one time.

(3) The Treasurer may direct that such amount as he considers necessary to effect reimbursement to the Loan Fund in respect of charges and expenses incurred by him in the borrowing of such loan moneys as are paid or advanced to the Commission out of the Loan Fund pursuant to or for the purposes of this section shall be deemed to constitute an advance to the Commission under this section and to form part of the moneys appropriated by Parliament for the purposes of this Act.

(4) The Commission shall pay to the Treasurer on account of the Consolidated Revenue quarterly on the last days of September, December, March, and June respectively in each financial year interest at the State rate in respect of moneys paid or advanced by the Treasurer under this section, or so much thereof as may remain unpaid.

Power to borrow.

30 The Treasurer may, on behalf of the State and in accordance with the Financial Agreement, arrange for the borrowing of—

- (a) any sums not exceeding, when aggregated with sums borrowed under section six of the *Southern Regional Water Supply Act 1946*, the sum of one million two hundred and fifty thousand pounds for the purpose of defraying the cost of the water supply works; and
- (b) any sums not exceeding in the aggregate the sum of forty thousand pounds for the purposes of this Act as working capital.

Depreciation and loan redemption.
Ibid., s. 16.

31—(1) The Commission shall, out of the revenues received by it under this Act, make such annual provision as the Treasurer may approve for the depreciation of assets, and the moneys so set aside shall be credited to a special account (in this section referred to as “the depreciation account”).

(2) The Commission shall in each financial year, out of the depreciation account, pay to the Treasurer such sum as the Treasurer may certify to be necessary to reimburse the Treasurer for the amount of the sinking fund contributions paid by the Treasurer in the immediately preceding financial year to the National Debt Commission in respect of such loans and advances made by the Treasurer to the Commission under section twenty-nine as were outstanding at the end of the last-mentioned financial year.

(3) Upon payment to the Treasurer by the Commission of a sum pursuant to subsection (2) of this section, the amount of the loan or advance in relation to which the sum is so paid shall be reduced by an amount equal to the sum so paid.

(4) Subject to subsection (5) of this section, the Commission may, out of the revenues received by it under this Act, set aside such sums as it considers necessary for the purpose of—

- (a) making provision for undetermined losses or liabilities; or
- (b) creating a reserve, or reserves, against contingencies.

(5) The Commission shall not exercise the power conferred on it by subsection (4) of this section unless the Treasurer has approved of the amount of each provision or reserve, and the purpose for which each provision or reserve is made.

(6) The moneys set aside pursuant to subsection (1) of this section, or provided by reason of the making of any provision or the creating of a reserve pursuant to subsection (4) of this section, after making provision for any payments required to be made to the Treasurer pursuant to subsection (2) of this section may, with the consent of the Treasurer, be applied by the Commission for all or any of the following purposes, namely:—

- (a) In making investments in such securities as the Governor may approve;
- (b) In financing the purchase of new assets or the replacement of assets; or
- (c) In making payments to the Treasurer in reduction of the capital indebtedness of the Commission under this Act.

32 Where for any financial year the accounts of the Commission kept for the purposes of this Act show— Profits and losses.

- (a) an excess of revenue over expenditure, the amount of the excess shall, except for the retention of such amounts as the Treasurer may allow, be paid to the Treasurer on account of the Consolidated Revenue; or
- (b) an excess of expenditure over revenue, the Treasurer shall pay to the Commission out of the Consolidated Revenue (which, to the necessary extent, is appropriated accordingly) so much of the excess as he thinks fit.

PART VII.

MISCELLANEOUS.

33—(1) As soon as practicable after the thirtieth day of June in each year, the Commission shall furnish to the Minister a report on its operations, business, and affairs under this Act during the financial year ended on that day. Annual report.
Ibid., s. 18,
and 10 Geo.
VI No. 27,
s. 35.

(2) As soon as practicable after the Commission's accounts under this Act for any year have been audited and certified by the Auditor-General, the Commission shall furnish the Minister with a copy of those accounts as so audited and certified.

(3) The Minister shall cause copies of the report mentioned in subsection (1) of this section and of the Commis-

sion's accounts as audited and certified by the Auditor-General to be laid on the table of each House of Parliament within the first ten sitting days of the House after it is or they are respectively received by the Minister.

(4) The Minister shall cause a copy of the report and accounts to be furnished forthwith to the municipalities.

Offences.

34 For the purposes of section seventy-one of the *Waterworks Clauses Act 1952* the expressions "the undertaking" and "the waterworks" include any works constructed under section sixteen, and also include (except for the purposes of paragraph (b) of subsection (3) of that section), the River Derwent for a distance of one mile above Lawitta.

Regulations.
10 Geo. VI
No. 27, s. 38.

35 The Governor may, on the recommendation of the Commission, make regulations, not inconsistent with this Act, prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act.

**Amendment
of the Water
Act 1957.**

36 Part V of the *Water Act 1957*, except section one hundred and sixteen, is repealed.

THE FIRST SCHEDULE.

(Section 3.)

THE SOUTHERN REGIONAL WATER SUPPLY— WORKS TO BE EXECUTED.

All works required, in the opinion of the Minister, for the purpose of the supply of water from the Derwent River above New Norfolk to the Municipalities of Clarence, Brighton, Green Ponds, New Norfolk, and Richmond, including a pumping-station on the River Derwent at Lawitta, a rising main from the pumping-station to the summit of Downies Hill near New Norfolk, a reservoir on that hill, and a main to a second pumping-station near Boyer; from this point a second rising main to a hill near Riverton, a main *via* Bundella and Dromedary to a reservoir on Cobbs Hill, a main crossing the Midland Highway about one mile north of Bridgewater, and crossing the Jordan River near its mouth, thence *via* Mount Direction and East Risdon to a point on Natone Hill near Lindsfarne; a pipe-line from Cobbs Hill Reservoir to a point near Kempton, including two intermediate pumping-stations and reservoirs; a pipe-line, including a pumping-station and reservoirs, from the last-mentioned pipe-line at Brighton near the Broadmarsh Road *via* Brighton Junction, Tea Tree, and Rekuna, to a hill about two miles north-west of Richmond, with a branch to Campania.

THE SECOND SCHEDULE.

(Section 16.)

TERMS AND CONDITIONS OF SUPPLY OF WATER BY COMMISSION UNDER SECTION 16.

1. The Commission may supply water, in accordance with the provisions of section 16, to any person or group of persons (in this schedule referred to as "the consumer") who or which enters into a contract for the supply of water on the following terms and conditions.

2. The Commission shall take the water supply to such point of supply on or within the boundary of the consumer's property as may be fixed by the Commission.

3.—(1) The Commission shall install a pipe between the main on the water supply works and the point of supply, and the cost thereof (together with the cost of any pressure reduction valve, but excluding

the cost of the meter) and all maintenance costs shall be paid by the consumer to the Commission, but the Commission may permit the consumer to install and maintain the pipe at his own cost.

(2) Any payment received by the Commission under this paragraph shall be paid to the Treasurer in reduction of the cost of the water supply works.

4. Any connection made to the main on the water supply works for the purpose of supplying water to the consumer shall be of such size and type as may be approved by the Commission.

5.—(1) The Commission shall install and maintain at the point of supply a meter for the purpose of recording the amount of water taken by the consumer.

(2) The consumer shall pay to the Commission the sum of ten shillings annually as rental for the meter.

6.—(1) The Commission shall not in any circumstances be liable to pay compensation for the failure or partial failure of a supply to any consumer.

(2) The Commission shall be entitled at all times to discontinue the supply to any consumer if it deems it necessary for any reason so to do.

7. The Commission may without notice to the consumer enter upon the consumer's property for the purpose of making any inspection, disconnection, alteration, or renewal of the service.

8. Any contract for the supply of water under section 16 may be terminated by either the Commission or the consumer giving three months' notice.

WAGES BOARDS.

No. 67 of 1960.

AN ACT to amend the *Wages Boards Act 1920.* [19 December 1960.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Wages Boards Act 1960.* Short title and citation.

(2) The *Wages Boards Act 1920*, as subsequently amended, is in this Act referred to as the Principal Act.