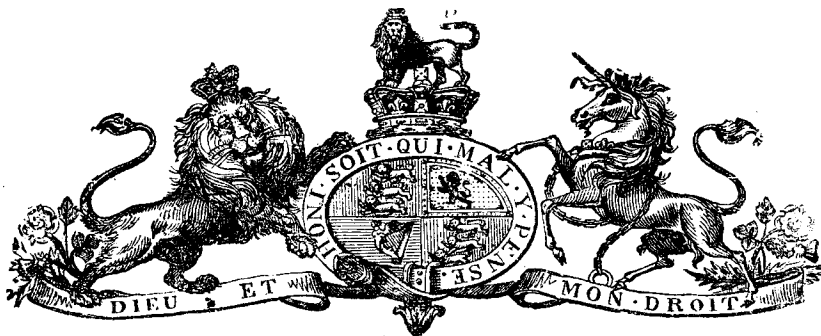


T A S M A N I A.



1891.

ANNO QUINQUAGESIMO-QUINTO

VICTORIÆ REGINÆ,

No. 69.

AN ACT to further amend “The *Formby* A.D. 1891.
Water Act.” [23 December, 1891.] —

WHEREAS it is desirable to amend “The *Formby* Water Act:” **PREAMBLE.**
Be it therefore enacted by His Excellency the Governor of *Tasmania*,
by and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited for all purposes as “The *Formby* Water Short title.
Amendment Act, 1891.”

2 In this Act the expression “the said Act” shall mean and include Interpretation.
“The *Formby* Water Act, 1889.”

3 Sections Five, Six, and Seven of “The *Formby* Water Amend- Repeal.
ment Act, 1890,” are hereby repealed. 54 Vict. No. 50.

4 It shall be lawful for the Governor in Council, from time to time, Governor in
subject to the provisions of this Act, to grant to the Board of the Town Council may
of *Devonport* as a loan or loans for carrying out the objects of the said grant loans.
Act, any sum or sums of money not exceeding in the whole Twenty
thousand Pounds (£20,000), and upon the Governor in Council granting
to the said Board such loan or loans, the power given to the said Board
in Section Forty-six of the said Act to borrow money shall cease and

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determine : Provided, that before any loan is granted to the said Board as aforesaid, a general plan showing the locality of the source of the water supply and the route along which it is intended to carry such water supply, together with a Report by the Engineer-in-Chief upon the feasibility of the proposed works and the amount for which such works can be completed, shall be supplied to the Governor in Council.

Loans paid out of moneys raised by Debentures.

5 The Treasurer of the Colony is hereby authorised to issue to the said Board any such sum or sums of money as aforesaid out of moneys raised by the Governor in Council by the issue and sale of Debentures under any Act passed for the purpose of raising money to be advanced under the provisions of this Act : Provided, that the Treasurer shall, within Fourteen days of the assembling of Parliament, make a Return of all Debentures issued under this Act.

Interest payable on loans.

6 There shall be payable and paid by the said Board to the said Treasurer upon any sum or sums of money advanced as a loan as aforesaid interest at the rate of Five Pounds per centum per annum, chargeable upon the revenues of the said Board.

Until such loan is completely liquidated as hereinafter provided such interest shall be payable on the First day of *January* and the First day of *July* in each year.

Treasurer to form Sinking Fund.

7 The said Treasurer shall in every year cause a sum of money equal to One per centum per annum on such loan as aforesaid, out of moneys received from the said Board as interest on such loan, to be set apart as a Sinking Fund, until the Auditor-General shall certify that such loan has been completely liquidated.

Auditor's certificate discharge for loan and interest.

8 Upon the Auditor-General certifying as aforesaid the said Board shall be thereupon freed and discharged from all payments of principal or interest to the said Treasurer in respect of such loan.

Sinking Fund to be invested.

9 All moneys set apart by the Treasurer as a Sinking Fund hereunder to liquidate any such Loan as aforesaid shall be placed in the books of the Treasury, in the names of the said Treasurer and the said Board, to an Account intituled "*The Devonport Water Sinking Fund*," and the Treasurer shall, on the Thirty-first day of *December* in every year, credit such Account with interest at the rate of Four Pounds per centum per annum on the amount of such Account.

All interest credited to such Account shall bear interest in like manner as the moneys set apart by the Treasurer aforesaid.

If interest in arrear Governor in Council may appoint Receiver.

10 If at any time the interest payable by the said Board upon any loan advanced under this Act remains unpaid for a period of Three months after the same becomes due, the Governor in Council shall from time to time appoint a Receiver of the revenues of such Board.

Any Receiver appointed under this Act shall be entitled to receive all the revenues payable to such Board, and from time to time to make and levy all such rates for the purpose of paying such interest as such Board is then by Law empowered to make and levy, and for the purposes aforesaid such Receiver shall be deemed to be such Board, and may exercise all the powers and functions thereof in respect of making, levying, or collecting any such rate.

Such Receiver shall, out of any revenues as aforesaid received by him

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from time to time, pay to the Treasurer such sum or sums of money as may be payable as interest on any such loan as aforesaid, and, after payment of the costs and expenses incurred by such Receiver, together with such remuneration as the Governor in Council may deem reasonable, the Treasurer shall pay the balance, if any, to the said Board. A.D. 1891.

11 Every Receiver appointed under this Act shall, before entering on his office, give such security for the faithful execution thereof as the Governor in Council shall direct. Receiver to give security.

12 Every such Receiver shall, in the receipt or disbursement of moneys or other property, be amenable to all the provisions of "The Audit Act, 1888," in the same manner and in all respects as if such Receiver had been an Officer in the Public Service. Receiver amenable to provisions of 52 Vict. No. 43.

13 Notwithstanding anything hereinbefore contained, the said Board shall not borrow any sum of money under the provisions of this Act until and after the electors of the Town of *Devonport* have, by a majority of votes at a poll to be taken for that purpose as hereinafter provided, consented to the Board borrowing such sum of money as aforesaid; and at the taking of such poll every elector who desires to vote shall be entitled to as many votes as the number of votes to which such elector appears by the Roll to be entitled to exercise at an election of Members of the Board for the Town of *Devonport*. Poll of electors to be taken.

14 When the Board shall decide to take a poll of the electors as aforesaid, they shall cause a notice of such poll to be inserted not less than Six times in a newspaper generally circulated in the Town of *Devonport*, and in two consecutive numbers of the *Gazette*; and such notice shall contain the following particulars:— Notice of poll to be published.

- (1.) The time and place of such election:
- (2.) The amount of money proposed to be borrowed, and the works proposed to be constructed or performed by the Board therewith:
- (3.) The estimated cost of such works.

15 Subject to the foregoing provisions, all proceedings upon the taking of any poll as aforesaid shall be had and taken as nearly as may be as upon an election of Members of the Board of the Town of *Devonport*, as the case may require. Proceedings to be had as upon election of Town Board.

16 The Board may combine with the Trustees of any Water District for the purpose of constructing and maintaining, for the joint benefit of the Town of *Devonport* and any such Water District, any works which the Board or such Trustees are by law authorised to construct and maintain; and the Board may borrow money for the purpose of contributing to the cost of any such works in the same manner and to the same amount as if such money was borrowed for the construction or maintenance of any works undertaken solely by the Board. Board may combine with Trustees of any Water District for constructing works.

17 In the event of the Board combining with the Trustees of any Water District for the purpose of constructing and maintaining any such works as aforesaid, the Board and the Electors of the Town of *Devonport* and such Trustees shall each be liable for the cost of constructing or maintaining such works to such an amount as shall be How cost of combined works to be borne.

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agreed upon between the Board and such Trustees; and the proportion of such cost to which the Board and such Trustees shall respectively agree that the Board and Electors of the Town of *Devonport* and such Trustees shall be respectively liable shall be recoverable from the Board and the Electors of the Town of *Devonport* or such Trustees in the same manner as if it were a debt or liability incurred solely by the Board or such Trustees.