



WATER

No. 69 of 1975

ANALYSIS

1. Short title and citation.
2. Commissioned water rights.
3. Construction of storage works.
4. Minor amendments of Principal Act.



AN ACT to amend the Water Act 1957.

[17 December 1975]

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 *Water Act 1975*.

Short title and
citation.

(2) The *Water Act 1957*, as subsequently amended, is in this Act referred to as the Principal Act.

Commissional
water rights.

2 Section 94 of the Principal Act is amended by inserting after subsection (2) the following subsection:—

“(2A) A commissional water right may be extended in identical terms from time to time for a period not exceeding 5 years at any one time by notice in writing signed by a person authorized to do so by the Commission.”.

Construction
of storage
works.

3—(1) Section 116 of the Principal Act is amended—

(a) by omitting subsection (2) and substituting the following subsections:—

“(2) Before commencing any works for the making or altering of any storage works a person shall give to the Commission—

(a) at least 60 days’ notice in writing of his intention to carry out those works; and

(b) at least 7 days’ notice in writing of the actual date on which the works are to commence.

“(2A) In proceedings for a contravention of subsection (2) it is a defence to prove that the works were urgently necessary because of an emergency and that notice in writing of the need for the works was given to the Commission as soon as reasonably practicable.

“(2B) A person making or altering any storage works shall do so to the satisfaction of the Commission.”;

(b) by inserting after subsection (3) the following subsection:—

“(3A) Nothing in this section shall be construed as requiring the Commission to supervise the making or alteration of any storage works.”; and

(c) by adding at the end of subsection (4) the words “and neither the Commission nor its officers are liable for any damage by reason of a failure to supervise the making or alteration of any storage works”.

(2) The Principal Act shall, since the commencement of the *Water Act 1964*, be deemed to have had effect as if the amendments made by paragraphs (b) and (c) of subsection (1) had taken effect on the commencement of the *Water Act 1964* but nothing in this subsection prejudices or affects the operation of any agreement entered into by the Commission before the commencement of this Act.

4 Each provision of the Principal Act that is specified in the first column of the Schedule is amended in the manner set forth against that provision in the second column of the Schedule. Minor amendments of Principal Act.

THE SCHEDULE

(Section 4)

FIRST COLUMN Provision amended	SECOND COLUMN How amended
Section 25A (14) Section 41 (4) (a)	By omitting " 15 " and substituting "(15)"; By omitting " fourpence in the pound " and substituting " two cents in the dollar ";
Section 41 (4) (b)	By omitting " fivepence in the pound " and substituting " three cents in the dollar ";
Section 83 (3) (b) Section 100M (6)	By omitting " twenty " and substituting " 21 " ; By omitting " delivering " and substituting " delivering it " ;
Section 100M (9) (a) Section 151	By omitting " may " and substituting " make " ; By omitting " paragraph (a) " and substituting " paragraph (b) " .