



WATER AMENDMENT ACT 1993

No. 82 of 1993

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**WATER AMENDMENT ACT 1993**

No. 82 of 1993

AN ACT to amend the *Water Act 1957***[Royal Assent 23 November 1993]**

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

1—This Act may be cited as the *Water Amendment Act 1993*.

Commencement

2—This Act commences on the day on which it receives the Royal Assent.

Principal Act

3—In this Act, the *Water Act 1957** is referred to as the Principal Act.

Section 17 amended (Power to rate)

4—Section 17 (2) of the Principal Act is amended by omitting paragraph (a).

Section 48B substituted

5—Section 48B of the Principal Act is repealed and the following section is substituted:—

Reconstitution of Lawrenny Water Trust

48B—(1) In this section—

“**letters patent**” means the letters patent published in the *Gazette* on 16 March 1966 under which the Trust was constituted as a body corporate;

“**liability**” includes any liability, duty and obligation, whether actual, contingent or prospective;

“**property**” means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property and includes money, documents, securities, choses in action and other rights;

“**right**” includes any right, power, privilege and immunity, whether actual, contingent or prospective;

“**security**” means a mortgage or charge, whether legal or equitable, or a debenture, bill of exchange, promissory note, guarantee, lien or pledge or any other property or transaction representing security for the payment of money or for the discharge of an actual or contingent liability;

“**Trust**” means the Lawrenny Water Trust.

* No. 39 of 1957. For this Act, as amended up to and including 1 March 1983, see the continuing Reprint of Statutes. Subsequently amended by No. 62 of 1976, Nos. 4, 29 and 54 of 1984, Nos. 10, 51, 68 and 85 of 1985, No. 63 of 1988, No. 37 of 1989, No. 5 of 1990, Nos. 40 and 46 of 1991 and No. 24 of 1993.

(2) The Trust continues in existence under the name Lawrenny Irrigation Water Trust as the authority to undertake, operate and control the scheme provided for by the letters patent as if it had been created under this Division.

(3) For the purposes of this section, the Governor may—

- (a) amend the letters patent by other letters patent published in the *Gazette*; and
- (b) appoint, name and define the Trust's irrigation water district in accordance with section 26; and
- (c) appoint, by proclamation, a place to be the source of supply for the scheme; and
- (d) make regulations to provide for—
 - (i) the election of trustees; and
 - (ii) other matters necessary or convenient for the successful operation of the scheme; and
 - (iii) the rescission of the by-laws of the Trust published as the Third Schedule to the letters patent.

(4) Nothing in this section affects—

- (a) the tenure or term of office of a person who was a trustee of the Trust immediately before the commencement of this section; or
- (b) any right or liability of the Trust that was subsisting immediately before that commencement or any property that was vested in the Trust at that time.

Section 68 amended (Powers of drainage trusts)

6—Section 68 of the Principal Act is amended by omitting subsections (1) and (2).

Section 117 amended (Interpretation)

7—Section 117 of the Principal Act is amended by omitting the definition of “trust” and substituting the following definition:—

“trust” means a board of trustees—

- (a) holding office under this Part; or
- (b) that was holding office under the *Drainage Act 1934* immediately before the commencement of this Part;

Section 148A inserted

8—After section 148 of the Principal Act, the following section is inserted in Division 3:—

Validation of acts of drainage trusts

148A—(1) Where a trust has, in purported exercise of any power conferred by this Act, done or omitted to do any act, that act or omission is taken to be as valid as it would have been if the trust had at the relevant time been constituted under this Part.

(2) Where a trust has, in purported exercise of any power conferred by the *Drainage Act 1934*, done or omitted to do any act after the commencement of this Part, that act or omission is taken to be as valid as it would have been if that Act had been in force at the relevant time.

[Second reading presentation speech made in:—
House of Assembly on 13 October 1993
Legislative Council on 26 October 1993]