
WATERWORKS CLAUSES AMENDMENT ACT 1989

No. 17 of 1989

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WATERWORKS CLAUSES AMENDMENT ACT 1989

No. 17 of 1989

AN ACT to amend the Waterworks Clauses Act 1952 and the Public Health Act 1962.

[Royal Assent 18 April 1989]

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—This Act may be cited as the *Waterworks Clauses Amendment Act 1989*. Short title.

2—This Act shall commence on the day on which it receives the Royal assent. Commencement.

3—In this Act, the *Waterworks Clauses Act 1952** is referred to as the Principal Act. Principal Act.

4—Section 2 of the Principal Act is amended as follows:— Amendment of section 2 of Principal Act (Interpretation).
 (a) by omitting “Act.” from the definition of “water district” and substituting “Act;”;

* No. 86 of 1952. For this Act, as amended to 1959, see the Reprint of Statutes (1826-1959), Vol. 6, p. 697. Subsequently amended by No. 23 of 1960, Nos. 59 and 68 of 1962, No. 54 of 1963, No. 55 of 1966, No. 14 of 1971, No. 75 of 1973, No. 45 of 1980 and No. 75 of 1987.

(b) by adding, after the definition of “water district”, the following definition:—

“water storage area” means land that is used for the storage of water for supply to the public for domestic purposes in a water district and any land appurtenant to any such storage area.

Amendment of section 18 of Principal Act (Supply of clean and wholesome water for domestic use).

5—Section 18 of the Principal Act is amended by adding after subsection (2) the following subsection:—

(3) In this section, “pure and wholesome” means clean, free from obvious suspended matter, and free from toxic substances and pathogenic organisms in amounts harmful to humans.

Insertion of new Part IIIA in Principal Act.

6—After section 32 of the Principal Act, the following Part is inserted:—

PART IIIA RECREATIONAL USE OF PUBLIC WATER SUPPLIES

Application of this Part to Hydro-Electric Commission.

32A—The application of this Part extends to, and in relation to, the Hydro-Electric Commission in respect of a water storage area owned by that Commission and used solely for domestic purposes.

Duty of undertakers to make water storage areas available for recreational use.

32B—(1) The undertakers shall make each water storage area situated on land owned by the undertakers available for recreational purposes in the best interests of the public so long as any such use is consistent with the duty of the undertakers under section 18.

(2) Where—

(a) a source of supply is used for the supply of water direct to consumers; and

(b) the water so supplied is not subject to any treatment other than chlorination,

the undertakers shall not permit any swimming, boating, fishing, or any other use of the source of supply by virtue of which persons may come into contact with the water.

32c—(1) For the purpose of determining public recreational uses suitable for a water storage area, the undertakers shall—

Preparation of development plans for water storage areas.

- (a) in the case of land used as a water storage area on the commencement of this section, within a period of 12 months after that commencement or such further period as the Minister may allow; or
- (b) in the case of any other land, within a period of 6 months after it is first so used or such further period as the Minister may allow,

prepare and forward to the Minister a development plan in respect of that area having regard to—

- (c) the duty of the undertakers referred to in section 18 (1);
 - (d) the manner in which the water in the water storage area is treated before use for domestic purposes;
 - (e) the manner in which that water should be treated if recreational use of that water is permitted;
 - (f) the total volume of water that may be held in the water storage area and the likely retention time of the water;
 - (g) the proximity of the extraction point to each place where recreational activity is proposed;
 - (h) whether there can be demonstrated a demand for recreational activity of the kind proposed for the water storage area;
 - (i) whether alternative land can reasonably be made available for recreational activity of the kind proposed; and
 - (j) the need for adequate planning for each stage of recreational use and continuing assessment of the effect, if any, of the recreational use on the quality of the water in the water storage area.
- (2) A development plan prepared under subsection (1)—
- (a) shall include plans and specifications of the works to be carried out with directions for their use, if required by the Minister, and an estimate of the time required for completion of each stage of the works; and

(b) shall be accompanied by by-laws made, or proposed to be made, by the undertakers under section 53 of this Act or under the *Local Government Act 1962* for the purpose of ensuring that persons who may use the water storage area for recreational purposes will not cause any detriment to the quality of the water.

Duty of Minister to accept or reject development plan.

32D—(1) On receipt of a development plan under section 32C, the Minister shall accept it with or without such amendments as may be agreed on between him and the undertakers or, if he is of opinion that the plan fails to serve the best interests of the public, he shall reject the plan.

(2) The Minister shall notify the undertakers of his acceptance or rejection of the plan in writing and, on receipt of the notification, the undertakers are liable to the Crown for the cost of any surveys, maps, plans, and tests and of any similar work required by the Minister for the purpose of deciding whether to accept or reject the development plan.

Public inspection and public notification of development plan.

32E—On receipt of notification of the acceptance of a development plan with or without amendments as mentioned in section 32D (1), the undertakers shall—

- (a) make the plan available for public inspection for a period of 2 months at the principal office of the undertakers during normal business hours; and
- (b) give public notification of the details of the plan, with a statement of where the plan is available for public inspection.

Power of Minister to require undertakers to develop water storage areas for recreational use.

32F—(1) Where—

- (a) the undertakers have failed to perform their duty as mentioned in section 32B (1), in respect of a water storage area; or
- (b) the Minister has rejected a development plan relating to a water storage area,

the Minister may, after consultation with the undertakers, serve on them an order requiring them to make the water storage area available, and to develop it, in such manner, in such time, and for such public recreational purposes as may be specified in the order.

(2) An order served on the undertakers under subsection (1) shall include an indemnity on behalf of the Crown against any liability incurred by the undertakers as a result of complying with the order.

(3) On receipt of an order under subsection (1), the undertakers shall—

- (a) make the order and the development plan to which it relates available for public inspection for a period of 2 months at the principal office of the undertakers during normal business hours; and
- (b) give public notification of the details of the order, with a statement of where the order and plan are available for public inspection.

32G—(1) Where the undertakers are dissatisfied with the directions contained in an order served on them under section 32F (1), the undertakers may object to those directions by furnishing the Minister with a statement in writing of their objections specifying the grounds on which they are based.

Right of undertakers to object to Minister's directions.

(2) Where the Minister receives a statement of objections under subsection (1), the Minister shall cause a copy of that statement to be laid before each House of Parliament within 14 sitting days of that House after the statement is received.

(3) Nothing in this section derogates from the duty of the undertakers to comply with an order served on them under section 32F (1).

32H—Where the undertakers have for a period of 6 months failed to comply with an order served on them under section 32F (1), the Minister may—

Power of Minister to perform work required.

- (a) perform all or any of the work to which the order relates; and
- (b) recover from the undertakers in any court of competent jurisdiction the reasonable cost of doing that work.

7—Section 71 of the Principal Act is amended by inserting after subsection (2) the following subsection:—

Amendment of section 71 of Principal Act (Offences).

(2A) Notwithstanding subsection (2) (a), it shall be lawful to bathe at any place in a lake which is a source of supply if bathing at that place is permitted by the undertakers in the exercise of their powers under Part IIIA.

Insertion of new Part VII in *Public Health Act 1962*.

8—The *Public Health Act 1962** is amended by inserting after section 60 the following Part:—

PART VII

PUBLIC WATER SUPPLIES

Interpretation.

61—Expressions used in this Part have the same meaning as in the *Waterworks Clauses Act 1952*.

Duty of undertakers to provide samples of water to Director in case of public recreational use.

61A—Where, pursuant to Part IIIA of the *Waterworks Clauses Act 1952*, a water storage area situated on land owned by the undertakers or any land appurtenant to any such area is used for public recreational purposes, the undertakers shall in accordance with the regulations provide the Director with samples of any water that is, or may be, affected by that use.

Duty of Director to test all samples of water.

61B—The Director shall make, or cause to be made, such analyses and tests of all samples of water provided to him under section 61A as he considers necessary or desirable for the purpose of ensuring that the quality of water supplied to the public has not been affected by recreational use of a water storage area.

Amendment of section 142 of *Public Health Act 1962* (Regulations).

9—Section 142 of the *Public Health Act 1962* is amended by inserting after subsection (8) the following subsection:—

(8A) Regulations for the purposes of Part VII may be made for or with respect to—

(a) the method of making analyses and tests of samples of water for the purposes of that Part and the times or intervals when those analyses and tests are required to be made; and

(b) the keeping of records of analyses and tests made for the purposes of that Part.

* No. 75 of 1962. Amended by No. 35 of 1966, Nos. 86 and 87 of 1968, No. 37 of 1970, Nos. 35, 54, and 75 of 1973, No. 72 of 1974, Nos. 16 and 21 of 1976, No. 46 of 1977, No. 63 of 1978, No. 9 of 1982, No. 46 of 1983, Nos. 29 and 100 of 1984, and No. 116 of 1985.



FORESTRY AMENDMENT (BOUNDARIES) ACT 1989

No. 18 of 1989

TABLE OF PROVISIONS

- 1. Short title.
- 2. Commencement.
- 3. Principal Act.
- 4. Amendment of section 15 of Principal Act (Revocation of dedication).
- 5. Insertion in Principal Act of new section 15A.
15A—Minor alterations of boundaries of State forests.

AN ACT to amend the Forestry Act 1920.

[Royal Assent 18 April 1989]

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—This Act may be cited as the *Forestry Amendment* Short title. *(Boundaries) Act 1989.*

2—This Act shall commence on the day on which it receives Commencement. the Royal assent.

Principal Act.

3—In this Act the *Forestry Act 1920** is referred to as the Principal Act.

Amendment of section 15 of Principal Act (Revocation of dedication).

4—Section 15 of the Principal Act is amended as follows:—

(a) by omitting from subsection (1) “A dedication” and substituting “Subject to section 15A, a dedication”;

(b) by omitting paragraph (b) of subsection (1) and substituting the following paragraph:—

(b) If the proposal is deemed, in accordance with subsection (1A), to have received the approval of each House of Parliament, the Governor shall, by proclamation, revoke the dedication;

(c) by inserting after subsection (1) the following subsection:—

(1A) A proposal laid before a House of Parliament under subsection (1) shall be deemed to have received the approval of that House if—

(a) at the expiration of 5 sitting days following the laying of the proposal before that House, no notice has been given of a motion for that House to disallow the proposal; or

(b) where such a notice has been so given—

(i) the notice is withdrawn; or

(ii) the motion is negatived.

Insertion in Principal Act of new section 15A.

5—After section 15 of the Principal Act, the following section is inserted:—

Minor alterations of boundaries of State forests.

15A—(1) The Governor may, by proclamation, effect minor alterations to the boundaries of a State forest.

(2) For the purposes of subsection (1), alterations to the boundaries of a State forest shall be taken to be minor alterations if those alterations are such that—

(a) any diminution in the overall area of the State forest resulting from those alterations does not exceed 1 per cent of the total area of the State forest immediately before the making of the alterations; or

* 11 Geo. V No. 60. For this Act, as amended up to and including 1st September 1977, see the continuing Reprint of Statutes. Subsequently amended by No. 117 of 1977, Nos. 19 and 95 of 1980, No. 18 of 1981, Nos. 29, 56, and 104 of 1984, No. 49 of 1985, and No. 69 of 1986.

(b) no portion of the boundaries of the State forest is relocated by a distance in excess of 100 metres.

(3) Subject to subsection (4), where the boundaries of a State forest are altered in pursuance of this section, paragraph (c) of subsection (1), and subsections (2) and (3), of section 15 apply in relation to any land excised from that State forest as a result of those boundaries being so altered as if the excision of that land were the revocation, under that section, of the dedication of that land as part of a State forest.

(4) Subsection (3) has effect in relation to the alteration of the boundaries of a State forest subject to any agreement as to the exchange of lands made by the Minister with a person from whom land is acquired for incorporation into that State forest in connection with that alteration.

