

METROPOLITAN WATER.

No. 51 of 1961.

AN ACT to provide for the water supply of the metropolitan district of Hobart and to repeal the *West Derwent Water Act 1951*.

[15 December 1961.]

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.

Short title and commencement.

1—(1) This Act may be cited as the *Metropolitan Water Act 1961*.

(2) This Act, other than sections two, thirteen, seventeen, eighteen, and nineteen, shall commence on a date to be fixed by proclamation.

(3) Sections two, thirteen, seventeen, eighteen, and nineteen commence on the first day of July 1962.

Repeal and modification of Acts.

2—(1) The *West Derwent Water Act 1951* is repealed.

(2) The *Southern Regional Water Act 1960* shall, except as provided in Part III have no more force and effect than a repealed Act.

(3) The *Hobart Corporation Act 1947*, the *Glenorchy Water Act 1890*, the *Clarence Water Act 1941*, and the *Kingborough Water Act 1941* shall be read and construed subject to this Act.

(4) Section two hundred and six of the *Hobart Corporation Act 1947* is amended by omitting subsections (3) to (14).

Interpretation.

3 In this Act, unless the contrary intention appears—

“appointed member” means a member of the Board appointed by the Governor;

“Board” means the Metropolitan Water Board constituted by section five;

“Board’s municipal revenue” is the amount payable under paragraph (b) of subsection (1) of section twenty-seven determined under subsection (3) of section twenty-eight;

“Commission” means the Rivers and Water Supply Commission;

- “*ex officio* member” means a member of the Board not appointed by the Governor;
- “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;
- “financial year” means the period of twelve months ending on the last day of June;
- “Loan Fund” means the loan fund established under section six of the *Public Account Act 1957*;
- “metropolitan municipalities” means—
- (a) the Lord Mayor, Aldermen, and Citizens of the City of Hobart;
 - (b) the Warden, Councillors, and Electors of the Municipality of Glenorchy;
 - (c) the Warden, Councillors, and Electors of the Municipality of Clarence; and
 - (d) the Warden, Councillors, and Electors of the Municipality of Kingborough,
- or their respective municipal districts, as the context requires;
- “metropolitan water districts” means the metropolitan water districts as provided in section four;
- “metropolitan waterworks” means the waterworks in, and for the supply of water to, metropolitan water districts;
- “municipality” includes a city;
- “rural municipalities” means the municipalities of Brighton, Green Ponds, New Norfolk, and Richmond;
- “Southern Regional Water Supply” has the same meaning as in the *Southern Regional Water Act 1960*;
- “special consumer” means a person to whom the Board has agreed to supply water under section eighteen;
- “State rate” means the State rate as defined in section twenty-four of the *Hydro-Electric Commission Act 1944*.

4—(1) For the purposes of this Act the metropolitan water districts are—

- (a) the city of Hobart;
- (b) the water districts under the *Glenorchy Water Act 1890*;
- (c) the water district as defined by the *Clarence Water Act 1941*; and
- (d) so much of the water districts under the *Local Government Act 1906* as lies in the Taroona Ward of the municipality of Kingborough,

The metropolitan water districts.

as constituted at the commencement of this Act, together with—

- (e) the break-pressure tank at Bonnet Hill in the municipality of Kingborough and the trunk main thereto from the Taroona Ward; and
- (f) such other parts of those water districts (including extensions thereof) and such new water districts in the metropolitan municipalities as the Minister by notification in the *Gazette* adds to the metropolitan water districts.

(2) Where a notification is published as provided in paragraph (f) of subsection (1) of this section, paragraphs (a) and (b) of subsection (1), and subsection (2) of section twenty-six apply as nearly as possible as if the date of publication were the first day of July 1962.

PART II.

THE METROPOLITAN WATER BOARD.

Division I—Constitution and procedure.

The Metro-
politan
Water Board.

5—(1) There shall be a board, to be known as the Metropolitan Water Board.

- (2) The Board shall consist of six persons, of whom—
 - (a) one shall be the administrative member for the time being of the Commission;
 - (b) one shall be the engineering member for the time being of the Commission;
 - (c) one shall be—
 - (i) the Under-Treasurer of the State for the time being; or
 - (ii) an officer of the Treasury appointed by the Governor on the nomination of the Treasurer,
 as the Governor may direct; and
 - (d) three shall be persons appointed by the Governor as prescribed in subsection (3) of this section.

(3) For the purpose of appointments under paragraph (d) of subsection (2) each metropolitan municipality shall, when requested by the Minister, nominate a person to serve on the Board and out of those so nominated the Governor may appoint three.

Incorporation
and seal.
No. 39 of
1957, s. 5.

6—(1) The Board shall be a body corporate with perpetual succession and a common seal and may sue and be sued by its corporate name and purchase, take, hold, sell, lease, exchange, and dispose of real and personal property for the purposes of, and subject to, this Act.

(2) The seal of the Board shall not be affixed to a document except in pursuance of a resolution of the Board and every sealing shall be authenticated by the signature of at least one member of the Board and the secretary to the Board.

7—(1) Subject to this Part every appointed member shall hold office during good behaviour for the term for which he is appointed.

Tenure of office and conditions of appointment.
Cf. *ibid.*, s. 6.

(2) A person may become an appointed member for any term not exceeding five years and may be reappointed.

(3) A member of the Board shall not in respect of his office as such be subject to the provisions of the *Public Service Act 1923*, but where an officer of the Public Service is a member his existing and accruing rights as an officer of the Public Service are not thereby affected.

(4) The appointed members of the Board shall be entitled to such leave as the Governor may determine, and the *ex officio* members shall be deemed to have the same leave as they receive in the office by virtue of which they are members.

8—(1) Subject to section sixty-nine of the *Public Service Act 1923* the members of the Board shall receive—

Remuneration of members.
Ibid., s. 7.

- (a) by way of remuneration such salaries or fees; and
- (b) such sums for travelling expenses and other allowances,

as the Governor may determine.

(2) The remuneration of a member of the Board shall not, without his consent, be reduced during the term for which he is appointed.

9—(1) An appointed member may be suspended from his office by the Governor—

Suspension of members.
Ibid., s. 8
(1).

- (a) for misbehaviour, negligence, or incompetence;
- (b) if he becomes bankrupt or applies to take or takes the benefit of any Act relating to bankrupt or insolvent debtors, or compounds with his creditors or makes an assignment of his salary for their benefit;
- (c) if he becomes incapable of performing his duties;
- (d) if he in any wise participates or claims to be entitled to participate in the profit of or in any benefit or emolument arising from, any contract or agreement made by or on behalf of the Board other than a contract or agreement for a service ordinarily supplied by the Board, on the same terms as that service is supplied to other persons in the like situation; or
- (e) if he votes at any meeting of the Board in respect of any matter in which he is (otherwise than as a member of the general public or as an elector of, or ratepayer to, any municipality or other local authority, or as a shareholder in an incorporated company in which there are more than twenty members and of which he is not a director or officer) directly or indirectly interested, or if he remains at any meeting whilst the matter is under discussion.

(2) If an *ex officio* member is suspended from the office by virtue of which he is a member he is suspended likewise from the Board and replaced by the person, if any, exercising that office during his suspension.

Vacation
of office.
Ibid., s. 9.

10—(1) The office of an appointed member is vacated if he—

- (a) dies, becomes insane, or upon conviction in this State or elsewhere of a criminal offence is sentenced without the option of a fine to a term of imprisonment of three months or more or to imprisonment for an indefinite time;
- (b) retires or resigns from office by notice in writing delivered to the Governor and accepted by him; or
- (c) is removed from office in accordance with section nine.

(2) The Governor may declare the office of an appointed member to be vacant if he is absent without leave of the Governor or the Board from all meetings of the Board during a period of three months, or is absent from the State without such leave for a period of six months.

(3) An *ex officio* member vacates his place on the Board when he ceases to hold the office by virtue of which he is a member.

Appointment
of acting
members.
Cf. *ibid.*,
s. 10.

11 While an *ex officio* member has leave under subsection (4) of section seven or an appointed member has leave for the purposes of subsection (2) of section ten the Governor may appoint some fit person to act in his place.

Procedure
of the
Board.
Cf. *ibid.*,
s. 12.

12—(1) If the Chairman of the Commission is a member of the Board he shall be its chairman but otherwise the Governor shall appoint one of the members to be its chairman.

(2) In the absence of the chairman from any meeting of the Board the members present shall elect a chairman who shall preside at that meeting.

(3) At meetings of the Board any four members shall form a quorum and the Board may function notwithstanding a vacancy in its membership so long as a quorum remains.

(4) Where at a meeting of the Board the voting on any question is equal the member presiding at that meeting shall have a second or casting vote.

(5) Subject to this section the Board may regulate its own procedure.

Division II—Functions, powers, and duties.

Functions of
the Board.

13—(1) The Board shall—

- (a) keep up an adequate supply of water to the metropolitan water districts in accordance with this Act;

- (b) supply water to rural municipalities as provided in Part III;
- (c) supply such water as can be spared to metropolitan municipalities for waterworks which are not metropolitan waterworks; and
- (d) provide for the cost of water and waterworks as prescribed in Part IV.

(2) For the purposes of this section the Board—

- (a) has the control and management of—
 - (i) the Southern Regional Water Supply and shall cause it to be completed at a total cost not exceeding one million two hundred and fifty thousand pounds; and
 - (ii) such reservoirs, pipe lines, and other works, not being reticulation works, of the metropolitan municipalities as by order it takes under its control and management;
- (b) shall, subject to section fourteen, have constructed such additional waterworks as it thinks necessary to comply with paragraph (a) of subsection (1) of this section; and
- (c) may give orders and directions to the metropolitan municipalities as provided in section seventeen.

14—(1) The Board shall cause the works described in the first schedule to be constructed as soon as possible, letting the contract therefor to some competent person. Preliminary action.

(2) The Board shall before the first day of July 1962 make such arrangements and give such orders and directions as provided in section sixteen as it thinks proper for it to begin its duties under section thirteen on the commencement of that section.

15—(1) The Board may for the purposes of this Act— General powers.

- (a) purchase or take land in accordance with the *Public Authorities' Land Acquisition Act 1949* which for the purpose is incorporated in this Act;
- (b) acquire and dispose of personal property;
- (c) appoint, employ, and discharge officers, servants, and workmen; and
- (d) make contracts as if it were a trading corporation and the purposes for which it is incorporated were trading purposes.

(2) All the powers and functions of the Rivers and Water Supply Commission under any Act in respect of the metropolitan waterworks and metropolitan water districts are transferred to the Board, except as provided in section thirty-three.

Powers in
respect of
waterworks.

16—(1) The *Waterworks Clauses Act 1952* is incorporated in this Act.

(2) In the application of that Act—

(a) the water district shall be deemed to be the metropolitan water districts; and

(b) the source of supply shall be deemed to be—

(i) the River Derwent at Lawitta; and

(ii) the sources of supply of the several metropolitan water districts.

(3) In addition to the rights conferred by this section the Board—

(a) may—

(i) exercise all the rights in respect of sources of supply belonging to the metropolitan municipalities at the commencement of this Act; or

(ii) require those municipalities to exercise those rights as it directs; and

(b) make surveys for new works, and for that purpose may enter any land (but not buildings) upon seventy-two hours' notice to the occupier thereof.

Control of
metropolitan
municipalities.

17—(1) The Board may in respect of their metropolitan waterworks give the metropolitan municipalities—

(a) orders to carry out works and policies;

(b) orders to exercise any of their powers in respect of waterworks and water supply, including rationing or restricting supplies of water to consumers;

(c) directions in writing or by word of mouth how to control and manage reservoirs, pumping stations, and other works for bulk supply under their control; and

(d) orders to supply water free to special consumers,

and the metropolitan municipalities shall comply with the orders and directions respectively received by them.

(2) The Board may under this section give a metropolitan municipality the control and management of any work which it has had constructed or of which the control and management belongs to it under paragraph (a) of subsection (2) of section thirteen.

Special
consumers.

18—(1) The Board may agree with any person requiring a supply of water to land in a metropolitan water district in excess of fifty million gallons a year to supply water thereto on such terms and conditions as are mutually agreed.

(2) Land supplied with water under this section is exempt from all rates and charges payable to the municipality in which it lies for or in respect of the supply of water including so much of the city rate of the City of Hobart as is made in respect of the supply of water.

PART III.

RURAL MUNICIPALITIES.

19 The *Southern Regional Water Act* 1960 applies to and in respect of the rural municipalities as if—

- (a) the Board were the Commission; and
 (b) the Board's waterworks were the Southern Regional Water Supply,

Modification of the *Southern Regional Water Act* 1960.

as defined therein, except that in applying section twenty-three of that Act only the second mention of the Commission shall be understood to mean the Board.

PART IV.

FINANCE.

20 The Board shall keep such accounts, and prepare such annual financial statements in relation thereto, in such form and containing such particulars as the Treasurer may direct.

Forms, &c. of accounts

21—(1) The Board shall submit its accounts to the Auditor-General for audit on or before the sixteenth day of August in each year.

Audit of accounts.
 No. 66 of 1960, s. 27.

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

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

Bank accounts.
Ibid., s. 28.

(2) All—

- (a) moneys received by the Board shall be paid into;
 and
 (b) expenditure of the Board shall be drawn from,

those accounts.

23—(1) Subject to this Act, the Board may requisition the Treasurer for any moneys required by it for capital expenditure—

State loans.
 No. 39 of 1957, s. 18.

- (a) in connection with the Southern Regional Water Supply, not exceeding, after including all moneys expended—

- (i) by the Minister under section five of the *Southern Regional Water Supply Act* 1946; or
 (ii) by the Commission under section six of the *Southern Regional Water Act* 1960,

one million two hundred and fifty thousand pounds out of the Loan Fund which, to the necessary extent, is appropriated accordingly; or

- (b) that are otherwise payable out of the Loan Fund for expenditure by it on any purpose of this Act,

and the Treasurer shall pay to the Board forthwith the amount so requisitioned out of moneys available to him for the purpose.

(2) The amount of all charges and expenses incurred by the Treasurer in borrowing or raising any sum of money for the purpose of this section shall, as at the date when the amount thereof has been ascertained, be deemed to constitute a payment by the Treasurer to the Board under this section and to form part of the moneys payable out of the Loan Fund for those works.

(3) The Board 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 all moneys paid by the Treasurer to the Board under this section or so much thereof as for the time being remains owing.

(4) The Board shall as provided in subsection (2) of section thirty-two pay to the Treasurer annually such amounts as he may from time to time require to reimburse him for sinking fund contributions paid to the National Debt Commissioners in respect of moneys borrowed by him and paid to the Board under this section.

Power to borrow on overdraft or from Treasurer for working expenses.

ibid., s. 19.

24—(1) The Board may, with the consent of the Treasurer, borrow by overdraft on its bank accounts for the purposes of this Act any sums not exceeding two hundred thousand pounds.

(2) The Board may at any time—

- (a) to meet working expenses, including the running expenses of the metropolitan waterworks; or
(b) for the purpose of paying off any overdraft, either in the whole or in part,

requisition the Treasurer for moneys, and, subject to this section, the Treasurer may lend to the Board, out of moneys available from the Loan Fund, such amount as he thinks fit, upon such terms as to repayment, payment of interest, and otherwise, as the Treasurer determines.

(3) The amount borrowed by the Board from the Treasurer under subsection (2) shall not at any time, together with the amount, if any, then owing by the Board on overdraft, exceed two hundred thousand pounds.

Power to borrow from public.

ibid., s. 20.

25—(1) Subject to this section the Board, with the consent of the Governor, may, at any time, borrow on the security of its revenues or upon a guarantee as provided in subsection (2) of this section, such sums of money as it

may require for the purposes of this Act, but the total amount of any moneys so borrowed shall not at any time exceed the sum of two million pounds.

(2) The Treasurer may, in the name and on behalf of Her Majesty, guarantee repayment of principal and interest on any loan borrowed by the Board under this section.

(3) Any moneys borrowed by the Board pursuant to this section—

(a) may be raised as one loan or as several loans; and

(b) may be raised—

- (i) by the issue of debentures payable to bearer with interest coupons attached;
- (ii) by the creation and issue of inscribed stock, to be called "Metropolitan Water Board of Tasmania Inscribed Stock";
- (iii) partly as provided by sub-paragraph (i) and partly as provided by sub-paragraph (ii), of this paragraph; or
- (iv) in such other manner as may be prescribed or as the Governor may approve.

(4) All debentures and inscribed stock, respectively, issued or created pursuant to this section—

(a) shall, with all interest thereon, be charged and secured on the revenues of the Board;

(b) shall bear interest at such rate, and be redeemable at such date and at such place, as the Board may, with the approval of the Governor, determine;

(c) may, with the consent of the holder or the registered owner thereof, as the case may be, be paid off at any time before the due date for repayment, at not more than the face value thereof; and

(d) whether original or not, shall rank *pari passu* in point of charge without any preference or priority one over another.

(5) Interest secured by any debentures or inscribed stock issued or created pursuant to this section shall be payable half-yearly on days and at places fixed by the Board.

(6) The Board may, at the request of the holder of any debenture or of the registered owner of any inscribed stock issued or created pursuant to this section, in lieu thereof issue to him stock or debentures, as the case may be, in respect of the same loan, and of the same amount, and of the same currency, and bearing the same interest.

(7) For the purpose of making provision to pay off either the whole or any part of any loan raised by the Board pursuant to this section, the Board may, with the consent of the Governor, borrow the necessary moneys before the loan or

part thereof becomes payable, notwithstanding that thereby the sum referred to in subsection (1) of this section is temporarily exceeded.

(8) The due payment of moneys borrowed on the security of the Board's revenues pursuant to this section and the interest thereon is guaranteed by the State, and any liability of the Crown arising by virtue of this subsection is payable out of the Consolidated Revenue, which, to the necessary extent, is appropriated accordingly.

(9) The Board shall include in the provision made under subsection (1) of section thirty-two, by way of a sinking fund for the purpose of redeeming any loans raised by it pursuant to this section, such amount as the Treasurer may from time to time require.

(10) When it is necessary to have resort to the provision referred to in subsection (9) of this section for the purpose of paying off either the whole or any part of any loan in respect of which such provision is made, the Board may require the State Sinking Fund Commissioners to sell any securities in which the amount needed is invested, or may obtain an advance from any bank on the security of its rights against the Commissioners.

(11) Any trustee, unless expressly forbidden by the instrument (if any) creating the trust, may invest any trust moneys in his hands in any debentures or inscribed stock issued or created pursuant to this section, and the investment shall be deemed to be an investment authorized by the *Trustee Act 1898*.

(12) Any debentures or inscribed stock issued or created pursuant to this section shall be a lawful investment for any moneys which any body corporate incorporated by or under any Act is authorized or directed to invest, in addition to any other investments expressly provided for the investment of those moneys.

(13) No notice of any trust, whether express, implied, or constructive, shall be received by the Board or by an officer of the Board in relation to any inscribed stock issued or created pursuant to this section.

Principles of
municipal
finance:
Capital.

26—(1) On and after the first day of July 1962 the financial relations of the Board and the metropolitan municipalities in respect of capital payments shall be as follows:—

- (a) Except to pay off a loan made before that day, a metropolitan municipality shall not borrow any money for or in respect of its metropolitan waterworks, notwithstanding any local Act;
- (b) Each metropolitan municipality shall forthwith pay the Board any unexpended balance of moneys borrowed for or in respect of its metropolitan waterworks;
- (c) The Board shall forthwith pay each metropolitan municipality any capital expenditure for or in respect of its metropolitan waterworks made

by it out of revenue and not before that day reimbursed out of moneys borrowed for that purpose;

- (d) The Board shall provide the metropolitan municipalities with all moneys required by them for—
- (i) interest and sinking fund payments on; and
 - (ii) repayment of,
- loans contracted by them before that date for or in respect of their respective metropolitan waterworks; and
- (e) The Board shall provide the metropolitan municipalities with all capital moneys to be spent by them for or in respect of their respective metropolitan waterworks, with power to decide how much it will provide and when it will make payment.

(2) Disputes between the Board and a municipality about the amount of money borrowed or spent for or in respect of its metropolitan waterworks shall be referred to the Auditor-General, whose decision shall be conclusive.

27—(1) On and after the first day of July 1962 the financial relations of the Board and the metropolitan municipalities in respect of revenue payments shall be as follows:—

Principles of municipal finance: Revenue.

- (a) The Board shall reimburse the metropolitan municipalities for—
- (i) the running expenses of their respective metropolitan waterworks; and
 - (ii) the part of their respective administrative expenses that is due to their metropolitan waterworks and the raising of moneys for the purposes of paragraph (b) of this subsection; and
- (b) Each metropolitan municipality shall pay the Board its proportion of the Board's municipal revenue as notified under section twenty-nine.

(2) Amounts payable under paragraph (b) of subsection (1) of this section shall be raised and paid by the municipalities concerned as if they were costs and expenses of their own waterworks.

(3) Disputes between the Board and a municipality about the amount to be reimbursed to it under this section shall be referred to the Auditor-General, whose decision shall be conclusive.

28—(1) On or before the first day of June in each year each metropolitan municipality shall submit to the Board an estimate of the amounts required from the Board by it in the next following financial year for the purposes of paragraphs (d) and (e) of subsection (1) of section twenty-six and paragraph (a) of subsection (1) of section twenty-seven.

Annual estimates.

(2) On or before the fifteenth day of June in each year the Board shall make an estimate of—

(a) its revenue expenditure in the next following financial year, including—

- (i) interest and sinking fund payments on moneys borrowed by it;
- (ii) depreciation and other matters provided for in section thirty-two;
- (iii) its own administrative and operating expenses, including maintenance and repair;
- (iv) so much of the amounts required as mentioned in subsection (1), other than amounts of a capital nature, as it is willing to pay; and
- (v) any other proper charges on its revenue; and

(b) its revenue in that year, including amounts receivable—

- (i) under the *Southern Regional Water Act 1960*; and
- (ii) for the sale of water to special consumers, and excluding its municipal revenue and any amount receivable under section thirty-one.

(3) The difference between the totals under paragraphs (a) and (b) of subsection (2) is the amount of the Board's municipal revenue receivable by it under paragraph (b) of subsection (1) of section twenty-seven in the relevant financial year.

Basis of
municipal
finance.

29—(1) On or before the last day of June in each year the Board shall notify each metropolitan municipality of—

- (a) the amounts it will pay them in respect of—
 - (i) repayment of loans under paragraph (d); and
 - (ii) new capital under paragraph (e), of subsection (1) of section twenty-six, based on its expectation of capital receivable;
- (b) the amounts in excess of which they shall not spend on the running expenses of their respective metropolitan waterworks; and
- (c) their proportions of the Board's municipal revenue, determined in accordance with the second schedule, payable,

in the next financial year, with power to specify the amounts expendable on specified items in respect of paragraphs (a) and (b) of this subsection, and dates of payment in respect of paragraph (a).

(2) Amounts payable under paragraph (a) of subsection (1) of this section are recoverable by the respective municipalities by action if not paid on or before the dates specified for payment.

(3) Amounts payable under paragraph (c) of subsection (1) of this section shall be paid by equal quarterly instalments on the last days of September, December, March, and June of the relevant financial year, and if not duly paid are recoverable by the Board by action.

(4) The amounts notified under paragraphs (b) and (c) of subsection (1) shall be incorporated in the respective municipal estimates for the relevant financial year, and acted on accordingly.

(5) Nothing in this section cuts down the rights of metropolitan municipalities under paragraph (d) of subsection (1) of section twenty-six.

30—(1) Each metropolitan municipality shall before each last day of September forward to the Board a statement of its accounts for the preceding financial year showing all its receipts and expenditure in respect of which estimates were submitted under section twenty-eight. Annual settlements.

(2) If a metropolitan municipality has—

(a) overspent capital moneys for the purposes of paragraph (e) of section twenty-six—

(i) with the consent of the Board, the Board shall forthwith pay it the amount overspent out of its working capital and borrow the amount under section twenty-three or section twenty-five at the first opportunity; or

(ii) without the consent of the Board, it has no recourse against the Board;

(b) underspent such moneys, it shall forthwith pay the Board the amount underspent, and the Board shall reduce its borrowings accordingly;

(c) overspent the amount notified to it under paragraph (b) of subsection (1) of section twenty-nine for running expenses—

(i) with the consent of the Board, the Board shall forthwith pay it the amount overspent out of its working capital and add the amount to its municipal revenue for the next financial year, apportioning it in accordance with the second schedule in the same way as the Board's municipal revenue for the financial year in which the overspending occurred; or

(ii) without the consent of the Board, it has no recourse against the Board; or

(d) underspent that amount, the similar amount for the next financial year shall be reduced accordingly.

(3) For the purposes of this section the Board may, in such cases as it thinks just, consent retrospectively to overspending.

The
disappearing
subsidy

31—(1) The Treasurer shall pay the Board a subsidy in aid of its revenue of £50,000 in the financial year ending on the thirtieth day of June 1963 diminishing in each succeeding financial year by £2,500 so that the last payment of £2,500 will be made in the financial year ending on the thirtieth day of June 1982.

(2) Payments under this section shall be made out of the Consolidated Revenue, which is appropriated to the necessary extent.

(3) Payments under this section shall be credited by the Board to the Warden, Councillors, and Electors of the Municipality of Clarence as part payment of their liability under paragraph (b) of subsection (1) of section twenty-seven, and they shall reduce their rates or charges accordingly.

Depreciation,
&c.
No. 66 of
1960, s. 31.

32—(1) The Board shall make such annual provision as the Treasurer may approve for—

- (a) the depreciation of assets; and
- (b) the other purposes of this section,

and the moneys so set aside shall be credited to a special account (in this section referred to as “the depreciation account”).

(2) The Board shall in each financial year, out of the depreciation account, pay—

- (a) 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 Board under section twenty-three as were outstanding at the end of the last-mentioned financial year; and
- (b) to the State Sinking Fund Commissioners all amounts provided for the purposes of subsection (9) of section twenty-five.

(3) Upon payment to the Treasurer by the Board of a sum pursuant to paragraph (a) of 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 plus any sum that the Commonwealth, in accordance with the Financial Agreement, contributes towards the redemption of that loan or advance.

(4) Subject to subsection (5) of this section, the Board 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 Board 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 provided—

- (a) pursuant to subsection (1) of this section; or
- (b) 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 or the State Sinking Fund Commissioners pursuant to subsection (2) of this section may, with the consent of the Treasurer, be applied by the Board for all or any of the purposes set forth in subsection (7).

(7) The purposes to which moneys may be applied under subsection (6) are—

- (a) making investments in such securities as the Governor may approve;
- (b) financing the purchase of new assets or the replacement of assets (including assets of metropolitan municipalities); and
- (c) making payments to the Treasurer in reduction of the capital indebtedness of the Board to the State.

PART V.

MISCELLANEOUS.

33—(1) Notwithstanding subsection (2) of section fifteen, a metropolitan municipality may apply to the Commission to recommend a subsidy where the rates and charges it must raise and collect to pay its proportion of the Board's municipal revenue are greater than those liable to them can reasonably be expected to pay. Subsidies
from the
Commission.

(2) The Commission may recommend a subsidy as nearly as possible under section forty of the *Water Act 1957*.

(3) Any subsidy paid under this section shall be treated as revenue from water rates and charges.

34—(1) Subject to subsection (2) a metropolitan municipality may— Rural
waterworks.

- (a) construct and maintain;
- (b) borrow money for;
- (c) obtain a subsidy subject to section forty of the *Water Act 1957*; and
- (d) otherwise act in respect of,

so much of its waterworks as are not metropolitan waterworks as if this Act had not been made.

(2) In respect of waterworks to which subsection (1) applies, the *Southern Regional Water Act 1960* applies to metropolitan municipalities as if they were rural municipalities except that the Board is not bound to supply water to them except by agreement.

Cost of
mains.

11 Geo. VI
No. 78, s. 206.

35—(1) When the council of a metropolitan municipality resolves to extend a main to serve one or more buildings or pieces of land in a metropolitan water district—

- (a) it shall specify in its resolution the pieces of land which are to be served by that extension;
- (b) the amount determined by the council as provided in this section shall forthwith become a charge on each such piece of land; and
- (c) the corporation shall serve a notice on each of the owners of such pieces of land telling each the amount payable in respect of his land.

(2) The council shall determine from time to time the amount to be paid by the owner of every piece of land in respect of which a main is to be extended, and, in so determining, shall have regard to the average cost per piece of land of laying new mains within its water district during the preceding twelve months, or during such other period as it thinks just, but except as provided in subsection (3), no amount so determined shall exceed two-thirds of the average cost.

(3) The council may determine an amount exceeding two-thirds of the average cost in any case where the estimated cost of extending a main is more than fifty per cent above the average cost.

(4) If any piece of land to be served by extending a main is capable in law of subdivision into building blocks, the amount so determined shall be payable in respect of each of the maximum number of blocks into which that piece of land could reasonably be so subdivided, having regard to its position and physical characteristics.

(5) When the city or municipal engineer has certified that such an extension has been laid, the corporation shall serve a notice on the owner of each such piece of land requiring payment of the amount payable in respect of his land.

(6) Any amount so determined by the council is recoverable as a debt in a court of competent jurisdiction.

(7) At the request of the owner of any land in respect of which an amount has been so determined the corporation shall accept payment of that amount by forty quarterly instalments (or if that amount is less than fifty pounds by twenty quarterly instalments) and that amount or such portion thereof as remains unpaid from time to time shall bear interest at such rate as the Board may determine.

(8) A request for the purposes of subsection (7) shall be made in writing, signed by the owner, and lodged with the corporation within one month from the time when the owner was notified in writing by the corporation of the determined amount, and the first quarterly instalment thereof shall be payable immediately on the expiration of that month and subsequent instalments on the first days of January, April, July, and October in each year.

(9) The corporation may accept payment by instalments as provided by subsection (7) of this section although the request therefor is not received by it within the time thereby prescribed.

(10) An owner paying by instalments may pay to the corporation at any time any one or more instalments before the due date thereof and interest on any instalment so paid shall cease from the date of the payment.

(11) If any owner fails to pay the amount of any instalment under this section within one month after it has been demanded, the whole or portion of the amount so determined and remaining unpaid, together with all unpaid interest, shall thereupon become payable.

(12) All amounts paid by owners under this section shall be paid over to the Board which may treat them—

(a) as repayments of moneys provided under paragraph (e) of subsection (1) of section twenty-six;

(b) as advances on the next payment under paragraph (c) of subsection (1) of section twenty-nine; or

(c) partly as one or partly as the other,

at its own discretion.

(13) In this section the expression “main” includes any branches, service pipes, and fittings deemed necessary by the council.

36 Section forty-eight D of the *Towns Act 1934* shall apply to lands in a metropolitan water district as if at the end of subsection (1) the following words were inserted:—

Subdivider may be required to provide water.

“and

No. 37 of 1953, s. 7.

(e) where the council so requires, has up to its boundary a water main or a service pipe approved by the council and connected to a water main.”.

37—(1) When the Chief Valuer makes a fresh valuation of all lands in one metropolitan municipality under section twenty-three of the *Land Valuation Act 1950*, he shall ensure that the like valuations of the other metropolitan municipalities take effect not more than two years after the first takes effect.

Duty of the Chief Valuer.

(2) A prosecution in respect of this section shall be only on indictment and with the leave of the Attorney-General.

38 The Governor may make regulations for the purposes of this Act. Regulations.

THE FIRST SCHEDULE.

(Section 14.)

A pumping station and treatment plant on the right bank of the River Derwent at Lawitta, a rising main to a balancing tank on a spur of Box Hill, and a trunk main therefrom to the Domain Hill with offtakes on the way.

THE SECOND SCHEDULE.

(Section 29.)

FORMULA FOR THE APPORTIONMENT BETWEEN THE METROPOLITAN MUNICIPALITIES OF THE BOARD'S ESTIMATED NET MUNICIPAL REVENUE.

(a) In the financial year 1962-63, the Board's municipal revenue shall be contributed by the metropolitan municipalities according to the following percentages:—

Hobart	30.75109
Glenorchy	29.83073
Clarence	37.62744
Kingborough	1.79074

(b) In the financial years 1963-64 to 1981-82 that revenue shall be contributed by the metropolitan municipalities according to the following formula:—

- (i) In each financial year commencing with 1963-1964, the percentages appropriate to each metropolitan municipality as shown in paragraph (a) of this schedule shall be varied by the percentage variation in the adjusted annual values of each municipality during the year ended on 31st May last past and the resultant numbers expressed as percentages of the total of such numbers.
- (ii) The percentages derived in sub-paragraph (i) of this paragraph shall be reduced by one-twentieth in 1963-1964, two-twentieths in 1964-1965, and at the same rate of progression in each succeeding year.
- (iii) The adjusted annual values for each metropolitan municipality as at 1st July in each financial year shall be expressed as a percentage of the total adjusted annual values for all metropolitan municipalities.
- (iv) The percentages derived in sub-paragraph (iii) of this schedule shall be reduced by nineteen-twentieths in 1963-1964, eighteen-twentieths in 1964-1965 and at the same rate of progression in each succeeding year.
- (v) For each financial year the numbers derived in sub-paragraphs (ii) and (iv) shall be added together and the resultant number for each metropolitan municipality shall represent the percentage of the Board's municipal revenue which each shall be required to contribute to the Board in that financial year.

(c) In the financial year 1982-1983 and each succeeding financial year, the adjusted annual values for each metropolitan municipality as at 31st May in that year shall be expressed as a percentage of the total adjusted annual values for all metropolitan municipalities and the percentage so derived for each municipality shall be the percentage of the Board's municipal revenue which each shall be required to contribute to the Board in the next financial year.

(d) For the purposes of this schedule, "adjusted annual value" means the total annual value of the municipality, less the annual value of such properties which lie outside its metropolitan water district, and less the annual value of land owned and occupied by the Crown, and less the annual value of any land to which the Board has contracted to supply water under section eighteen.

(e) The total annual value of each metropolitan municipality shall be determined by the Chief Valuer as at 31st May each year.

(f) Where a fresh valuation of all lands in a metropolitan municipality takes effect after 1st July 1960, in accordance with section twenty-three of the *Land Valuation Act 1950*, the resultant total annual value for that municipality shall not be adopted for the purposes of determining the adjusted annual value of the municipality until such time as fresh valuations of all metropolitan municipalities have taken effect.

(g) For the financial year immediately following the date on which the next fresh valuation of all lands in the last metropolitan municipality after 1st July 1960 takes effect, the actual total annual value of each

municipality shall be the basis for determining the adjusted annual value of that municipality and 1st July of that financial year shall then become the date for the purposes of sub-paragraph (iii) of paragraph (b) of this schedule.

(h) During a period when less than all metropolitan municipalities have been revalued, the Chief Valuer shall provide an estimate of the total annual value of each metropolitan municipality which has been revalued and such estimate shall be related to values at the date of the last previous general valuation of that municipality, in accordance with the proportionate increase each year in the revalued total annual values.

(i) In deriving the adjusted annual value of a municipality when the total annual value has been estimated by the Chief Valuer, regard shall be made to percentage relationships between annual values to be deducted from the total annual value to arrive at the adjusted annual values.

FIREWOOD.

No. 52 of 1961.

AN ACT to amend the *Firewood Act 1951*.

[15 December 1961.]

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 *Firewood Act 1961*. Short title and citation.

(2) The *Firewood Act 1951*, as subsequently amended, is in this Act referred to as the Principal Act.

2 Section seven of the Principal Act is amended by omitting therefrom the numerals "1961" and substituting therefor the numerals "1962". Expiry of Act.
