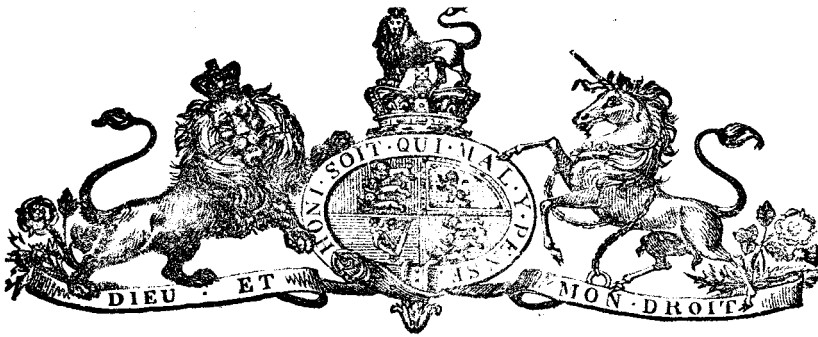


T A S M A N I A.

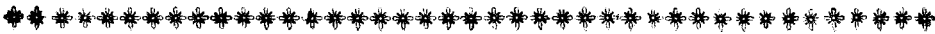


1900.

ANNO SEXAGESIMO-QUARTO

VICTORIÆ REGINÆ,

No. 46.



AN ACT to amend "The Midland Water Act, 1898." A.D. 1900.
[6 December, 1900..] —

WHEREAS it is expedient to amend "The Midland Water Act, 1898," in the manner hereinafter appearing: 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 as "The Midland Water Act, 1900." Short title.

2 In this Act, the expression "the said Act" shall mean "The Midland Water Act, 1898." Interpretation.

3 The said Act and this Act shall be read and construed together as one Act. Acts to be read together.

4 Section Thirty, Sub-section (2.) of the said Act is hereby repealed, and in lieu thereof the following Section is substituted:— Conditions upon which waters of Lake Sorell may be diverted.

"30 The Trustees shall not be entitled to divert and appropriate any water from Lake *Sorell*, except as hereinafter provided, before the Trustees of the River *Clyde* shall have taken or have available to them a daily supply of One hundred thousand cubic yards of water from the waters in Lake *Sorell*, for the purposes of "The *Clyde* Water Act, 1898," such supply to pass through a meter or other contrivance for the measurement of the flow of water fixed at the outlet from Lake *Sorell*; 4d.]

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and if the Trustees of the River *Clyde* at any time excavate or construct any channel, sluice, or other works to convey water directly from Lake *Sorell* to the River *Clyde*, they shall erect another meter or other contrivance for the measurement of the flow of water at the intake of such channel, sluice, or other works from Lake *Sorell*; and they shall have the option of taking the whole of the said daily supply directly through such meter; but the said Trustees shall not take from Lake *Sorell*, along such channel, sluice, or other work as aforesaid, a quantity exceeding One hundred thousand cubic yards every Twenty-four hours, for the purposes of "The *Clyde Water Act, 1898.*"

Provided, subject to Section Ten of this Act, that in excavating, constructing, repairing, altering, or removing any channel, sluice, dam, embankment, or other works on the banks of Lake *Sorell*, or to convey water directly from such lake in pursuance of their power and authority in that behalf, the Trustees of the River *Clyde* shall not be empowered or authorised to interfere with, destroy, or injure any dam, sluice-gate, channel, embankment, or other works constructed by the Trustees elected under the said Act without the consent in writing of such Trustees.

Trustees may
construct works.

5 Notwithstanding anything to the contrary contained in "The *Clyde Water Act, 1898,*" it shall be lawful for the Trustees, for the purpose of conserving the water in Lake *Sorell*, to enter upon the said Lake, and the bed and shores thereof, and to cause such weirs, embankments, sluice-gates, and other works necessary for that purpose to be erected and constructed under the supervision of, and according to a survey and estimate prepared by, the Public Works Department, and cause the same to be from time to time maintained, repaired, or altered: Provided that the owner of any land and the Trustees of the River *Clyde* shall be entitled to compensation from the Trustees for all loss or injury he or they may sustain by reason of the erection or construction of such weirs, embankments, sluice-gates, and other works as aforesaid, and also for any other injury he or they may sustain by reason of the exercise by the Trustees of any of the powers hereinbefore in this Section vested in them, and such compensation shall be ascertained and determined in the mode prescribed by *The Lands Clauses Act*, in case of disputed compensation.

Provided also that in excavating, constructing, repairing, altering, or removing any channel, sluice, dam, embankment, or other works on the banks of Lake *Sorell*, or to convey water directly from such lake in pursuance of their power and authority in that behalf, the Trustees shall not be empowered or authorised to interfere with, destroy, or injure any dam, sluice-gate, channel, embankment, or other works constructed by the Trustees of the River *Clyde* without the consent in writing of such Trustees.

Gauge to be
erected at outlet
of Lake *Sorell*.

6—(1.) The Minister of Lands and Works shall, at the joint expense of the Midland Water Trust and the *Clyde Water Trust*, cause a post or gauge to be from time to time erected and maintained at or near the present outlet from Lake *Sorell*; and such post or gauge shall be marked with feet and inches in black figures upon a white background.

(2.) If the water in Lake *Sorell* at any time falls below the level agreed upon or fixed as hereinafter provided, as shown by the figures on such post or gauge, the right conferred by this Act upon the

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Midland Water Trust to divert and appropriate the water from such lake shall cease until such time as the water in such lake again rises to or above such prescribed level. A. D. 1900.

7 It shall be lawful for the Trustees, and the Trustees of the River *Clyde* from time to time to fix by agreement between themselves the level, as shown by the figures on the said post or gauge, of the water of Lake *Sorell*, below which it shall not be lawful for the Midland Water Trust to divert and appropriate the water of such lake. Level of water of Lake to be fixed by mutual consent.

Provided that no such level shall be altered or amended within at least Three months from the date on which it is agreed upon or fixed.

8 If the Trustees and the Trustees of the River *Clyde* shall fail to agree as to the level to be fixed on the gauge aforesaid, then the level shall be fixed by the Surveyor-General or other officer to be appointed by him in such manner as in his opinion will ensure the *Clyde* Water Trust a storage quantity of water equal to supply the *Clyde* Water Trust for a period of at least Three months, whose decision shall be final and conclusive. In event of disagreement how level to be fixed.

9 The Trustees and the Trustees of the River *Clyde* shall jointly appoint an officer who shall regulate the flow of water through the respective sluice-gates conveying water from Lake *Sorell* in accordance with the provisions of this Act; and in case of any dispute arising under this Section the Surveyor-General or other officer to be appointed by him shall arbitrate between the Trustees, and his decision shall in all cases be final and conclusive. Regulation of the flow of water.

10 If the Trustees should at any time divert and appropriate any of the water of Lake *Sorell*, contrary to the provisions of this Act, it shall be lawful for the Trustees of the River *Clyde* to enter upon any of the works of the Trustees and to close up any channel by which the water is being conveyed into the Midland Water District from Lake *Sorell*. If water diverted contrary to Act power to close up channel.

11 The provisions of this Act shall continue in force only for a period of Forty-five years from the date hereof. Limitation of Act.

