

Transitory provisions.

**5**—(1) The Honourable *William Arthur Neilson*, the Minister for Education for the time being, shall be deemed to be, and at all times on and after the first day of March 1960 to have been, the Acting Attorney-General and capable of—

- (a) validly exercising, performing, and discharging all the powers, functions, discretions, authorities, obligations, and duties conferred or imposed by law upon the Attorney-General or appertaining to the office of Attorney-General; and
- (b) continuing validly to exercise, perform, and discharge those powers, functions, discretions, authorities, obligations, and duties until—
  - (i) the date on which some other person is appointed as the Acting Attorney-General in pursuance of section eight of the Principal Act; or
  - (ii) such date as the Governor, by order, may fix,

whichever is the earlier date,

as if this Act had been in force on the first day of March 1960 and he had, on that day, been appointed as the Acting Attorney-General in pursuance of that section.

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## WEST TAMAR WATER.

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No. 14 of 1960.

AN ACT to make better provision for the supply of water within the municipality of Beaconsfield, and to repeal the *West Tamar Water Act 1938*.

[20 June 1960.]

**B**E 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 *West Tamar Water Act 1960*.

(2) This Act shall be read and construed subject to the *Water Act 1957*.

Short title, construction, and commencement.

(3) This Act shall commence on a date to be fixed by proclamation.

**2** The *West Tamar Water Act 1938* is repealed.

Repeal.

**3** In this Act, unless the contrary intention appears—

Interpretation.

“corporation” means the warden, councillors, and electors of the municipality of Beaconsfield;

“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;

“Loan Fund” means the loan fund established under section six of the *Public Account Act 1957*;

“State rate” means the State rate as defined in section twenty-four of the *Hydro-Electric Commission Act 1944*;

“waterworks” means the waterworks as defined by the *West Tamar Water Act 1938* as from time to time added to, extended, and altered.

**4**—(1) The waterworks are divested from the corporation and vested in the Commission, and shall be deemed to have been established by the Commission under section twenty-one of the *Water Act 1957*.

Transfer of works to the Commission.

(2) All stores, tools, and equipment of the corporation purchased in connection with the waterworks, whether out of loans or revenue, are divested from the corporation and vested in the Commission.

**5**—(1) The water district to be supplied by the waterworks is described in the schedule.

Water district.

(2) The water district shall be deemed for all purposes to have been created under section twenty-six of the *Water Act 1957*.

**6**—(1) The sources of supply for the waterworks shall be—

Sources of supply.

(a) subject to this section, the South Esk River; and

(b) Anderson’s Creek, and any other river within or without the water district.

2 Geo. VI  
No. 59, ss. 3,  
3A.

(2) The Commission may take from the South Esk River for the purposes of this Act not more than one thousand million gallons of water per year ending on the thirtieth day of June, and shall pay the Hydro-Electric Commission therefor on demand at the rate of ten shillings per million gallons.

(3) By agreement with the Hydro-Electric Commission the Commission may take water in excess of the amount mentioned in subsection (2) of this section on payment therefor at such rate as the two Commissions may agree upon.

(4) For the purposes of subsection (2) of this section, water shall be measured by any method agreed upon between the Commission and the Hydro-Electric Commission or in default of agreement by such method as the Governor may order.

Construction and operation of the waterworks.

**7**—(1) The Commission shall, at its discretion, continue the construction of the waterworks and construct all additions that may be made thereto, and for that purpose is not subject to subsection (4) of section twenty-two of the *Water Act 1957*.

(2) The corporation shall, subject to subsection (1) of this section, manage and maintain the waterworks as agent of the Commission.

Scheme of finance.

**8**—(1) The corporation remains liable to its creditors for all debts contracted by it under the *West Tamar Water Act 1938*, but the Commission shall provide money for the payment thereof as provided in sections ten and twenty-three.

(2) The corporation's expenses as agent of the Commission shall be paid by the Commission by means of advances based on estimates submitted under section eleven.

(3) If the annual balance of the corporation's accounts under section one hundred and ninety-seven of the *Local Government Act 1906* shows that the year's advances have been insufficient, the Commission shall make up the deficiency forthwith.

(4) All moneys received by the corporation as revenue of the waterworks shall be paid over to the Commission as often as it requires.

(5) The expenditure of the Commission under this Act shall be met—

(a) as to capital expenditure—

(i) out of loan moneys received by the Commission under subsection (2) of section twenty-three; or

(ii) as provided in section nine; and

(b) as to revenue expenditure—

(i) out of revenue received under subsection (4) of this section; and

(ii) so far as such revenue is insufficient, as provided in section nineteen.

Loans and working capital.

No. 14 of 1949, s. 14.

**9**—(1) Subject to this Act, the Commission may requisition the Treasurer for any moneys required by it for capital expenditure in connection with the waterworks, not exceeding £527,000, out of the Loan Fund which, to the necessary extent, is appropriated accordingly, and the Treasurer may pay those moneys to the Commission forthwith.

(2) The Treasurer may, out of the Loan Fund (which, to the necessary extent, is appropriated accordingly) advance to the Commission such sums as it may require for the purposes of this Act as working capital, but the amount so advanced shall not exceed £80,000 at any one time.

(3) The Treasurer may direct that such amount as he considers necessary to effect reimbursement to the Loan Fund in respect of charges and expenses incurred by him in the borrowing of such loan moneys as are paid or advanced to the Commission out of the Loan Fund pursuant to or for the purposes of this section shall be deemed to constitute an advance to the Commission under this section and to form part of the moneys appropriated by Parliament for the purposes of this Act.

(4) The Commission 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 moneys paid or advanced by the Treasurer under this section, or so much thereof as may remain unpaid.

**10** Within thirty days before payment is due of liabilities mentioned in subsection (1) of section eight, the corporation shall submit to the Commission a requisition for the necessary money together with proof of its liability and the Commission on being satisfied of its liability shall satisfy the requisition. Capital liabilities of the corporation.

**11**—(1) In each year, before the sixteenth day of May, the corporation shall send the Commission an estimate of its expenses as agent of the Commission during the next financial year, and thereupon the Commission shall estimate the amount of revenue that the corporation shall seek from the the waterworks during that year and inform the council clerk of the corporation of that amount before the last day of July in that year. Revenue of the waterworks.

(2) The corporation shall, as if it were the undertaker of the waterworks, make and levy such rates and charges for that year as will produce the revenue to be sought.

**12** Section twenty-five of the *Water Act* 1957 does not apply in respect of transactions under this Act. Exclusion of financial provisions of *Water Act* 1957.

**13** In respect of its transactions under this Act the Commission shall keep such accounts, and prepare such annual financial statements in relation thereto, in such form and containing such particulars as the Treasurer may approve. Form, &c., of accounts. No. 14 of 1949, s. 9.

**14** The Auditor-General has, in respect of the accounts of the Commission under this Act, all the powers conferred on him by the *Audit Act* 1918 in relation to its other accounts. Audit of accounts. Cf. *ibid.*, s. 10.

Bank  
accounts.  
*Ibid.*, s. 11.

**15**—(1) The Commission shall cause to be opened in the Reserve Bank of Australia or the Commonwealth Trading Bank of Australia, in the name of the Rivers and Water Supply Commission-West Tamar Waterworks, such accounts as may be necessary.

(2) Except as provided in subsection (3) of section twenty-three, all—

(a) moneys received by the Commission under this Act shall be paid into; and

(b) expenditure under, or in connection with, this Act shall be drawn from,

the accounts referred to in subsection (1) of this section.

Deprecia-  
tion and loan  
redemption.  
*Ibid.*, s. 12.

**16**—(1) The Commission shall, out of the revenues received by it under this Act, make such annual provision as the Treasurer may approve for the depreciation of assets, and the moneys so set aside shall be credited to a special account (in this section referred to as “the depreciation account”).

(2) The Commission shall in each financial year, out of the depreciation account, pay 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 Commission under section nine as were outstanding at the end of the last-mentioned financial year.

(3) Upon payment to the Treasurer by the Commission of a sum pursuant to 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.

(4) Subject to subsection (5) of this section, the Commission 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 Commission 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 set aside pursuant to subsection (1) of this section, or provided 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 pursuant to subsection (2) of this section may, with the consent of the Treasurer,

be applied by the Commission for all or any of the following purposes, namely:—

- (a) In making investments in such securities as the Governor may approve;
- (b) In financing the purchase of new assets or the replacement of assets; or
- (c) In making payments to the Treasurer in reduction of the capital indebtedness of the Commission under this Act.

**17** The Commission shall submit its accounts in respect of the water supply works to the Auditor-General for audit on or before the sixteenth day of August in each year.

Accounts to be submitted to the Auditor-General.

*Ibid.*, s. 16.

**18**—(1) As soon as practicable after the thirtieth day of June in each year, the Commission shall, separately from its report under section thirteen of the *Water Act* 1957, furnish to the Minister a report on its operations, business, and affairs under this Act during the financial year ended on that day.

Annual report.

*Ibid.*, s. 17.

(2) As soon as practicable after the Commission's accounts under this Act for any year have been audited and certified by the Auditor-General, the Commission shall furnish the Minister with a copy of those accounts as so audited and certified.

(3) The Minister shall cause copies of the report mentioned in subsection (1) of this section and of the Commission's accounts as audited and certified by the Auditor-General to be laid on the table of each House of Parliament within the first ten sitting days of the House after it is or they are respectively received by the Minister.

**19** The Treasurer, out of moneys to be appropriated by Parliament, may pay the Commission a subsidy for the purpose of enabling it to balance its accounts in any year in which an excess of expenditure over revenue is expected.

Subsidy.

**20**—(1) If, within five years of the commencement of this Act, the Commission has not made a supply of water available to any part of the water district subject to a construction rate, it shall resolve to repay to persons who have paid construction rates in respect of that part all moneys—

Refund for non-construction.

- (a) so paid by them under this Act; and
- (b) paid by them under subsection (9) of section thirty-nine B of the *West Tamar Water Act* 1938.

(2) When the Commission has so resolved, it shall forthwith call for claims by advertisement in a newspaper and shall—

- (a) repay such rates as claims are established thereto; and
- (b) deal with moneys unclaimed for one year after the advertisement as if it were a company within the meaning of the *Unclaimed Moneys Act* 1918.

(3) The Commission may, at any time before the expiration of the period of five years mentioned in subsection (1) of this section, resolve that a supply shall not be given in any part of the water district subject to a construction rate and shall then call for and pay claims as provided in that subsection.

Exemption  
from rates.

**21** The Commission is not liable to pay rates to the corporation.

Power of  
Treasurer  
to borrow  
£607,000.

**22** For the purposes of this Act the Treasurer may arrange for the borrowing on behalf of the State, in accordance with the Financial Agreement, of any sums of money not exceeding £607,000.

Transitory  
provisions.

**23**—(1) The corporation shall notify the Commission of all debts presently payable by it under the *West Tamar Water Act 1938* at the commencement of this Act within ninety days thereafter and the Commission shall pay them.

(2) The corporation shall pay the Commission—

(a) all moneys presently due and payable to it under the *West Tamar Water Act 1938* at the commencement of this Act as they come into its hands; and

(b) any moneys standing to the credit of its water accounts at the commencement of this Act.

(3) The Commission shall deposit with the Treasurer all loan moneys received by it under subsection (2) of this section, in accordance with section nine of the *Public Account Act 1957*.

(4) Contracts let by the corporation for works in connection with the waterworks shall go on to completion as if this Act had not been made.

## THE SCHEDULE.

(Section 5.)

The water district comprises—

(a) the town of Beaconsfield bounded as described in the proclamation of the said town;

(b) all the lands situate at and in the vicinity of Beauty Point and bounded as follows:—

Commencing at a point on the west arm known as Red Bill Point and bounded on the north north-east and east by the River Tamar including therein the ports of Beauty Point and Inspection Head on the south by lands originally granted to Francis Evans and Adye Douglas J. Broadhurst and Harriet Pease extending westerly along such lands to land granted to W. M. Davidson thence on the west along the said land extending northerly to the main road leading from Beauty Point to West Arm thence again on the south extending westerly along such road to the western boundary of the Crown Reserve known as Redbill Point Reserve thence on the west along the said western boundary of the said reserve extending northerly to the point of commencement and also all the lands situate within a distance of ten chains from each side of the State highway connecting the said town of Beaconsfield with the said area of land situate at and in the vicinity of Beauty Point as aforesaid; and

(c) all the lands situate in and forming part of the municipality of Beaconsfield bounded on the north-east by a line along

the River Tamar commencing from the north-eastern boundary on the west bank of that river of the city of Launceston and extending in a general north-westerly direction along that river to the part thereof known as Middle Arm thence by the south-eastern side of that arm to the creek known as Middle Arm Creek then by that creek to the State highway leading from Beauty Point to Launceston then by a straight line of 10 chains at right angles to the said State highway thence by a line in a general south-easterly direction parallel to and at all times distant 10 chains from the said State highway to its crossing of Stoney Creek thence in a general south-easterly direction along the eastern bank of the said creek to a point being distant 10 chains from the main road from Exeter to Devonport thence in a generally south-westerly direction parallel to and at all times distant 10 chains from the said main road to a point on a Public Works road being on the south-western boundary of 49a. 3r. 0p. of land purchased from the Crown by S. Kerrison thence in a general south-easterly direction along the said Public Works road to its intersection with the main road from Exeter to Devonport thence by a straight line to the northernmost corner of 23a. 0r. 12p. of land purchased from the Crown by T. Blackberry thence by a line to the westernmost corner of 400 acres of land purchased from the Crown by J. Harrison thence along the north-western boundary of the said land purchased by J. Harrison to its northernmost angle thence by a straight line to a point on the north-eastern boundary of 162a. 2r. 30p. of land purchased from the Crown by John Jarman and being distant 10 chains from the main road from Exeter to Devonport thence by a line in a general north-easterly direction parallel to and at all times distant 10 chains from the said main road to a point being distant 10 chains from the State highway leading from Beauty Point to Launceston thence by a line in a general south-easterly direction parallel to and at all times distant 10 chains from the said State highway to a point being distant 10 chains from the new Ecclestone-road thence by a line in a general southerly direction parallel to and at all times distant 10 chains from the said new Ecclestone-road to a point being 10 chains from the intersection of the new Ecclestone-road and the old Ecclestone-road thence in a general southerly direction parallel to and at all times distant 10 chains from the said old Ecclestone-road to a point on the north-eastern boundary of 800 acres of land originally granted by the Crown to A. Thomson thence by a line extending south-easterly along the boundary to the north-westernmost boundary of part of 500 acres of land originally granted by the Crown to W. A. Brodribb thence by a line extending south-westerly along that boundary to the westernmost angle of the said grant thence by a line extending south-easterly along the south-western boundary of the said grant to the north-western boundary of 36a. 1r. 0p. of land originally leased from the Crown to W. Fulford thence by a line extending south-westerly along the last-mentioned boundary and south-easterly along the south-western boundary of the same land to the southernmost angle thereof thence by a straight line extending south-easterly across part of 2130 acres of land originally granted by the Crown to William Barnes to the westernmost angle of the boundary of that part of the city of Launceston known as Trevallyn and thence in a general north-easterly direction along the boundary of the said city to the point of commencement.