
NORTH WEST REGIONAL WATER ACT 1976

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NORTH WEST REGIONAL WATER

No. 109 of 1976

AN ACT to make provision with respect to the supply of water to certain municipalities in the north western part of the State.

[15 December 1976]

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

1 This Act may be cited as the *North West Regional Water Act* Short title. 1976.

Interpretation.

2 In this Act, unless the contrary intention otherwise appears—

“appointed day” means such day as the Governor declares to be the appointed day for the purposes of this Act;

“Authority” means the North West Regional Water Authority established under this Act;

“block” has the same meaning as it has for the purposes of the *Local Government Act 1962*;

“Commission” means the Rivers and Water Supply Commission;

“constituent municipality” means any municipality that comprises or in which is contained a constituent water district;

“constituent water district” means any water district within the District;

“delegation agreement” means an agreement under section 11;

“depreciation fund” means the depreciation fund established under section 21;

“District” means the North West Regional Water District established under this Act;

“municipal revenue requirement” has the meaning assigned to that expression by section 12;

“reserve fund” means the reserve fund established under section 22.

PART II

NORTH WEST REGIONAL WATER DISTRICT

*Division I—District and Authority*Delimitation
of Regional
Water District.

3—(1) Subject to this section the North West Regional Water District comprises the water districts set forth in the second column of Schedule I as they existed at the commencement of this Act and such extensions to those districts and such other water districts, being extensions or districts within the municipalities set forth in the first column of that Schedule, as the Governor, by order, declares to be part of the North West Regional Water District.

(2) Where an area of land forming, or forming part of, a water district comprised within the District ceases to be or form part of that water district that area of land thereupon ceases to form part of the District.

4—(1) There shall be established an authority to be called the North West Regional Water Authority which shall be a body corporate with perpetual succession and a common seal.

Establishment
of North West
Regional Water
Authority.

(2) The Authority shall consist of six members of whom—

(a) one shall be the Administrative Member of the Commission;

(b) one shall be the Engineering Member of the Commission;

(c) one shall, as the Governor may direct, either be the Under Treasurer or an officer of the Treasury appointed by the Governor on the nomination of the Treasurer; and

(d) the remaining three shall be municipal representatives appointed in accordance with subsection (3) or (5).

(3) Subject to subsections (4) and (5), the municipal representatives shall be appointed by the Governor—

(a) one being appointed on the nomination of the municipality of Devonport;

(b) one being appointed on the nomination of the municipalities of Kentish, Latrobe, and Ulverstone; and

(c) one being appointed on the nomination of the municipalities of Circular Head, Penguin, and Wynyard.

(4) Where a person is required to be nominated for appointment as a municipal representative under paragraph (b) or paragraph (c) of subsection (3) and the municipalities concerned fail to agree on the person to be nominated they may each nominate a person for the appointment, and the person appointed shall be one of those nominated.

(5) Where a municipal representative is required to be appointed a member of the Authority and no person is nominated for that appointment in accordance with directions given by the Minister in that behalf, the Governor may appoint as a member of the Authority such person as he considers suitable to act as that municipal representative.

(6) A municipal representative unless he sooner resigns or otherwise ceases to hold office, continues in office as a member of the Authority for a period of 3 years, except that when a municipal representative dies or ceases to hold office otherwise than by reason of the effluxion of time, the representative appointed to fill the vacancy ceases to hold office at the expiration of the unexpired term of office of the representative in whose place he is appointed.

(7) If the chairman of the Commission is a member of the Authority he shall be chairman of the Authority but otherwise the chairman of the Authority shall be such member thereof as the Minister may appoint.

(8) The Authority shall pay to the members thereof such remuneration and allowances as the Governor may determine, but no such determination shall be made without the approval of the Public Service Board in respect of a member of the Authority who is an officer of the Public Service.

(9) The place or office of a person as a municipal representative on the Authority shall not for any purpose be deemed to be in the gift of any constituent municipality or the council thereof.

Removal of
Members of
Authority.

5—(1) The Governor may remove any member of the Authority from office if he is satisfied that that member—

- (a) has become permanently incapable of carrying out the duties of his office;
- (b) has misconducted himself in the performance of the duties of his office;
- (c) has, without the leave of the Authority, been absent from three or more consecutive meetings of the Authority;
- (d) has applied to take, or takes, advantage of any law relating to bankruptcy, or has compounded, or entered into an arrangement, with his creditors; or
- (e) has been convicted (whether in this State or elsewhere) of an offence of such a nature that renders it improper for him to continue to hold his office.

(2) Without prejudice to the generality of the provisions of paragraph (b) of subsection (1), a member of the Authority shall be deemed to have misconducted himself in the performance of his duties if—

- (a) he votes on any matter before the Authority in which he has, directly or indirectly, a pecuniary interest; or
- (b) he takes part in, or is present at, the discussion of any such matter before the Authority without disclosing his pecuniary interest to the members of the Authority present.

(3) In the case of married persons living together a pecuniary interest of one spouse shall, if known to the other, be deemed for the purposes of this section to be also a pecuniary interest of that other spouse.

(4) A person shall not be deemed to have a pecuniary interest in a matter if that interest only arises by reason of his being a member

of the general public or an elector or ratepayer in a municipality or by reason of his being a shareholder in a corporation in which there are more than 20 members and of which he is not a director or officer.

(5) The Governor may, if he considers it proper in all the circumstances, remove a municipal representative from office if so requested by the municipality, or the majority of the municipalities, that are entitled to nominate his successor.

(6) The Governor shall not remove a member of the Authority otherwise than under this section.

6—(1) The chairman of the Authority, or, if he is absent or there is no chairman, such one of the other members present as they may choose, shall preside at each meeting of the Authority. Proceedings of the Authority.

(2) The chairman or other person presiding at a meeting of the Authority has a deliberative vote, but in the event of an equality of votes on any matter before a meeting of the Authority, the chairman, if he is present, may exercise a second or casting vote and, if that right is not exercised, the matter stands adjourned to the next meeting of the Authority.

(3) Four members of the Authority constitute a quorum at any meeting of the Authority.

(4) Subject to this Act the Authority may regulate its own proceedings.

7—(1) For the purpose of facilitating the exercise of its functions the Authority may appoint such committees as it thinks fit. Committees of the Authority.

(2) The Authority may, either generally or in any particular case, delegate to a committee appointed under this section, with or without restrictions, the exercise of any of its functions under this Act, and may, either generally or in a particular case, vary or revoke any such delegation.

(3) A committee appointed under this section shall not include persons who are not members of the Authority.

(4) The Authority may appoint the chairman of a committee appointed under this section or direct the manner in which the chairman is to be appointed.

(5) The terms of office of the members of a committee appointed under this section shall be such as the Authority determines.

(6) Subject to any directions given to it by the Authority a committee appointed under this section may regulate its own proceedings.

Staff of the
Authority.

8—(1) The Authority shall appoint a suitable person to be secretary of the Authority, and may employ such staff as it considers necessary.

(2) For the purposes of the *Superannuation Act 1938* and the *Retirement Benefits Act 1970* an employee of the Authority shall be regarded as being employed in an undertaking carried on on behalf of the State, and the Authority shall be deemed to be a State Authority for the purposes of the *State Employees (Long-Service Leave) Act 1950*.

(3) Notwithstanding anything in subsection (2) where an employee of a municipality becomes an employee of the Authority he may within one month of so becoming such an employee notify the Authority in writing that he desires this subsection to apply to him; and, if he does so, in relation to his employment with the Authority the provisions of Divisions III and IV of Part VI of the *Local Government Act 1962* apply and have effect, subject to such modifications as may be prescribed, as if the Authority were a municipality.

Division II—The Water Supply Undertaking

General duty
of Authority.

9—(1) On and after the appointed day it is the duty of the Authority to ensure the provision of adequate supplies of water within the North West Regional Water District, and for that purpose shall, in accordance with this Act, construct, maintain, and operate such works and do such other things as it considers to be required.

(2) The *Waterworks Clauses Act 1952* is incorporated with this Act but, as so incorporated, has effect subject to the provisions of this Act.

(3) For the purposes of the *Waterworks Clauses Act 1952*, as incorporated in this Act, the District shall be deemed to be the water district.

(4) It shall be the policy of the Authority that water supplied to individual tenements in the District should be measured and accordingly the Authority shall take all such steps as are reasonably practicable to ensure that that policy is put into effect throughout the District as soon as possible.

Sources of
supply of
Authority.

10—(1) The Authority may for the purposes of this Act take water from any place that the Governor, by order made on the recommendation of the Commission, declares to be a source of supply for the purposes of this Act.

(2) Except with the consent of the Hydro-Electric Commission, no order shall be made under subsection (1) declaring any place within a hydro-electric district to be a source of supply.

(3) Where, immediately before the appointed day, a municipality was entitled to take water from any place for the supply of water to a constituent water district that place on that day becomes a place from which the Authority may take water for the purposes under this Act as if it had been declared such by an order under subsection (1).

(4) Where by virtue of subsection (3) a place becomes a place from which water may be taken for the purposes of this Act the Authority, except as provided in subsection (5), is not entitled to take more water from that place than could, immediately before the appointed day, have been taken from that place for the undertaking for which it was then a source of supply.

(5) Without prejudice to its operation in any other case section 17 of the *Waterworks Clauses Act 1952* applies and has effect in any case where the Authority requires to take from any place more water than it may lawfully take under subsection (4) from that place, but the Authority shall not exercise its powers under that section without the approval of the Commission.

11—(1) The Authority may, in accordance with an agreement entered into with the corporation of a constituent municipality (in this Act referred to as a “delegation agreement”), delegate to that corporation, with or without restrictions, and on such terms as may be specified in the agreement, any of the functions of the Authority under this Part in relation to the supply of water to any part of the municipality. Delegation to constituent municipalities.

(2) A delegation agreement may make provision for the vesting in any party to the agreement of any lands or works required or used for the purposes of this Act

(3) A delegation agreement may be terminated or varied by agreement between the parties thereto, or otherwise in accordance with its terms.

(4) Where on the appointed day no delegation agreement is in force in respect of a constituent water district there shall be deemed to have been delegated to the corporation of the municipality in which that water district is situated—

(a) the maintenance and operation of so much of the works of the Authority or the corporation as are used for the purpose of the supply of water to places and premises within the district, other than works that the Authority notify the corporation are excluded from the operation of this subsection; and

(b) the construction of such works for that purpose as may be approved by the Authority.

(5) The Authority shall not give a notification under subsection (4) (a) in respect of any works that appear to it to be reticulation works.

(6) The delegation under subsection (4) in respect of a constituent water district terminates on such date as may be agreed between the Authority and the corporation and, in any event, terminates on the coming into effect of a delegation agreement in respect of that district.

(7) Where the functions of the Authority in respect of a constituent water district are delegated under subsection (3) the corporation may notify the Authority that it desires the delegation to terminate and, in such a case, the delegation terminates on the date specified in the notice, being a date not earlier than 6 months after the date of the notification.

(8) Where any function of the Authority is delegated to a corporation under this section the Authority may give directions to the corporation requiring it to exercise that function or with respect to the manner in which the function is to be exercised; and without prejudice to the generality of the foregoing provisions of this subsection, any directions given thereunder may require the corporation to take such measures or steps as are specified in the directions.

(9) A corporation shall comply with any directions given to it under subsection (8), and if it refuses or fails to comply with any such direction, the Authority, without prejudice to the exercise of any other power, may, by notice served on the corporation, terminate either entirely or in part the delegation in respect of the constituent water district to which the direction relates.

(10) Except as provided in a delegation agreement, a delegation under this section does not prevent the Authority itself exercising any of its functions in respect of the constituent water district to which the delegation relates.

(11) In relation to any functions delegated under this section to the corporation of a municipality any reference in this Act to the Authority shall, subject to the terms of the delegation, and so far as the context does not otherwise require, be construed as including a reference to that corporation.

PART III

FINANCIAL PROVISIONS

Division I—Annual costs of operating the undertaking

12—(1) In respect of each financial year the corporation of each constituent municipality shall pay to the Authority a contribution referred to in this Act as the municipal revenue requirement. Contributions by municipalities.

(2) In respect of any financial year the aggregate of the municipal revenue requirements payable to the Authority shall be the estimate made by the Authority of its total recurrent expenditure for that year, and the municipal revenue requirement payable by the corporation of a particular municipality shall bear to that total the like proportion as the number of the equivalent tenements in that municipality bears to the total number of equivalent tenements in the whole District.

(3) In estimating, for the purposes of this section, its recurrent expenditure for any financial year the Authority shall include in the estimate all its expenditure that it considers should properly be charged to revenue and, in particular shall include—

- (a) the administration and operation expenses of the Authority and the administration and operation expenses of the corporations of the constituent municipalities so far as they are required to be met by the Authority;
- (b) the payments required to be made by the Authority to its depreciation fund and its reserve fund;
- (c) interest required to be paid on money lent to the Authority; and
- (d) the payments required to be made to the corporations of the constituent municipalities under section 33.

(4) Subject to subsection (5), the estimated total recurrent expenditure of the Authority for any financial year shall, for the purposes of this section, be taken to be the estimate made by the Authority for that year of the expenditure referred to in subsection (3) reduced by its receipts from the sale of water during that year under section 16, and any other income likely to be received by the Authority otherwise than as a municipal revenue requirement.

(5) In making any estimate or other determination for the purposes of this section any subsidies payable under section 15 shall be disregarded.

(6) For the purposes of this section in respect of any financial year the number of equivalent tenements in a water district shall be determined in accordance with Schedule II.

(7) The municipal revenue requirement shall be paid by equal quarterly instalments on the last days of September, December, March, and June in the relevant financial year.

Procedure for
determining
municipal
revenue
requirements.

13—(1) Before the end of May in each year the corporation of each constituent municipality shall submit to the Authority an estimate of its administration and operation expenditure during the next following financial year.

(2) As soon as practicable after receiving an estimate from a corporation under subsection (1) the Authority shall notify the corporation of the extent to which the estimated expenditure is approved by the Authority as expenditure that it is prepared to meet.

(3) As early as practicable in the month of June in each year the corporation of a constituent municipality shall submit to the Authority a list of all the lands that, on the preceding 31st May, were situated in the constituent water districts in the municipality and were separately valued under the *Land Valuation Act 1971* and, in any such list, those lands shall be classified as prescribed and their respective assessed annual values specified.

(4) As soon as practicable after the end of May in any year the Authority shall notify the corporation of each constituent municipality of the municipal revenue requirement payable by it in respect of the following financial year.

Raising of
municipal
revenue
requirement.

14—(1) The Authority has no power to levy a water rate or make a charge under Part VIII of the *Waterworks Clauses Act 1952*, but, for the purpose of raising its municipal revenue requirement those powers may, subject to this Act, be exercised by the corporation of a constituent municipality as if it were the undertakers.

(2) The Authority may give directions to the corporation of a constituent municipality requiring it to exercise its powers under sections 56 and 57 of the *Waterworks Clauses Act 1952*, and specifying the manner in which those powers are to be exercised; and the corporation shall comply with those directions.

(3) If so directed by the Authority, the corporation of a constituent municipality shall exercise its powers under section 216 of the *Local Government Act 1962* in such manner as the Authority may approve in respect of water supplied under this Act to any land within the municipality without being measured.

15—(1) The Minister, on the recommendation of the Commission, may pay a subsidy towards the municipal revenue requirement that is required to be paid by the corporation of a municipality under this Act in respect of any constituent water district.

Subsidies to municipalities.

(2) In making a recommendation under this section in respect of a constituent water district the Commission shall have regard to the financial position and circumstances generally of the municipality and, in particular shall have regard to—

- (a) the rates required to be levied on lands in the water district in order to provide for the municipal revenue requirement; and
- (b) the other revenue received by the corporation from the sale or supply of water provided under this Act.

(3) A subsidy paid under this section in respect of a water district shall be paid to the Authority and the municipal revenue requirement required to be paid by the corporation of the municipality within which the water district is situated shall be reduced by the amount of the subsidy.

(4) Subsidies paid under this section shall be paid out of moneys provided by Parliament for the purpose.

16—(1) The Authority may enter into and carry into effect an agreement with the corporation of a constituent municipality for the supply to the corporation at a price fixed by measure of water required by it for the purpose of the exercise of any of its functions (not being functions exercisable under this Act).

Special agreements.

(2) In the exercise of the powers delegated to it under this Act a corporation shall not, without the consent of the Authority, enter into any agreement under section 27 of the *Waterworks Clauses*

Act 1952 (in this section referred to as a “supply agreement”) unless it appears to the corporation that the rate at which water will be supplied under the agreement will not exceed the prescribed rate.

(3) Where a supply agreement has been entered into by the corporation of a constituent municipality and the Authority is satisfied that, at the beginning of the period of the agreement, water was supplied under the agreement at a rate less than the prescribed rate, but that the rate at which water is presently being supplied under the agreement exceeds the prescribed rate and is likely to continue to exceed that rate, it may, by notice served on the corporation vest in itself all the rights and obligations of the corporation under the agreement; and, thereupon, in respect of the water supplied under the agreement on or after such date as may be specified in the notice, the agreement has effect as if it were an agreement entered into with the Authority instead of the corporation.

(4) In this section “the prescribed rate” means a rate of 225 megalitres a year.

Division II—Capital expenditure by the Authority

Borrowing from
Loan Fund.

17—(1) Where money may be issued and applied out of the Loan Fund for any of the purposes of this Act the Treasurer shall, on a requisition by the Authority, advance to the Authority so much of that money as is specified in the requisition.

(2) The Authority shall pay to the Treasurer on account of the Consolidated Revenue quarterly, on the last days of September, December, March, and June in each financial year, interest at the State rate (within the meaning of section 24 of the *Hydro-Electric Commission Act* 1944) in respect of all money advanced to the Authority under this section that has not for the time being been repaid.

(3) Where money is advanced to the Authority under subsection (1) the Authority shall in each financial year pay to the Treasurer out of the depreciation fund such sums as the Treasurer certifies to be necessary to reimburse him for the sinking fund contributions paid by him in that financial year to the National Debt Commission in respect of so much of the moneys so advanced as were outstanding at the commencement of that financial year.

(4) Where any payment is made to the Treasurer under subsection (2) the amount of the 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.

18—(1) Subject to this section the Authority, with the consent of the Governor, may borrow on the security of its revenues such sums of money as it may require for the purposes of this Act. Borrowing by debentures or inscribed stock.

(2) Money borrowed by the Authority under this section may be so borrowed—

- (a) by the issue of debentures payable to bearer with interest coupons attached;
- (b) by the creation and issue of inscribed stock; or
- (c) in such other manner as may be prescribed or as the Governor may approve.

(3) Debentures and inscribed stock issued or created under this section—

- (a) shall, with all interest thereon, be charged and secured on the revenues of the Authority;
- (b) shall bear interest at such rate, and be redeemable at such date and at such place, as the Authority 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.

(4) 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 Authority.

(5) The Authority may, at the request of the holder of any debenture or of the registered owner of any inscribed stock issued or created under 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.

(6) The due payment of moneys borrowed on the security of the Authority'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.

(7) As the Treasurer may require, the Authority shall make provision by way of sinking fund for the purpose of redeeming loans raised under this section, or any of them, the sums required to be paid into the sinking fund being paid out of the depreciation fund to the State Sinking Fund Commissioners.

(8) Where, for the purpose of redeeming a loan raised under this section it is necessary to resort to the provision made under subsection (7) the Authority may require the State Sinking Fund Commissioners to make the necessary funds available to it or obtain an advance from a bank on the security of its rights against the Commissioners.

(9) 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.

(10) Any debentures or inscribed stock issued or created pursuant to this section shall be 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.

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

Recovery of
capital
expenditure
from land
owners.

19—(1) Where the corporation of a municipality proposes under this Act to construct a main for the supply of water to an area of land within the municipality the cost of the construction may be recovered wholly or in part by way of a scheme under this section.

(2) References in this section to a main shall be construed as including references to an extension of a main.

(3) A scheme under this section shall specify the main and the area which it is intended to serve and shall specify—

- (a) the total amount intended to be recovered under the scheme; and
- (b) the amount payable under the scheme in respect of each block in the area.

(4) The total amount intended to be recovered under the scheme shall not exceed a reasonable estimate of the costs of carrying out the works to which the scheme relates, and that estimate shall be stated in the scheme.

(5) In determining the amount payable under the scheme in respect of each block in the area to which the scheme relates regard shall be had to the extent that the block is likely to be benefitted by the carrying out of the works and, if the block is capable of subdivision, the number of blocks into which it can reasonably be subdivided having regard to its position and physical characteristics.

(6) Where it appears to the corporation that the full benefit of the works will not at once be received by any block to which the scheme relates the scheme may authorize the postponement of the payment of the whole or part of the sum payable in respect of the block, and specify the circumstances in which, or the date on which, the sum the payment of which is so postponed shall become payable.

(7) Before it makes a scheme under this section the corporation shall prepare a draft thereof and serve notice on the owners of the land in the area to which the scheme is to relate stating—

- (a) that the draft scheme has been prepared;
- (b) that it may be inspected, and copies thereof obtained, at such places as may be specified in the notice; and
- (c) that, within such time as may be so specified not being earlier than 28 days after the service of the notice, representations may be made to the corporation with respect to the scheme.

(8) Where a draft scheme has been prepared under subsection (7) the corporation shall, before making the scheme, consider any representation made in accordance with the notices served under that subsection, and if it makes the scheme shall make it in the form of the draft or in that form with such alterations as it considers should be made having regard to those representations.

(9) Where the corporation has made a scheme under subsection (8) it shall serve a copy thereof on each owner of land within the area to which the scheme relates together with a notice informing him that before such time as may be specified in the notice, not being earlier than 28 days after the service thereof, he may appeal against the scheme to a magistrate.

(10) Before such day as may be specified in a notice served under subsection (9), a person aggrieved by the scheme to which the notice relates may appeal to a magistrate on any or all of the following grounds, that is to say:—

- (a) That the total amount intended to be recovered under the scheme exceeds a reasonable estimate of the cost of construction of the works to which the scheme relates;
- (b) That, having regard to the benefit accruing, or likely to accrue, to land outside the area to which the scheme relates the proportion of the cost of construction of those works sought to be recovered in respect of the blocks subject to the scheme is excessive; and
- (c) That, having regard to the benefit accruing, or likely to accrue from the construction of the works a particular block should be excluded from the scheme or more favourable provision should be made by the scheme in respect of the block.

(11) On an appeal under this section the magistrate may (unless he dismisses the appeal) quash the scheme or notify the corporation that if the scheme is brought into force it should be amended in the manner as is specified in the direction.

(12) Nothing in subsection (11) shall be construed as enabling a direction to be given that would have the effect of increasing the burden imposed by the scheme in respect of any particular block.

(13) Where a notification is made under subsection (11) the corporation may amend the scheme in accordance with the notification, and the scheme does not come into operation unless that amendment has been made.

(14) Notwithstanding anything in this section a scheme may be withdrawn by the corporation at any time before any sums become payable thereunder.

(15) Where the corporation amends or withdraws a scheme it shall serve notice thereof on the owners of the land to which the scheme relates.

(16) Nothing in this section shall be deemed to prejudice or affect any other powers of a corporation to recover the cost of the construction of a main, except that those powers shall not be exercised in respect of the construction of a main to which a scheme under this section relates.

20—(1) Where provision is made in a scheme under section 19 for the payment of a sum in respect of any block and the corporation's engineer has certified that the relevant works have been completed the corporation may, if that sum has become payable under the terms of the scheme, by notice served on the owner of that block demand payment thereof on or before such date as may be specified in the notice, being a date not earlier than 30 days after the service thereof. Recovery of sums due under works scheme.

(2) A sum demanded by notice under subsection (1) in respect of any block becomes a charge on that block on the date specified in the notice and Division II of Part XIX of the *Local Government Act* 1962 applies in respect of that sum and the recovery thereof as if the sum due were such a sum due to that corporation as is referred to in section 765 (4) of that Act.

(3) Any sums recovered by the corporation under this section shall be paid to the Authority.

21—(1) The Authority shall establish a depreciation fund to be used for the purpose of— Depreciation fund.

(a) replacing or renewing, or otherwise making good the depreciation of, its assets; and

(b) meeting the payments required to be made out of the fund in respect of money advanced or lent to the Authority.

(2) The Authority shall make such annual provision as the Treasurer may approve with respect to the payments required to be made into the fund.

22—(1) The Authority may establish a reserve fund to be used, for the purpose of the making good of losses suffered by the Authority and the meeting of other contingencies. Reserve fund.

(2) The Authority shall make such annual payments into the reserve fund as the Treasurer may approve.

Division III—Miscellaneous financial provisions

23—(1) The Authority may defray any expenditure properly incurred by the corporation of a constituent municipality in the exercise of the functions delegated to it under this Act. Methods of meeting expenditure of constituent municipalities.

(2) In the exercise of the powers conferred by subsection (1) the Authority shall defray the expenditure referred to therein if it is expenditure that has been approved under section 13 (2) or capital expenditure that has been approved by the Authority; but nothing in this section shall be construed as preventing the Authority from defraying other expenditure referred to in that subsection if it considers it reasonable in the circumstances of the case so to do.

(3) Where the Authority has approved any capital expenditure by a corporation of a constituent municipality it shall, in respect of each quarter or such lesser period as may be agreed between the corporation and the Authority, make such advances to the corporation as appears to the Authority necessary to enable the corporation to meet that expenditure.

(4) Subject to subsection (3) where any expenditure of a corporation is required by this section to be defrayed by the Authority that expenditure shall be so defrayed by payments made to the corporation at the end of the quarter in respect of which they are incurred or in such other manner as may be agreed between the Authority and the corporation.

(5) Any dispute under this section as to whether any expenses are required under this section to be defrayed by the Authority may be referred by either party thereto to the Auditor-General whose decision in the dispute shall be final.

Annual
settlements.

24—(1) Each constituent municipality shall before the end of September in each year submit to the Authority a statement of its accounts for the preceding financial year showing the expenditure incurred by it in the exercise of the functions delegated to it under this Act.

(2) If at the end of a financial year the corporation of a municipality has not spent all the money advanced to it by the Authority for capital expenditure it shall repay to the Authority the sums not so spent; and the sums so repaid shall be treated as money borrowed by the Authority under this Act that has not been spent.

(3) If at the end of a financial year the corporation of a municipality has not spent all the funds provided for expenditure that has been approved under section 13 the amount provided for the next financial year shall be reduced by the amount underspent.

25 For the purpose of meeting working expenses, the Authority may, with the consent of the Treasurer, borrow from its bankers by overdraft on its current accounts with those bankers; but the amount of those overdrafts shall not at any time exceed half the amount of the revenue of the Authority received during the last preceding financial year together with the money (if any) due from those bankers by way of fixed deposits.

Borrowing by overdraft to meet working expenses.

26—(1) Any moneys held by the Authority and not for the time being required to be expended for any purpose may be invested in such manner as the Treasurer may approve.

Investment of funds held by Authority.

(2) The provisions of this section apply in respect of moneys forming part of the depreciation fund or the reserve fund as they apply to other moneys held by the Authority, but the income received from all moneys invested under this section, whether or not they form part of those funds, shall be deemed to form part of the revenue of the Authority.

27—(1) The accounts of the Authority are subject to the *Audit Act* 1918.

Audit and accounts.

(2) The Authority 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.

28 The Authority shall cause to be kept in the Commonwealth Bank such accounts as may be necessary for the purposes of this Act; and any money received by the Authority shall be paid into, and any expenditure of the Authority shall be drawn from, an account so kept.

Bank accounts.

PART IV

MISCELLANEOUS AND SUPPLEMENTAL

29 Subject to this section, the Authority may enter into and carry out arrangements for the carrying out of any work for any authority or person, so long as it is satisfied—

Work for other authorities and persons.

- (a) that the work can be carried out without affecting the proper discharge by the Authority of its functions under this Act; and
- (b) that the arrangements make adequate recompense to the Authority in respect of the cost of the carrying out of the works.

Annual report.

30 As soon as practicable after the 30th June in each year the Authority shall submit to the Minister a report on the administration of this Act during the period of 12 months ending on that day; and, on receiving a report under this section, the Minister shall lay a copy thereof before each House of Parliament.

Vesting of existing works, &c.

31—(1) On the appointed day all the estates, rights, and interest of the corporation of a constituent municipality in any land or works held or used for the supply of water to or in a constituent water district shall, by virtue of this section, be transferred to and vested in the Authority.

(2) Subsection (1) does not have the effect of transferring any estate, right, or interest in land under the *Real Property Act* 1862, but any such estate, right, or interest that, apart from this subsection, would, by virtue of subsection (1) have been transferred, shall be deemed to be held in trust for the Authority to be transferred to and vested in the Authority at its request.

(3) An agreement under section 11 before the appointed day may provide for the exclusion of any land or works from the operation of this section.

Saving for existing agreements for bulk supplies.

32 Nothing in this Act affects the validity of any existing agreement for the supply of water by measure.

Borrowings by municipalities.

33—(1) A constituent municipality shall not, on or after the appointed day, borrow money for the construction of any works that may be constructed under the powers of this Act.

(2) Where, before the appointed day, a municipality has borrowed money for the purpose of construction of works for the supply of water to any place that on that day becomes part of the District—

(a) the municipality shall pay to the Authority so much of the money so borrowed that has not, before that day, been expended; and

(b) the Authority shall provide the municipality with such moneys as are required by it to repay the money so borrowed or to pay any interest thereon, including any payments made by the municipality into a sinking fund for the repayment of the money.

(3) Nothing in paragraph (b) of subsection (2) shall be construed as requiring the Authority to provide any money that has been, or was required to be, provided by the corporation before the appointed day for the purposes referred to in that paragraph.

(4) When so required by the Authority the corporation of a municipality shall furnish the Authority with all such information as it requires to determine its rights and obligations under subsection (2).

34—(1) The Governor may make regulations for the purposes Regulations. of this Act.

(2) Without prejudice to the generality of the provisions of this section the regulations under this Act may prescribe the classes of properties referred to in Schedule II, together with the limits and intervals of those classes.

SCHEDULE I

(Section 3)

THE NORTH WEST REGIONAL WATER DISTRICT

<i>Municipality</i>	<i>Water District</i>
Circular Head	Smithton Stanley
Devonport	Devonport
Kentish	Railton Sheffield
Latrobe	Latrobe Port Sorell Rural Tarleton-Spreyton
Penguin	Penguin
Ulverstone	Turners Beach Ulverstone
Wynyard	Somerset Wynyard

SCHEDULE II

DETERMINATION OF NUMBER OF EQUIVALENT TENEMENTS IN A MUNICIPALITY

(Section 12 (6))

1. The number of equivalent tenements in a municipality is the aggregate of the assessed annual values of the lands within the constituent water districts in the municipality, (excluding those in respect of which a supply agreement under section 16 to which the Authority is a party is in force) divided by a value determined in accordance with paragraph 2.

2. The value referred to in paragraph 1 is determined in accordance with the following formula, namely:—

$$L + \left(\frac{F2}{F2 + F1} \times i \right),$$

where—

L denotes the lower limit of the class containing the largest number of properties, that class being referred to in this paragraph as the modal class;

F1 denotes the number of properties in the class next above the modal class;

F2 denotes the number of properties in the class next below the modal class; and

i represents the class interval.

3. A reference in this Schedule to properties shall be construed as a reference to lands separately valued that are used mainly for residential purposes.