

Melbourne and Metropolitan Board of Works (Amendment) Bill

NOTES ON CLAUSES

Clause 1 is the usual citation clause.

Clause 2 provides for commencement on the day of Royal assent.

Clause 3 indicates the name of the Principal Act.

Clauses 4 and 5 amend section 3 to facilitate the transfer to the Board of the property and works of a water supply sewerage or drainage authority whose responsibilities are to be assumed by the Board.

Clause 6 amends section 39 to clarify the Board's responsibilities to advertise contracts by removing the requirement to advertise certain contracts in trade journals.

Clause 7 inserts a new section to obviate problems relating to the payment and recovery of charges for water supplied to land which has been subdivided in strata or cluster. Responsibility for payment of such charges, if any, will be that of the body corporate and all water rates levied upon the individual lot holders will be off-set against any charges payable.

Clause 8 amends section 109 to facilitate the recovery of outstanding rates and charges by widening the Board's powers to restrict the supply of water to any premises of a defaulting owner as a result of his failure to pay outstanding rates and charges. This amendment provides a mechanism to overcome the problem of tenants suffering because an owner, who is liable to pay the rates or charges, has failed to do so.

Clause 9 amends section 110—

- (a) by deleting from the section the Board's power to make by-laws for the protection of land waters and works vested in owned by or under its control and management. This power is to be placed in a more general section (See Clause 16);
- (b) to clarify the Board's powers to make provision in its by-laws relating to restrictions on the use of water for specific variations or exceptions.

Clause 10 amends section 113 to clarify the Board's powers to restrict the supply of water in cases of waste, misuse or contamination of the water supplied by the Board.

Clause 11 amends section 117 to clarify the powers of Board officers to enter and inspect property in order to investigate the waste or misuse of water supplied by the Board.

Clause 12 amends section 184A by deleting the Board's power to make by-laws for its sewerage works and undertakings. This power is to be placed in a more appropriate general section (See Clause 16).

Clause 13 amends section 213 to place beyond doubt the Board's power to grant leases or licences of lands in its parks for purposes that will foster the better enjoyment of such parks by the public.

Clause 14 amends section 233 to clarify the Board powers to deal with lands transferred to it from a water supply sewerage or drainage authority whose responsibilities have been assumed by the Board.

Clause 15 amends section 235 and is consequential upon the amendment of section 233 (See Clause 14).

Clause 16 generally re-enacts section 240A to integrate therein by-law making powers of a general type which are being deleted from other parts of the Act (See Clauses 8 (a) and 11).

Clause 17 inserts a new section to protect inspectors of the Board in the performance of their duties under the Act. The provision is in similar terms to section 379A of the *Water Act 1958*.

Clause 18 is a procedural type amendment to section 258BB to facilitate the transfer, to the Board, of lands set aside as a drainage or sewerage reserve on a plan of subdivision.

Clause 19 amends section 269A to standardise its provisions with those of section 184C by ensuring that money advanced to the Board under this section is not a loan for the purposes of section 187 of the Act.

Clause 20 is a transitional type amendment to section 276 to ensure that pumping permits and licences granted prior to the Board assuming responsibility for the drainage and river management of the Upper Yarra Valley continue in force after such assumption of responsibility.

Clause 21 amends section 280 to enable the Board to grant relief from the drainage rate to the owners of properties of four hectares and more that are prevented from being cleared by land use planning controls.

Clause 22 restructures section 289 to make its provisions more effective and to ensure that diversion or appropriation permits or licences issued prior to the Board assuming responsibility for the drainage and river management of the Upper Yarra Valley continue in force after such assumption of responsibility.

Clause 23 inserts a new section to give the Board powers to permit the owners of land adjacent to streams to undertake flood and erosion protection works on their lands. These powers are the same as those contained in section 12 of the *Water Act 1958*.

Clause 24 inserts a new section to enable the Board to appoint and consult with committees of local landowners concerning the appropriation or diversion of water from local streams. Similar committees already exist in the Upper Yarra Valley area.