

examinations (if any), as the Board directs, may be registered under this Act, but no such person shall be so registered unless the Board is satisfied that such person has, in the aggregate, undergone training and passed examinations substantially equivalent to the training and examinations prescribed by or under this Act for the class of nursing in respect of which that person seeks to be registered.”

NORTH ESK REGIONAL WATER SUPPLY.

No. 9 of 1949.

AN ACT to authorise and provide for the Construction, Management and Operation of certain works for the purpose of providing a Water Supply for Portions of the Municipalities of Evandale, George Town, Lilydale, Saint Leonards and Westbury, and for purposes connected therewith. [12 April, 1949.]

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.

1 This Act may be cited as the *North Esk Regional Water Supply Act 1949*.

Interpretation.

10 Geo. VI.
No. 27, s. 2.

2 In this Act, unless the contrary intention appears—

“accounting period” means a period not exceeding three months fixed by the Administrator as the accounting period for the time being;

“Administrator” means the Administrator of the North Esk Regional Water Supply constituted under this Act;

- “basic allowance” means the basic allowance of water to a council as defined by section twenty-one;
- “council” means the council of the Municipality of George Town, the council of the Municipality of Lilydale, and the council of the Municipality of Saint Leonards;
- “determined population” means the population of a water district as determined in accordance with section twenty-six;
- “the North Esk Regional Water Supply” means the water supply works authorised to be constructed under this Act and specified in the Schedule;
- “the water supply works” means the works specified in the Schedule or any of them;
- “water district” means the water district or districts constituted by a council for the purpose of providing for the supply of water taken by the council solely from the North Esk Regional Water Supply to the lands within its water district or districts;
- “water reticulation works” means works constructed, provided, or acquired by a council for the purpose of providing for the supply of water taken by the council solely from the North Esk Regional Water Supply to the lands within its water district.

PART II.

ADMINISTRATION.

3—(1) This Act shall be administered, for and on behalf of the Crown, by the Administrator, who shall be the Director of Public Works, and shall have and may exercise and perform the powers, authorities, duties, and functions conferred or imposed by this Act on the Administrator. The Administrator, his appointment, duties, and incorporation. *Ibid.*, s. 3.

(2) In the case of the illness, suspension, or absence of the Administrator, the person for the time being acting in the office of Director of Public Works shall have and may exercise and perform the powers, authorities, duties, and functions of the Administrator.

(3) The Administrator may, with the approval of the Minister and the Public Service Commissioner, by writing under his hand, delegate to any officer in the Public Service any of the powers, authorities, duties, and functions, conferred or imposed upon him by this Act other than the power of delegation, but every such delegation shall be revocable at will and shall not prevent the exercise of any power or function by the Administrator.

(4) The Administrator may delegate to the Water, Sewerage, and Drainage Board the negotiation of any contract with a proposed consumer of water under this Act.

(5) The Administrator shall, for the purposes of this Act, be a corporation sole with perpetual succession and seal of office under the name of "the Administrator of the North Esk Regional Water Supply" and shall in that name be capable of suing and being sued and of purchasing, holding, granting, and disposing of real and personal property, and of doing and suffering all such other acts and things as a body corporate may by law do and suffer.

Management vested in the Administrator. *Ibid.*, s. 4.

4—(1) The control and management of the North Esk Regional Water Supply shall be vested in the Administrator, and shall be exercised by him in accordance with this Act.

(2) The Administrator shall have power to perform, carry out, and do all such acts, matters, and things as may be necessary or convenient for or in relation to the control and management of the water supply works.

PART III.

CONSTRUCTION AND MAINTENANCE OF THE WATER SUPPLY WORKS.

Minister to construct works. *Ibid.*, s. 5.

5 The Minister may cause the water supply works to be undertaken and constructed at a cost not exceeding eight hundred and fifty thousand pounds.

Treasurer may borrow for works. *Ibid.*, s. 6.

6—(1) The Treasurer may, for the purpose of defraying the cost of the water supply works, borrow any sums not exceeding in the aggregate, the sum of eight hundred and fifty thousand pounds.

(2) The amount of all charges and expenses incurred by the Treasurer in borrowing and raising any sums of money for the purposes of this section shall as at the date when such amount shall have been ascertained be deemed to constitute part of the cost of constructing the water supply works.

Powers of Minister for constructing works. *Ibid.*, s. 7.

7 The Minister shall have, in relation to the construction and maintenance of the water supply works, the following powers, in addition to any other powers conferred on or exercisable by him under the *Public Works Construction Act 1880** and the *Lands Resumption Act 1910†*—

- (a) to enter upon any lands excluding that part of the Saint Patrick's River catchment above the Launceston City Council offtake by such officers and employees and with such vehicles and equipment as he may think necessary, and to take levels thereon and to dig, cut, trench, and break up the soil thereof and remove or use any earth, stone, minerals, trees, or other things obtained thereon;

* 44 Vict. No. 32. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 384. Subsequently amended by 4 & 5 Geo. VI. No. 88.
† 1 Geo. V. No. 11. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 5. Subsequently amended by 4 Geo. VI. No. 11, 8 Geo. VI. No. 12, and 9 & 10 Geo. VI. No. 59.

- (b) to construct, erect, lay down, maintain, alter, and repair all such wells, reservoirs, tanks, aqueducts, watercourses, tunnels, drains, channels, cuts, flood-gates, sluices, conduits, filters, troughs, dams, weirs, embankments, pumps, treatment works, culverts, bridges, pipes, syphons, engines, buildings, piers, supports, meters, and other works as may be necessary for the purposes of this Act;
- (c) to lay, maintain, alter, repair, and use any pipes or mains in, upon, across, along, or over any Crown land or any railway belonging to the State, or any other land, including any road, street, river, or stream whether above or below the surface;
- (d) to break up, excavate, and open, and to make tunnels under, the surface of any part of any railway, or the soil and pavement of any road, street, or other land, whether Crown land or not, for the purpose of laying, maintaining, altering, or repairing any pipes or mains;
- (e) to break up, excavate, and open up any sewers, drains, or tunnels within and under any railway, road, street, or other land, for the purpose of laying, maintaining, altering, or repairing any pipes or mains;
- (f) to enter upon any land (not being a garden, orchard, or plantation attached to or belonging to a house or land nearer than one hundred yards from the house), and to occupy it for so long as may be necessary and to use it for the purpose—
 - (i) of taking earth, soil, stone, gravel, clay, sand, or other materials therefrom;
 - (ii) of depositing, manufacturing, and working thereon materials of any kind; and
 - (iii) of constructing roads, workshops, sheds, and temporary buildings thereon; and
- (g) generally to carry out, execute, perform, and do all such acts, matters, and things as are incidental to or necessary for the construction and maintenance of the water supply works.

8—(1) In the exercise of his powers in relation to the construction and maintenance of the water supply works the Minister shall cause as little detriment and inconvenience, and do as little damage, as possible, and compensation shall be paid by the Minister for damage occasioned to any property in the course of the exercise of those powers.

Compensation
for damage.
Ibid., s. 8.

(2) Compensation payable as provided by this section shall, in the event of disagreement, be determined in the manner prescribed by the *Lands Resumption Act 1910** in the case of a disputed claim for compensation.

* 1 Geo. V. No. 11. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 5. Subsequently amended by 4 Geo. VI. No. 11, 8 Geo. VI. No. 12, and 9 & 10 Geo. VI. No. 59.

Administrator to have same powers for certain purposes.
Ibid., s. 9.

9—(1) The Administrator shall have and may exercise for the purposes of the control and management of the water supply works, and of the construction, carrying out, and maintenance of any works required for the purposes of Part VIII., all such powers and authorities in relation to the construction, maintenance, laying down, alteration, and repair of the water supply works as are conferred on the Minister by section seven and shall be subject to the provisions of section eight.

(2) For the purposes of this section and subject to the provisions of section eight the Administrator may take and divert water from the North Esk River near the homestead called "Watery Plains".

PART IV.

OBLIGATIONS OF COUNCILS.

St. Leonards, George Town, and Lilydale to constitute water districts.
Cf. *ibid.*, s. 11.

10—(1) On a date or dates to be notified by the Administrator in the *Gazette* the council of the Municipality of Saint Leonards shall take such steps as are necessary in accordance with the provisions of the *Local Government Act 1906** for the constitution of a water district to be served by a water supply to be taken from the North Esk Regional Water Supply.

(2) This water district may include such parts of the Municipalities of Evandale and Westbury as the Administrator requires to be served by a water supply so taken, and for the purpose of constituting the water district the areas concerned shall be deemed part of the Municipality of Saint Leonards.

(3) The water district so constituted and as altered from time to time shall for all purposes of and incidental to the supply of water be deemed to be wholly within the Municipality of Saint Leonards.

(4) On a date or dates to be notified by the Administrator in the *Gazette* the council of the Municipality of George Town and the council of the Municipality of Lilydale shall take such steps as are necessary in accordance with the provisions of the *Local Government Act 1906** for the constitution of water districts for their respective municipalities to be served by a water supply to be taken from the North Esk Regional Water Supply.

(5) The boundaries of the respective water districts of the municipalities named in subsections (1) and (4) shall be subject to the approval of the Administrator.

* 6 Edw. VII. No. 31. For this Act, as amended to 1936, see Reprint of Statutes, Vol. V., p. 15. Subsequently amended by 2 Geo. VI. Nos. 8 and 33, 4 Geo. VI. No. 46, 5 Geo. VI. Nos. 20 and 42, 6 Geo. VI. Nos. 26 and 62, 7 & 8 Geo. VI. No. 88, 8 Geo. VI. No. 17, 9 Geo. VI. No. 12, and 11 Geo. VI. Nos. 5 and 61.

11—(1) Each council, in accordance with the provisions of the *Local Government Act 1906** and the *Towns Act 1934*† shall construct, provide, or acquire all such water reticulation works or make such alterations or additions to existing or acquired water reticulation works as may be considered necessary by the council and approved by the Administrator or as may be ordered by the Administrator to enable it to take water from the North Esk Regional Water Supply at such points and at such times as the Administrator specifies by notice, in writing, to the council and to provide an adequate supply of water to lands within its water district, or to a consumer in accordance with Part VIII.

Reticulation.
Cf. ibid., s. 12.

(2) If a council is required by the Administrator, to construct, provide, or acquire water reticulation works of a different character or to alter existing or acquired water reticulation works in a different manner from what would otherwise be required solely for its own purposes in order to enable the Administrator to supply water to a consumer in accordance with Part VIII. of this Act, the Administrator shall pay to the council concerned such amount by way of compensation as shall be agreed upon between the Administrator and the council, or failing agreement, such amount as may be determined by the Water, Sewerage, and Drainage Board (and an appropriate adjustment shall be made, if necessary, in the determination of the amount of the capital cost of the water reticulation works of the council concerned for the purposes of paragraph (a) of subsection (1) of section twenty-three).

12—(1) Within three months of the appointed day for the purpose of section fifteen the council of the City of Launceston shall make a list of all works, pipes, fittings, and other things or parts thereof anywhere constructed or installed by the Corporation of the City for the purpose of supplying water to the Municipalities of Lilydale, Saint Leonards, Evandale, and Westbury, and no longer required by reason of section fifteen.

Disposal of
 works of the
 City of
 Launceston
 no longer
 required by it.

(2) The Council of the City of Launceston shall sell and the Council of the Municipalities of Lilydale and Saint Leonards severally shall buy the things and parts so listed at a price to be mutually determined.

In the event of any dispute, the Water, Sewerage, and Drainage Board shall decide which works, pipes, fittings, and other things or parts thereof are no longer required and what price shall be paid.

(3) So far as any amount is paid in accordance with this section as the price of lands or goods bought, then appropriate adjustments shall be made in the determination of the amount

* 6 Edw. VII. No. 31. For this Act, as amended to 1936, see Reprint of Statutes, Vol. V., p. 15. Subsequently amended by 2 Geo. VI. Nos. 8 and 33, 4 Geo. VI. No. 46, 5 Geo. VI. Nos. 20 and 42, 6 Geo. VI. Nos. 26 and 62, 7 & 8 Geo. VI. No. 88, 8 Geo. VI. No. 17, 9 Geo. VI. No. 12, and 11 Geo. VI. Nos. 5 and 61.
 † 25 Geo. V. No. 47. For this Act, as amended to 1936, see Reprint of Statutes, Vol. V., p. 170. Subsequently amended by 5 Geo. VI. No. 41, 8 Geo. VI. No. 15, 8 & 9 Geo. VI. No. 46, 9 Geo. VI. No. 9, 10 Geo. VI. No. 53, and 11 Geo. VI. No. 56.

of the capital cost of the water reticulation works of the councils concerned for the purpose of paragraph (a) of subsection (1) of section twenty-three.

Councils to cause installation of meters.
Ibid., s. 13.

13 Each council shall attach meters to the pipes by which water is supplied by the council to land in its water district, and all water supplied to those lands shall be drawn only through those meters.

Municipal supply to large consumers only with Administrator's approval.

14 Notwithstanding anything contained in any Act, after the commencement of this Act, no council shall supply from the North Esk Regional Water Supply more than one million gallons of water to any one person in any one year, except with the approval, in writing, of the Administrator.

Avoidance of existing contracts and cessation of present inter-municipal supply.

15—(1) Any agreement or agreements between—

- (a) the Council of the City of Launceston and the Councils of the Municipalities of Lilydale, Saint Leonards, and Westbury; and
- (b) the Council of the Municipality of Saint Leonards and the Council of the Municipality of Evandale,

with respect to a supply of water by the one council to the other, and any alteration or modification thereof, shall not, on and after the appointed day, be of any force or effect.

(2) On and after the appointed day, the Council of the City of Launceston shall not supply water to the Councils of the Municipalities of Evandale, Lilydale, Saint Leonards, and Westbury respectively or to any land therein, and the Council of the Municipality of Saint Leonards shall not supply water to the Council of the Municipality of Evandale or to any land therein, except in either case with the approval, in writing, of the Administrator.

(3) In this section the appointed day means a day or days to be appointed by the Administrator by notice in the *Gazette*, not being earlier than the day or days on which the Administrator is able to commence the supply of water to the council concerned in pursuance of this Act.

Councils to conserve water.
Ibid., s. 13.

16—(1) A council shall, whenever directed by the Administrator, by notice in writing so to do, take such lawful action as may be necessary or as may be specified by the Administrator, for the prevention of excessive or unnecessary consumption of water, and of wastage or leakage from any part of the water reticulation works within its water district.

(2) If a council neglects or refuses to comply with any direction given by the Administrator under this section, the Administrator may do or cause to be done all such acts and things as may be necessary, or as may be specified in a notice under this section, for the purposes set out in subsection (1), and may recover the cost thereof from the council.

PART V.

SUPPLY OF WATER TO COUNCILS.

17 The Administrator shall, as soon as practicable, supply water to the councils as provided by this Act. Administrator to supply water to council.

Ibid., s. 19.

18—(1) Water shall be supplied to the councils from trunk mains within their respective municipal boundaries at such point or points as may be fixed by the Administrator. Supply points.

Ibid., s. 20.

(2) The Administrator shall install master meters at such points as he thinks convenient and necessary.

19 A council to which water is supplied in pursuance of section seventeen, shall not, after the commencement of this Act, supply water to any person at any place outside its water district except with the approval, in writing, of the Administrator, and if the place is outside its municipality with the approval of the council of the city or municipality containing that place. Councils not to supply outside water districts.

Ibid., s. 22.

20—(1) Subject to this Act, the Administrator shall, so far as practicable, supply water to the councils and to other consumers as provided by Part VIII. in such quantities and at such times, as they may respectively require. Limitation of Administrator's obligation to supply water.

Ibid., s. 23.

(2) The Administrator shall not, under any circumstances, be liable to pay compensation or damages to any council or person supplied with water by a council by reason of the failure or partial failure to supply water as provided by this Act, arising from any cause whatsoever.

21—(1) Subject to this Act, the Administrator shall, in respect of every complete financial year, and proportionately for any part of a financial year, provide, if required, at points of supply fixed by him under this Act, to each council, a quantity of water not less than the basic allowance. Basic allowance of water to councils.

Ibid., s. 24.

(2) The basic allowance to a council shall be twenty-five thousand gallons of water per head of the determined population of its water district.

22—(1) The quantity of water supplied to a council under this Act shall be measured on the master meters installed in pursuance of section eighteen, but any quantity of water supplied to any other council or consumer which is measured by that meter shall be deducted. Measurement of water supplied to councils.

Ibid., s. 25.

(2) The Administrator shall in each accounting period advise each council of the quantity of water supplied to the council in the preceding accounting period.

(3) The reading of the master meters shall be conclusive evidence of the quantity of water supplied to a council, unless varied in accordance with this section.

(4) If a master meter fails, the reading of the same master meter for the corresponding accounting period of the previous year shall be taken as the measurement of the quantity of water that has passed through the same meter during the accounting period in which that meter is out of action.

(5) If a council is at any time dissatisfied with the accuracy of the reading of any master meter, it may apply, in writing, to the Administrator to have the master meter tested as provided by this section.

(6) When an application is made by a council under subsection (5), the Administrator shall cause the master meter to be tested by an officer appointed by him for that purpose, in the presence of a person nominated by the council.

(7) The reading of the master meter shall be deemed to be accurate, if, upon being tested, it is found to register the quantity of water measured at the test with an error of not more than four per cent.

(8) If a master meter is found, upon being tested, not to register the quantity of water accurately, within the meaning of subsection (7), the quantity of water supplied to the council, as measured by that meter, shall be adjusted for the percentage of error disclosed by the test, but such adjustment shall not be made in respect of any period earlier than the commencement of the accounting period in which the council applied for the master meter to be tested as provided by subsection (5) of this section.

(9) If upon being tested as provided by this section the reading of a master meter is found to be accurate, within the meaning of subsection (7) of this section, the council shall pay the cost, as determined by the Administrator, of making the test.

(10) All master meters shall be under the sole control of the Administrator and shall not be interfered with by any person.

PART VI.

FINANCIAL OBLIGATIONS OF COUNCILS.

23—(1) Each council shall pay to the Administrator with respect to each financial year:—

- (a) the amount by which a sum equal to one pound five shillings per head of the determined population of its water district exceeds a sum equal to seven per cent of the capital cost of the water reticulation works of the council;
- (b) one shilling for every thousand gallons of water by which the quantity of water supplied to the council as measured in accordance with section

- twenty-two exceeds the basic allowance (but with no rebate where the quantity of water supplied is less than the basic allowance); and
- (c) any amount which is payable under section thirty-eight.

(2) The amount to be paid by any council under paragraph (a) of subsection (1) in respect of part of a financial year shall be in the same proportion as the part bears to a complete financial year.

(3) The capital cost of the water reticulation works of a council for the purposes of this section shall be the amount determined from time to time by the Water, Sewerage, and Drainage Board to be the amount of loan money necessarily expended by the council in accordance with sections eleven and twelve.

(4) The regulations may provide for the manner in which and the times at which payment shall be made by councils for the supply of water under this Act.

24—(1) Where in accordance with section ten the council of the Municipality of Saint Leonards is required by the Administrator to supply water to lands within another municipality it shall do so on such terms and conditions of each separate supply as shall be approved by the Administrator.

Conditions of compulsory supply by St. Leonards to other municipalities.

(2) The Council of the Municipality of Saint Leonards shall keep such accounts relating to the portions of its water district within the Municipalities of Evandale and Westbury as the Water, Sewerage, and Drainage Board shall require.

(3) Upon such accounts and such other matters as it thinks fit the Water, Sewerage, and Drainage Board shall determine in respect of each financial year the profit or loss made by that council in respect of those extensions of its water district.

(4) The amount certified by the Water, Sewerage, and Drainage Board to be that profit or loss in respect of any financial year shall be a debt due—

- (a) in the case of a profit, by the council to the Administrator; and
- (b) in the case of a loss, by the Administrator to the council.

25 If a council makes default for a period exceeding three months in payment of any sum required to be paid under this Act to the Administrator, the Administrator may cut off and discontinue the supply of water to that council, and may recover the amount due in any court of competent jurisdiction.

Council's default in payment. *Ibid.*, s. 30.

PART VII.

CALCULATION OF DETERMINED POPULATION.

Definition.

Ibid., 3rd sch.

26 The determined population shall be the number of natural persons resident in the water district as shown by the last census count made under this Act, or in a case where section thirty is applicable as calculated in accordance with that section.

First census count.

Ibid.

27 Within two months after a day specified by the Administrator as the day on which he is able to supply water in bulk to a municipality a census count shall be taken of the number of persons resident within the water district thereof.

Triennial census counts.

Ibid.

28 Every three years after the completion of the census count taken under section twenty-seven, or as often as the Administrator deems necessary, a further census shall be taken of the number of persons resident within the water district.

Method of taking.

Ibid.

29—(1) For the purposes of taking a census count under this Act, an officer appointed by the Administrator accompanied by a person appointed by the council for that purpose, shall visit each dwelling within the water district.

(2) The council shall, whenever requested by the Administrator, in writing, so to do, employ a person for the purposes of this section, and shall give the Administrator such assistance and information as he may require for the purposes of taking the census count.

(3) Every householder in the water district (or, in his absence, any husband, wife, brother, sister, son or daughter of the householder then present) shall answer truthfully all questions asked by the officer appointed by the Administrator in relation to the number of persons who reside in the dwelling occupied by him, or who have slept therein on the night immediately preceding the taking of the census count, and whether any of them are to his knowledge members of a telegraph, road, railway, or waterworks construction party or gang.

Penalty: Five pounds.

Estimate on failure to take census count.

Ibid.

30 In the event of a council failing to comply with the provisions of subsection (2) of section twenty-nine the population of the water district shall be deemed to be the population as last determined by a census count, plus twenty per cent of that number for every period of three years which has elapsed since the last census count.

Meaning of "resident".

31 A person shall be deemed to be a resident within a water district—

- (a) if he is resident within the district at the time when the census count is taken; or
- (b) if he has slept under a roof within the district on the night immediately preceding the taking of the census count, but not as a member of a telegraph, road, railway, or waterworks construction party or gang.

PART VIII.

SUPPLY OF WATER TO OTHER CONSUMERS.

32 The Administrator may enter into a contract with the Council of the City of Launceston for the supply to it of water from the North Esk Regional Water Scheme subject to such terms and conditions as may be approved by the Minister and provided that there is a surplus of water above all other requirements as provided in this Act.

Supply to
City of
Launceston.

33—(1) Except as provided in section thirty-two the Administrator may enter into a contract with any person for the supply of water from the North Esk Regional Water Supply subject to the terms and conditions specified below:

Supply to
other persons.

- (a) to any land outside a water district, but not to any land in the City of Launceston without the consent of the council of that City; and
- (b) with the consent of the Minister to any land within a water district.

(2) Any person who has entered into a contract with the Administrator for a supply of water in accordance with this section (in this Part referred to as the "consumer") shall not supply or sell to another person water so supplied except on terms approved by the Administrator.

34—(1) The Administrator shall take the water supply to a consumer at such point of supply on or within the boundary of the property of the consumer as may be fixed by the Administrator.

Water
supplied
by Adminis-
trator.

(2) The Administrator shall install a pipe between the point from which the supply of water is drawn and the point of supply to the consumer and the cost of the pipe and of laying it, together with the cost of any pressure reducing valve (but not of any meter) and all maintenance costs shall be paid by the consumer to the Administrator: Provided that the Administrator may permit the consumer to install and maintain the pipe at his own cost.

(3) Any payment received by the Administrator under subsection (2) shall be paid to the Treasurer in reduction of the cost of the water supply works.

(4) The Administrator shall install and maintain a meter for the purpose of recording the amount of water taken by the consumer.

(5) If a consumer is at any time dissatisfied with the accuracy of the reading of his meter he may have it tested in the same manner and subject to the same conditions as if he were a council acting in respect of a master meter under subsections (5) to (9) of section twenty-two.

35 A consumer taking not more than one million gallons of water annually shall pay to the Administrator during any financial year and proportionately for any part of a financial year, the sum of five pounds for a supply of

Payment for
supply by
Adminis-
trator.

eighty thousand gallons or any less quantity of water taken, plus one shilling and threepence for each thousand gallons excess by which the amount taken by the consumer as recorded on the meter exceeds eighty thousand gallons up to four hundred thousand gallons, plus one shilling and a penny half-penny for each thousand gallons excess by which the amount taken by the consumer as recorded on the meter exceeds four hundred thousand gallons up to one million gallons.

Large consumers.

36 A consumer taking water in excess of one million gallons annually, shall pay to the Administrator for his supply, such amount as may be determined by the Administrator and approved by the Minister.

Minimum charge.

37 The Administrator may determine a minimum annual charge in respect of any individual consumer.

Supply to councils for re-sale to large consumers.

38—(1) The Administrator may, with the approval of the Minister, sell water to a council for the purpose of a supply by the council to a person requiring more than one million gallons annually for such amount as may be determined by the Administrator and approved by the Minister.

(2) The council shall not charge that person any amount in excess of such amount without the approval of the Administrator.

Administrator may discontinue supply without liability.

39—(1) The Administrator shall not under any circumstance be liable to pay compensation for the failure or partial failure of a supply to any consumer.

(2) The Administrator shall be entitled at all times to discontinue or reduce the supply to any consumer if he deems it necessary so to do because of any insufficiency of supplyable water or of any accident in any part of the scheme provided under this Act.

Administrator may enter and inspect or do work.

40 The Administrator may, without notice to the consumer, enter upon the consumer's property for the purpose of making any inspection, disconnection, alteration or renewal of the service.

PART IX.

FINANCIAL PROVISIONS.

An account of the scheme to be kept. *Ibid.*, s. 31.

41—(1) The Administrator shall keep an account to be called the North Esk Regional Water Supply Account (in this section called "the account").

(2) There shall be credited to the account all revenue received by the Administrator under this Act, and such amounts as may be provided by Parliament for the purposes of this Act.

- (3) There shall be debited to the account—
- (a) interest;
 - (b) sinking fund contributions;
 - (c) administration charges;
 - (d) cost of operation and expenditure on repairs, maintenance, and renewals;
 - (e) any other costs or expenses incurred in the administration of this Act.
- (4) Whenever the account for any financial year—
- (a) shows a credit balance, the amount thereof shall be paid to the Treasurer on account of the Consolidated Revenue; or
 - (b) shows a debit balance, the Treasurer shall pay to the Administrator out of the Consolidated Revenue (which to the necessary extent is hereby appropriated accordingly) the amount of the debit balance. Appropriation of Revenue.

42 The Administrator 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 within the meaning of section twenty-four of the *Hydro-Electric Commission Act 1944** on the daily balance standing to the debit of the loan account in the Treasury kept for the purposes of this Act. Interest. Ibid., s. 32.

43—(1) The Administrator shall pay annually to the State Sinking Fund Commissioners, by way of sinking fund, an amount equal to one per cent of the cost of the construction of the water supply works: Sinking fund. Ibid., s. 33.

Provided that, if the Administrator is of opinion that the sinking fund payment required to be made by this section is for any reason insufficient to provide for the repayment of the cost of all or any of the water supply works within such period as he determines, having regard to the nature of the works, he may make such additional payments to the Sinking Fund Commissioners by way of sinking fund as he considers necessary for that purpose.

(2) The sinking fund constituted under this section shall be applied for the purpose of renewing or replacing all or any of the water supply works, as may be determined by the Administrator.

44—(1) The Treasurer may advance to the Administrator by way of working capital for the purposes of this Act, out of moneys available for that purpose, any sums not exceeding in the aggregate the sum of forty thousand pounds, and may borrow moneys for this purpose. Treasurer may make advances. Ibid., s. 34.

* 8 & 9 Geo. VI, No. 22, as amended by 8 & 9 Geo. VI, No. 61, 10 Geo. VI, Nos. 2 and 33, 11 & 12 Geo. VI, No. 82, and No. 9 of 1948.

(2) The Administrator may repay to the Treasurer any amount not at the time so required by him.

(3) The Administrator shall pay interest on the amount of working capital for the time being held by him at the times and at the rate provided in section forty-two.

PART X.

MISCELLANEOUS.

Report by
Adminis-
trator.
Ibid., s. 35.

45—(1) The Administrator, shall, not later than the month of October in every financial year, make a report to the Minister upon his operations and activities under this Act during the preceding financial year.

(2) The Minister shall cause a copy of the report of the Administrator to be laid before each House of Parliament within the first seven sitting days of that House after he receives the report, and shall cause a copy of the report to be furnished forthwith to each council.

Off nces.
Ibid., s. 36.

46—(1) No person shall—

- (a) destroy or injure the water supply works;
- (b) remove, or injure, or destroy any survey peg or land-mark inserted or made in connection with any work constructed under the authority of this Act; or
- (c) in any manner prevent or obstruct the flow of water in or through the water supply works in a pure and wholesome state:

Penalty: Twenty pounds.

(2) No person shall—

- (a) bathe in the water supply works, or wash, throw, or cause to enter therein any dog or other animal alive or dead;
- (b) throw or deposit, or cause or permit to be thrown or deposited any rubbish, filth, dirt, or other noisome thing into the water supply works, or wash or cleanse therein any cloth, wool, leather, or skin of any animal, or any clothes or other thing; or
- (c) cause or permit the water from any sink, sewer, drain, steam-engine, or boiler or other filthy water under his control, or any trade or industrial waste or effluent, to run or to be brought, conveyed, or discharged into the water supply works, or do or permit to be done any other act whereby the water or the water works supplying the same is fouled, discoloured or rendered turbid; or

- (d) conduct sawmilling operations in such a manner as to cause or permit any sawdust or drainage from sawdust to enter the North Esk River or any of its tributaries above the homestead called "Watery Plains":

Penalty: Fifty pounds, together with a daily penalty of one pound.

(3) No person shall—

- (a) without the authority of the Administrator, take any water from the water supply works;
- (b) attach any pipe or other communication to the water supply works without the authority of the Administrator; or
- (c) interfere with any master meter or other property of the Administrator:

Penalty: One hundred pounds.

(4) In this section the expression "water supply works" includes any works constructed under Part VIII and also includes (except for the purposes of paragraph (a) of subsection (3)) the North Esk River for a distance of two miles above the homestead called "Watery Plains".

47 The Governor may, on the recommendation of the Administrator, make regulations for the purposes of this Act. Regulations *ibid.*, s. 38.

THE SCHEDULE.

NORTH ESX REGIONAL WATER SUPPLY.—WORKS AUTHORISED TO BE EXECUTED.

All works required, in the opinion of the Minister, for the bulk supply of water from the North Esk River near the homestead called "Watery Plains" for the Town of Saint Leonards and for certain other areas of the Municipality of Saint Leonards which can be conveniently supplied either directly or by pumping where necessary, together with supplies for those areas within the Municipalities of Evandale, George Town, Lilydale, and Westbury which can be supplied conveniently or economically with or without pumping; and for any person with whom the Administrator may see fit to enter into a contract for the supply of water.

The works shall comprise an intake on the North Esk River either with or without a storage reservoir there or elsewhere, a trunk main laid thence *via* public or private lands, roads, and streets, to a service reservoir near the Town of Saint Leonards thence generally in a northerly direction to a service reservoir approximately half a mile south of Rocherlea Railway station, thence generally northerly or north-westerly along or near the East Tamar Highway to a pumping station in the general vicinity of that part of the highway known as Doctor's

Hill, thence again generally northerly along or near the highway to a balancing reservoir in the vicinity of Mount Direction, thence again along or near the highway to a further balancing and reserve storage reservoir at a site to be fixed as near as practicable to Bell Bay, thence generally westerly to a point on the boundary of or within the Australian Aluminium Production Commission's proposed works at Bell Bay.

The works shall further include such branch pipes and mains with their attendant fittings, and other appliances, as may be required to carry out any of the objects of this Act.

MENTAL INSTITUTION BENEFITS (AGREEMENT).

No. 10 of 1949.

AN ACT to authorise the execution of an agreement between the Commonwealth and the State in relation to mental institution benefits. [12 April, 1949.]

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:—

Short title
and com-
mencement.

1—(1) This Act may be cited as the *Mental Institution Benefits (Agreement) Act 1949*.

(2) This Act shall commence on a day to be fixed by proclamation, and the day so fixed may be either before or after the date of the proclamation.

Power to
enter into
agreement.

2 The execution by the Premier, on behalf of the State, of an agreement with the Commonwealth in relation to mental institution benefits, substantially in accordance with the heads of agreement set forth in the schedule is hereby authorised.

THE SCHEDULE.

(Section 2.)

MENTAL INSTITUTION BENEFITS: HEADS OF AGREEMENT.

1. The agreement shall not have any force or effect unless and until authorised or approved by the Parliament of the State concerned.

2. The agreement shall be in force for a minimum period of five years and thereafter shall be subject to termination after such period of notice by either party (being not less than one year) as may be specified in the agreement.