WATER AMENDMENT ACT 1984

No. 4 of 1984

TABLE OF PROVISIONS

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AN ACT to amend the Water Act 1957 for the purpose of making further provision with respect to the payment of subsidies to municipalities.

[Royal Assent 18 April 1984]

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:—

1—This Act may be cited as the *Water Amendment Act* 1984. Short title.

Commence-
ment.

2—This Act shall commence on the day on which it receives the royal assent.

Substitution of
section 40 of
Water Act
1957.

3—Section 40 of the *Water Act* 1957* is repealed and the following section is substituted:—

Subsidies to
municipalities.

40—(1) The Minister may, if so requested by a municipality, pay to that municipality a subsidy of such amount as he may determine in accordance with this section.

(2) Where, in pursuance of a scheme for the supply of water or the provision of sewerage or drainage facilities that is approved for a municipality under this Act or any other Act, the municipality proposes to construct any local works, a subsidy may be paid under this section for the purpose of assisting it—

(*a*) in the construction of those works;

(*b*) in the operation of those works; or

(*c*) for both those purposes.

(3) A subsidy may be paid under this section for the purpose of assisting a municipality to pay for—

(*a*) water supplied to it pursuant to any law of the State;

(*b*) the operating cost of its water reticulation system in its water district or water districts;

(*c*) the operating cost of any local works;

(*d*) municipal revenue payable to the Commission, the Metropolitan Water Board, or the North West Regional Water Authority with respect to the supply of water; or

(*e*) administration charges incurred by the municipality that are attributable to any of its functions referred to in paragraph (*a*), (*b*), (*c*), or (*d*),

or for some or all of those purposes.

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* No. 39 of 1957.   For this Act, as amended up to and including 1st March 1983, see the continuing Reprint of Statutes.

(4) If a municipality has carried out investigations or surveys for the purpose of enabling it to proceed with the preparation of a scheme for the construction of any local works, or has prepared any such scheme, and for any reason has not proceeded with the preparation of that scheme, a subsidy may be paid under this section for the purpose of paying the whole or any part of the expenses incurred by the municipality in, or in connection with, the carrying out of those investigations or surveys or that preparation.

(5) The payment of a subsidy under this section may be subject to the observance by the municipality of such terms and conditions as the Minister thinks necessary or desirable.

(6) For the purposes of this section—
    (a) the Commission shall provide the Minister with such information and recommendations as he may request; and
    (b) the Minister may direct the Commission to carry out such investigations, and to make recommendations to him on such questions, as he may determine,
and any such request or direction may be in respect of municipalities generally or a particular municipality.

(7) The Commission shall comply with a direction given to it by the Minister under subsection (6).

(8) In the performance of its duties under this section, the Commission may have regard to the financial position and circumstances generally of the municipality seeking a subsidy under this section and in particular may have regard to—
    (a) the cost of the supply of water in, or to, its water district or water districts;
    (b) its rates and charges relating to the local works for which the subsidy is sought; and
    (c) the cost or proposed cost arising from the construction or operation by the municipality of that local works.

(9) A subsidy under this section shall be paid out of money to be provided by Parliament for that purpose.