

1995—No. 531

WATER ACT 1912—REGULATION

(Water (Part 3—General) Regulation 1995)

NEW SOUTH WALES



[Published in Gazette No. 105 of 1 September 1995]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Water Act 1912, has been pleased to make the Regulation set forth hereunder.

KIM YEADON, M.P.,
Minister for Land and Water Conservation.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Water (Part 3—General) Regulation 1995.

Commencement

2. This Regulation commences on 1 September 1995.

Definitions

3. (1) In this Regulation:

“the Act” means the Water Act 1912.

(2) In this Regulation, a reference to a form is a reference to a Form set out in Schedule 1.

Application of Regulation

4. This Regulation applies to trusts constituted under Part 3 of the Act in respect of:

- (a) works for the prevention of floods or the control of flood waters within the Murray Basin; and
- (b) works for water conservation, water supply or irrigation.

PART 2—MEETINGS OF TRUSTEES

Meetings of trustees

5. (1) Ordinary meetings of trustees are to be held at such times as the trustees from time to time determine.

(2) The Chairperson, or a majority of the trustees, may at any time call a special meeting of trustees.

(3) Seven days' notice of an ordinary meeting, and reasonable notice of a special meeting, must be given to each trustee in writing.

(4) No business, other than the business stated in the notice of the meeting, is to be transacted at a special meeting.

Quorum

6. The quorum for a meeting of a trust which comprises 3 trustees is 2 trustees. The quorum for a meeting of a trust which comprises 5 trustees is 3 trustees.

Chairperson

7. (1) The Chairperson is to preside at a meeting of trustees.

(2) If the Chairperson is not present, the trustees then present are to appoint one of their number to act as Chairperson.

Voting

8. (1) Any question arising at a meeting of trustees is to be decided by a majority of votes of the trustees present.

(2) In the case of an equality of votes the Chairperson has a casting vote.

Minutes

9. (1) The trustees must cause minutes of the proceedings of each meeting to be kept.

(2) The minute books are to be open for inspection by the trustees and any ratepayer within the trust district at any reasonable time.

PART 3—RATES**Rate book**

10. (1) On fixing rates under section 55 of the Act on land in a trust district the trustees must enter the rates in a rate book.

(2) The rate book is to be kept in a form approved by the Ministerial Corporation.

Correction of rate book

11. (1) Any necessary corrections of the rate book must be made at a meeting of the trustees and be signed and dated by the Chairperson.

(2) A correction affecting the amount of a rate must not be made after notice of the amount has been given to the person liable (except in the case of a correction arising from an appeal).

Payment of rates

12. (1) Rates are payable by instalments if the trustees so decide.

(2) A rate or an instalment of a rate is not recoverable until 30 days after notice of the amount due has been posted or delivered to the person liable at the person's last known or usual address.

Appeals

13. (1) An appeal by a person under section 55 (3) of the Act against the amount at which the person is rated must be commenced within 21 days after notice of the amount has been given to the person.

(2) Notice of the appeal, in a form approved by the Ministerial Corporation, must be given to a Magistrate having jurisdiction in any part of the trust district and to the secretary of the trust.

(3) On the hearing of an appeal, the secretary of the trust must appear and produce the rate book containing the amount appealed against.

(4) An appeal does not suspend the liability to pay the amount. Any necessary adjustments are to be made following the hearing of the appeal.

PART 4—MISCELLANEOUS**Special general meetings of voters**

14. (1) Trustees may call a special general meeting of voters by sending by post or otherwise a written notice stating the object of the meeting to each voter in the trust district at least 7 days before the date of the meeting.

(2) The Chairperson of trustees is to preside at a special general meeting of voters.

(3) In the absence of the Chairperson an appointed trustee may preside at the meeting or, if there is no appointed trustee present, an elected trustee selected by the trustees present may preside.

Trustees' accounts

15. (1) Money received by trustees in the operation of a trust must be paid into a bank, building society or credit union account in the name of the trustees.

(2) All expenses incurred by trustees in the discharge of duties imposed on them by the Act are payable out of the funds at the disposal of the trustees under the Act.

Repayment of cost of repairs or renewals

16. The cost to the Ministerial Corporation of carrying out repairs to or renewals of the works of a trust under section 60 of the Act must be repaid by the trust at the time and in the manner determined by the Ministerial Corporation and notified to the trust.

Notice of proposal to construct a channel or embankment through land

17. For the purposes of section 62 of the Act, a notice of a proposal to construct a channel or embankment through land is to be in Form 1.

Repeal

18. (1) The Water (Part 3) Regulations are repealed.

(2) Any act, matter or thing that, immediately before that repeal, had effect under a provision of the repealed Regulations is taken to have effect under the corresponding provision of this Regulation or the Water (Part 3—Elections) Regulation 1995.

SCHEDULE 1—FORMS

Form 1

(Cl. 17)

NOTICE OF PROPOSAL TO CONSTRUCT A CHANNEL OR EMBANKMENT
THROUGH LAND

(Section 62, Water Act 1912)

Notice is given that it is proposed to construct a channel or embankment through portion
, parish , county , so as to
approximately follow the direction set out in the copy of the Trust's proposal and
proclamation annexed to this notice with such variations as may be authorised under the
Act.

Water Administration Ministerial Corporation.

Date

NOTES

TABLE OF PROVISIONS

PART 1—PRELIMINARY

1. Citation
2. Commencement
3. Definitions
4. Application of Regulation

PART 2—MEETINGS OF TRUSTEES

5. Meetings of trustees
6. Quorum
7. Chairperson
8. Voting
9. Minutes

PART 3—RATES

10. Rate book
11. Correction of rate book
12. Payment of rates
13. Appeals

1995—No. 531

PART 4—MISCELLANEOUS

14. Special general meetings of voters
15. Trustees' accounts
16. Repayment of cost of repairs or renewals
17. Notice of proposal to construct a channel or embankment through land
18. Repeal

SCHEDULE 1—FORMS

EXPLANATORY NOTE

The object of this Regulation is to repeal the Water (Part 3) Regulations and to remake, without any major changes in substance, the provisions of those Regulations (other than the provisions dealing with elections of trustees for the purposes of Part 3 of the Water Act 1912). The provisions dealing with elections of trustees are being remade as the Water (Part 3—Elections) Regulation 1995. The new Regulation deals with the following matters:

- (a) the holding of meetings of trustees of trusts formed (under Part 3 of the Water Act 1912) for flood prevention or control works in the Murray Basin or for water conservation, water supply or irrigation works (Part 2);
- (b) the fixing and levying of rates payable to trustees (Part 3);
- (c) the procedure for holding special general meetings of voters (clause 14);
- (d) trustees' accounts (clause 15);
- (e) other minor, consequential or ancillary matters (Part 1 and clauses 16–18).

This Regulation is made under Part 3 of the Water Act 1912, including section 74 (the general regulation making power).

This Regulation comprises or relates to matters of a machinery nature.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
