

Water Management (Private Water Trusts—General) Regulation 1995

[1995-531]



New South Wales

Status Information

Currency of version

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Previously named**
Water (Part 3—General) Regulation 1995
- **Note**
The *Water Management (Private Water Trusts—General) Regulation 1995* (formerly *Water (Part 3—General) Regulation 1995*) made under the *Water Act 1912* is on and from 1.1.2001 taken to be a regulation under the *Water Management Act 2000 No 92*. See clause 1 (1) of Schedule 9 to the *Water Management Act 2000* and Gazette No 168 of 22.12.2000, p 13575.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Water Management (Private Water Trusts—General) Regulation 1995



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation may be cited as the *Water Management (Private Water Trusts—General) Regulation 1995*.

2 Commencement

This Regulation commences on 1 September 1995.

3 Definitions

(1) In this Regulation:

the Act means the *Water Management Act 2000*.

trustee means a member of a private water trust.

(2) (Repealed)

3A Continuity of existing bodies

Each private water trust is a continuation of, and the same legal entity as, the trust from which it has arisen.

4 (Repealed)

Part 2 Meetings of trustees

5 Meetings of trustees

- (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.

6 Quorum

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.

7 Chairperson

- (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.

8 Voting

- (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.

9 Minutes

- (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

10 Rate book

- (1) On fixing rates under section 232 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.

11 Correction of rate book

- (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).

12 Payment of rates

- (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.

13 Appeals

- (1) An appeal by a person under section 232 (6) 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

14 Special general meetings of voters

- (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.

15 Trustees' accounts

- (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.

16 Right of private water trust to take and use water (cf section 38B of [Water Act 1912](#))

- (1) Subject to Division 4B of Part 2 of the [Water Act 1912](#), and to section 22C of that Act,

a private water trust may:

- (a) for the purposes for which it is constituted, and
- (b) for any other purpose authorised by the *Water Management Act 2000*,

take and use water conserved or obtained by work administered and management by the trust under Part 4 of Chapter 4 of the *Water Management Act 2000*.

(2) This section ceases to have effect on 1 September 2002.

17 (Repealed)

18 Repeal

- (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 (Repealed)