

Lakes Sorell and Crescent Conservation Act 1901

An Act to provide for the conservation of the waters of Lakes Sorell and Crescent, and for the distribution of such water

[Royal Assent 8 January 1902]

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. Short title

This Act may be cited as the *Lakes Sorell and Crescent Conservation Act 1901*.

2. Repeal

The Acts set forth in Schedule 1, to the extent therein mentioned, are hereby repealed.

3. Interpretation

In this Act, unless the contrary intention appears –

Trustees of the River Clyde means the trustees for the time being appointed or elected under the *Clyde Water Act 1898*;

Trustees of the Midland Water District means the trustees for the time being appointed or elected under the *Midland Water Act 1898*.

4. Power to erect works and divert waters of Lake Sorell

(1) It shall be lawful for the Minister to enter upon Lake Sorell, Lake Crescent, and the Rivers Interlaken and Clyde, and the beds and shores thereof, and to cause such works to be erected or established in the beds of such lakes and rivers, and on the shores or banks thereof, as shall be necessary to conserve or divert the waters thereof, and to divert and appropriate such quantity of the water of the said lakes and rivers, not exceeding 90 000 cubic yards every 24 hours, as shall be required for the purposes of the *Midland Water Act 1898*, and to deliver such water to the Trustees of the Midland Water District at such point as the Minister may determine.

(2) It shall be lawful for the Minister to construct, repair, alter, and remove such channels, sluices, and other works as may be required to convey water directly from Lake Sorell or Lake Crescent to the River Clyde, as the Minister may deem necessary.

(3) The Minister shall not be entitled to divert and appropriate any water from Lake Sorell or Lake Crescent, except as hereinafter provided, before the Trustees of the River Clyde shall have taken or have available to them a daily supply of 100 000 cubic yards of water from the waters in Lake Sorell or Lake Crescent, for the purposes of the *Clyde Water Act 1898*, such supply to pass through a meter or other contrivance for the measurement of the flow of water fixed at the outlet from Lake Sorell.

(4) If the Minister at any time excavates or constructs any channel, sluice, or other works to convey water directly from Lake Sorell or Lake Crescent to the River Clyde, he shall erect another meter or other contrivance for the measurement of the flow of water at the intake of such channel, sluice, or other works from Lake Sorell or Lake Crescent; but the Minister shall not take from Lake Sorell or Lake Crescent, along such channel, sluice, or other work as aforesaid, a quantity exceeding 100 000 cubic yards every 24 hours, for the purposes of the *Clyde Water Act 1898*.

5. When Minister may conserve water at lakes

(1) The Minister shall construct a permanent gauge at a suitable place in the River Clyde at or near Bothwell.

(2) Whenever the flow of water passing through the gauge at or near Bothwell exceeds 100 000 cubic yards in 24 hours, it shall be lawful for the Minister to conserve the water of Lakes Sorell and Crescent, and to continue to so conserve such water so long as such flow of water passing through such gauge exceeds 100 000 cubic yards every 24 hours.

6. Owners of land to be paid compensation

The owner of any land shall be entitled to compensation for all loss or injury he may sustain by reason of the construction of any dam, channel, sluice, embankment, or work, and also for any other injury he may sustain by reason of the exercise by the Minister of any of the powers vested in him by virtue of this Act; and that compensation shall be determined as if there was a disputed claim for compensation under the *Land Acquisition Act 1993*.

7. Powers of Minister

For the purpose of executing any works under the provisions of this Act, the Minister may have and exercise all or any of the powers vested in and be subject to all the liabilities imposed upon the Trustees of the River Clyde by the *Clyde Water Act 1898*, or in and upon the Trustees of the Midland Water District by the *Midland Water Act 1898*.

8. Cost of works

The cost of any works to be constructed under the provisions of this Act shall be defrayed out of money to be provided by Parliament for that purpose.

9. Trustees to pay interest

(1) The Trustees of the River Clyde shall, out of the money at the disposal of such Trustees, pay annually to the Consolidated Revenue Fund a sum equal to 5 per cent on one-half of the cost of all works erected or established for conserving the water in Lake Sorell or Lake Crescent under the provisions of this Act, and a sum equal to 5 per cent on the cost of any works constructed for the purpose of conveying water directly from Lake Sorell to the River Clyde.

(2) The Trustees of the Midland Water District shall, out of the money at the disposal of such Trustees, pay annually to the Consolidated Revenue Fund a sum equal to 5 per cent on one-half of the cost of all works erected or established for conserving the water in Lake Sorell and Lake Crescent, under the provisions of this Act, and on the whole cost of all works erected or established for the purpose of diverting water from Lake Sorell or Lake Crescent to the point at which it shall be delivered by the Minister to the said Trustees, for the purposes of the *Midland Water Act 1898*.

(3) For the purposes of this section the Auditor-General shall certify under his hand the capital cost of the several works herein mentioned, and the proportionate amount of such cost in respect of which the Trustees of the River Clyde and of the Midland Water District respectively have to pay interest as hereinbefore provided, and such certificate shall be final and binding upon all parties.

10. Minister to keep works in repair

(1) The Minister shall maintain all works constructed by him under the provisions of this Act in a proper state of repair, and shall provide for the proper supervision and management of the same.

(2) The expenses incurred by the Minister under this section shall be borne by the Trustees of the River Clyde and of the Midland Water District respectively in the same proportion, and shall be recoverable in the same manner as the interest payable under section 9.

11. Remedy for non-payment of interest, &c.

(1) If default is made by the Trustees of the River Clyde or the Trustees of the Midland Water District in payment of any interest or other sum or sums of money payable under the provisions of this Act when the same shall become due, the Minister may, by writing under his hand, appoint, at such salary as he thinks fit, a receiver of the rates of such district so making default as aforesaid, and may remove such receiver.

(2) Any receiver appointed under this section shall be entitled to receive all rates payable to such Trustees, and to make and levy rates for the purpose of paying the amounts due together with all costs, and for the purposes aforesaid the receiver shall be deemed to be the Trustees, and may exercise all the powers thereof. And such receiver shall continue to act until payment has been made to the Minister of the amount in default, together with payment of costs and expenses of his salary.

SCHEDULE 1

Date and number of Act	Title of Act	Extent of repeal
62 Vict. No. 62	The <i>Clyde Water Act 1898</i>	Section 9 (II.) and so much of section 9 as empowers the Trustees of the River Clyde to construct, repair, alter, and remove any dams, sluices, or other works on the River Interlaken, or on the banks of Lake Sorell, or to enter or cause their servants to enter upon any land on either side of the said river or lake.
62 Vict. No. 63	The <i>Midland Water Act 1898</i>	Section 30 (1), section 31.
64 Vict. No. 46	The <i>Midland Water Act 1900</i>	The whole Act.

Table Of Amendments

Act	Number and year	Date of commencement
Lakes Sorell and Crescent Conservation Act 1901	No. 53 of 1901	8.1.1902
Statute Law Revision Act 1958	No. 36 of 1958	24.7.1958
Decimal Currency Act 1965	No. 55 of 1965	14.2.1966
Statute Law Revision Act 1985	No. 51 of 1985	23.5.1985
Administrative Arrangements (Miscellaneous Amendments) Act 1990	No. 5 of 1990	1.7.1990
Land Acquisition (Consequential Amendments) Act 1993	No. 24 of 1993	1.1.1994