

Version No. 014
Melbourne Water Corporation Act 1992
Act No. 54/1992
Version incorporating amendments as at 15 July 2001

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The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1. Purpose

The purpose of this Act is to establish the Melbourne Water Corporation and make amendments to the **Melbourne and Metropolitan Board of Works Act 1958** and the **Water Act 1989** consequential on the abolition of certain water authorities.

2. Commencement

- (1) This Act (except this section and section 56(4)) comes into operation on a day or days to be proclaimed.
- (2) This section comes into operation on the day on which this Act receives the Royal Assent.
- (3) Section 56(4) comes into operation on the day on which section 6 comes into operation.

3. Definitions

In this Act—

"Board" means the Board of Directors of the Melbourne Water Corporation;

"Chairperson" means Chairperson of the Board;

"Corporation" means the Melbourne Water Corporation;

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Part 1—Preliminary

s. 4

"Deputy Chairperson" means Deputy
Chairperson of the Board;

"director" means Chairperson, Deputy
Chairperson, Managing Director or other
director of the Corporation;

"Managing Director" means Managing Director
of the Board;

"MMBW" means the Melbourne and
Metropolitan Board of Works;

"MMBW Act" means the **Melbourne and
Metropolitan Board of Works Act 1958**.

S. 4
substituted by
No. 44/2001
s. 3(Sch.
item 80).

4. Subsidiary

For the purposes of this Act, the question whether
a body corporate is a subsidiary of another body
corporate shall be determined in accordance with
the Corporations Act.

5. Relationship with MMBW Act

Any provision of the MMBW Act that is
inconsistent with a provision of this Act is of no
effect to the extent that it is inconsistent.

PART 2—MELBOURNE WATER CORPORATION

6. MMBW continues in existence

The MMBW continues in existence under the name Melbourne Water Corporation.

7. Melbourne Water Corporation

Melbourne Water Corporation—

- (a) continues to be a body corporate;
- (b) has an official seal;
- (c) may acquire, hold and dispose of real and personal property;
- (d) may do and suffer all such acts and things as bodies corporate may by law do or suffer.

8. Official seal

- (1) The official seal of the Corporation must be kept in such custody as the Corporation directs and must not be used except as authorised by the Corporation.
- (2) All courts must take judicial notice of the seal of the Corporation fixed to a document and, until the contrary is proved, must presume it was duly affixed.

9. Corporation not agent of Crown

The Corporation is not, and does not represent, the Crown.

10. Functions

The functions of the Corporation are the functions conferred on the Corporation by this Act, the MMBW Act and any other Act and by the issue to the Corporation of a licence under Division 1 of Part 2 of the **Water Industry Act 1994**.

S. 10
amended by
No. 121/1994
s. 214(a).

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Part 2—Melbourne Water Corporation

s. 11

11. Functions—incidental businesses and activities

S. 11(1)
amended by
Nos 121/1994
s. 214(b),
65/1995 s. 28.

- (1) The functions of the Corporation include the carrying on within or, with the approval of the Minister, outside Victoria, of any business or activity incidental to its functions under section 10.

S. 11(2)
amended by
Nos 121/1994
s. 214(c),
65/1995 s. 28.

- (2) Without limiting sub-section (1), the functions of the Corporation include the carrying on within or, with the approval of the Minister, outside Victoria, of any business or activity that is capable of being conveniently carried on by the use of resources that are not immediately required in carrying out the Corporation's functions under section 10.

12. Commercial obligation

The Corporation must, as far as practicable, perform its functions in a manner consistent with sound commercial practice.

13. Powers

The Corporation has power to do all things necessary or convenient to be done for, or in connection with, the performance of its functions.

14. Other powers

- (1) Without limiting section 13, the Corporation has, in connection with the performance of its functions, all the powers of a natural person and may, for example—
- (a) enter into contracts;
 - (b) acquire, hold and dispose of real or personal property;
 - (c) appoint agents and attorneys, and act as agent for other persons;

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s. 15

- (d) form, and participate in the formation of, companies;
- (e) participate in partnerships, trusts, unincorporated joint ventures and other arrangements for the sharing of profits;
- (f) set tariffs and charges and fix terms and conditions for work done, or services, goods or information supplied, by it;
- (g) engage consultants;
- (h) accept gifts, grants, bequests and devises made to it and act as trustee of money or other property vested in it on trust;
- (i) offer and pay rewards;
- (j) provide consultancy and project management services;
- (k) do such other things as it is authorised to do by or under this Act, the MMBW Act or any other Act or law or by the issue to the Corporation of a licence under Division 1 of Part 2 of the **Water Industry Act 1994**.

S. 14(1)(f)
amended by
No. 110/1997
s. 45(1).

S. 14(1)(k)
amended by
No. 121/1994
s. 214(d).

15. Delegation

- (1) The Corporation may, by instrument under its official seal, delegate to—
 - (a) the Board or a Director; or
 - (b) an officer of the Corporation by name or the holder of an office within the Corporation; or
 - (c) subject to section 16, any committee established by the Corporation; or
 - (ca) a statutory corporation within the meaning of the **State Owned Enterprises Act 1992**; or

S. 15
amended by
No. 56/1994
s. 3(a).

S. 15(1)(ca)
inserted by
No. 56/1994
s. 3(b).

Melbourne Water Corporation Act 1992
Act No. 54/1992

Part 2—Melbourne Water Corporation

s. 16

(d) with the Minister's consent, any other person—

any power of the Corporation, other than—

(e) this power of delegation; and

(f) any power to make by-laws; and

(g) any power to set a tariff; and

S. 15(1)(g)
amended by
No. 110/1997
s. 45(2).

(h) any other power that is prescribed for the purposes of this section.

S. 15(2)
inserted by
No. 56/1994
s. 3(c).

(2) The Treasurer may, after consulting the Minister, give to the Board written directions in relation to the exercise of the Corporation's power of delegation.

S. 15(3)
inserted by
No. 56/1994
s. 3(c).

(3) The Board must comply with any direction given under sub-section (2).

S. 15(4)
inserted by
No. 56/1994
s. 3(c).

(4) The Treasurer must cause a copy of a direction given under sub-section (2) to be laid before each House of Parliament within 15 sitting days.

16. Committees

(1) The Corporation may establish—

(a) a committee to advise the Corporation on any matter referred to it by the Corporation including matters relevant to local government or the community generally;

(b) a committee to exercise any power delegated to it by the Corporation.

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(2) The following provisions apply to committees and their members—

- (a) any person may be appointed as a member;
- (b) a member is not subject to the **Public Sector Management and Employment Act 1998** only because he or she is a member;
- (c) the Corporation may at any time remove a member from office;
- (d) a committee may act despite any vacancy in its membership;
- (e) subject to this Act and any rules made under paragraph (f), a committee may regulate its own proceedings;
- (f) the Corporation may, by resolution, make rules, with which committees must comply, about—
 - (i) their quorums;
 - (ii) voting powers of their members;
 - (iii) their proceedings;
- (g) the Corporation must obtain the Minister's consent before it delegates any of its powers to a committee all the members of which are not directors or officers of the Corporation;
- (h) the Minister may specify rules of procedure for the exercise of a delegated power by a committee referred to in paragraph (g) and any purported exercise of that delegated power by such a committee otherwise than in accordance with those rules is void.

S. 16(2)(b)
amended by
No. 46/1998
s. 7(Sch. 1).

(3) A member of a committee is entitled to be paid any fees and allowances fixed by the Corporation.

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s. 16A

- (4) A committee is subject to the requirements of this Act about annual reports and audits as if it were a part of the Corporation.

S. 16A
inserted by
No. 59/2000
s. 7.

16A. Customer dispute resolution

- (1) The Corporation must on or before a date to be determined by the Treasurer enter into a customer dispute resolution scheme approved by the Office of the Regulator-General established under the **Office of the Regulator-General Act 1994**.
- (2) A dispute resolution scheme provided for in accordance with this section is in addition to and not in derogation of any right of review a person may have under the MMBW Act.
- (3) In approving a dispute resolution scheme the Office of the Regulator-General must have regard to—
- (a) the need to ensure that the scheme is accessible to and that there are no cost barriers to persons using the scheme; and
 - (b) the need to ensure that the scheme is independent of the members of the scheme; and
 - (c) the need for the scheme to be fair and be seen to be fair; and
 - (d) the need to ensure that the scheme will publish decisions and information about complaints received by the scheme so as to be accountable to the members of the scheme and the persons using the scheme; and
 - (e) the need for the scheme to undertake regular reviews of its performance to ensure that its operation is efficient and effective.

PART 3—THE BOARD

17. The Board

There shall be a Board of Directors of the Corporation.

18. Constitution of the Board

The Board shall consist of—

- (a) the Chairperson;
- (b) the Deputy Chairperson;
- (c) the Managing Director;
- (d) not more than 6 other directors.

19. Appointment of directors, other than Managing Director

- (1) The directors, other than the Managing Director, shall be appointed by the Minister for such term, not exceeding 3 years, as is specified in the instrument of appointment but are eligible for re-appointment.
- (2) A director, other than the Managing Director, may not hold office, or continue to hold office, if he or she has been a member for consecutive periods that together equal 9 years.
- (3) The Managing Director is not eligible to be appointed as, or to act as, the Chairperson, Deputy Chairperson or a director under this section.
- (4) The directors, other than the Managing Director, hold office on a part-time basis.
- (5) A director, other than the Managing Director, holds office, subject to this Act, on such terms and conditions as are specified in the instrument of appointment or otherwise determined by the Minister in writing.

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S. 20
amended by
No. 121/1994
s. 214(e).

20. Qualifications of directors¹

In appointing persons as directors, the Minister must as far as possible ensure that the directors have qualifications and experience relevant to the operations of the Corporation.

21. Managing Director

S. 21(1)
amended by
No. 121/1994
s. 214(f).

- (1) ²The Managing Director, who must be a person approved by the Minister, shall be appointed by the Board for such term, not exceeding 5 years, as is specified in the instrument of appointment but is eligible for re-appointment.
- (2) The Chairperson, Deputy Chairperson or a director appointed under section 19 is not eligible to be appointed as, or to act as, the Managing Director.
- (3) The Managing Director holds office on a full-time basis.
- (4) The Managing Director holds office, subject to this Act, on such terms and conditions as are approved by the Minister and specified in the instrument of appointment.

22. Deputy Chairperson

- (1) When—
 - (a) the office of Chairperson is vacant; or
 - (b) the Chairperson is absent from Victoria or is, for any reason, unable to attend meetings of the Board or otherwise unable to perform the duties of the office—the Deputy Chairperson must act as Chairperson.
- (2) While the Deputy Chairperson is acting as Chairperson, the Deputy Chairperson has and may exercise all the powers, and must perform all the duties, of the Chairperson.

23. Acting appointments

- (1) The Minister may appoint a director to act as Deputy Chairperson—
 - (a) during a vacancy in the office of Deputy Chairperson; or
 - (b) during any period, or during all periods, when the Deputy Chairperson is acting as Chairperson or is unable, for any reason, to attend meetings of the Board.
- (2) The Minister may appoint a person to act as a director referred to in section 18(d)—
 - (a) during a vacancy in the office of such a director; or
 - (b) during any period, or during all periods, when such a director is acting as Deputy Chairperson or is unable, for any reason, to attend meetings of the Board.

24. Acting Managing Director

- (1) The Board may appoint a person to act as Managing Director during a vacancy in the office of Managing Director.
- (2) The Board may appoint a person to act as Managing Director during any period, or during all periods, when the Managing Director is absent from duty or from Victoria or is, for any other reason, unable to perform the duties of the office.
- (3) A director is not eligible for appointment under this section.

25. Vacancies, resignations, removal from office

- (1) The office of a director becomes vacant if the director—
 - (a) without the Board's approval, fails to attend 3 consecutive meetings of the Board; or
 - (b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit.
- (2) A director may resign by writing delivered to the Minister but the resignation is not effective until it is accepted by the Minister.
- (3) The Minister may remove a director, other than the Managing Director, from office.
- (4) The Board may remove the Managing Director from office.
- (5) If a director—
 - (a) is convicted of an offence relating to his or her duties as a director;
 - (b) fails, without reasonable excuse, to comply with section 29 (disclosure of interests)—the Minister or, in the case of the Managing Director, the Board must remove the director from office.

26. Validity of decisions

- (1) An act or decision of the Board is not invalid merely because of—
 - (a) a defect or irregularity in, or in connection with, the appointment of a director; or
 - (b) a vacancy in membership of the Board, including a vacancy arising from the failure to appoint an original director.
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- (2) Anything done by or in relation to a person purporting to act as Chairperson or as a Deputy Chairperson or as a director is not invalid merely because—
- (a) the occasion for the appointment had not arisen; or
 - (b) there was a defect or irregularity in relation to the appointment; or
 - (c) the appointment had ceased to have effect; or
 - (d) the occasion for the person to act had not arisen or had ceased.

27. Role of the Board

- (1) It is the role of the Board—
- (a) to decide the strategies and policies to be followed by the Corporation; and
 - (b) to ensure that the Corporation performs its functions and exercises its powers in a proper, efficient and economical manner.
- (2) In carrying out its role the Board must have regard to the need—
- (a) to improve the quality of service provided to the customer; and
 - (b) to minimise the cost to the community of the performance by the Corporation of its functions.

28. Delegation to Managing Director

The Board may, in writing, delegate to the Managing Director any of the Board's powers under this Act, other than this power of delegation.

29. Pecuniary interests of directors

- (1) A director who has a pecuniary interest in a matter being considered or about to be considered by the Board must, as soon as practicable after the relevant facts have come to his or her knowledge, declare the nature of the interest at a meeting.
- (2) The person presiding at a meeting at which a declaration is made must cause a record of the declaration to be made in the minutes of the meeting.
- (3) After a declaration is made by a director, unless the Minister otherwise directs—
 - (a) the director must not be present during any deliberation with respect to that matter;
 - (b) the director is not entitled to vote on the matter.
- (4) If the director does vote on the matter without the Minister having directed that he or she was entitled to do so, the vote must be disallowed.

S. 29(3)
amended by
No. 121/1994
s. 214(g).

S. 29(4)
amended by
No. 121/1994
s. 214(h).

30. Disclosure of interests by Managing Director

The Managing Director must give written notice to the Chairperson of all direct and indirect pecuniary interests that the Managing Director has or acquires in any business or in any body corporate carrying on any business.

30A. Duties of directors

- (1) A director must at all times act honestly in the performance of the functions of his or her office.
- (2) A director must at all times exercise a reasonable degree of care and diligence in the performance of his or her functions.
- (3) A director or former director must not make improper use of information acquired by virtue of his or her position as a director to gain, directly or

S. 30A
inserted by
No. 65/1995
s. 29.

indirectly, an advantage for himself or herself or for any other person or to cause detriment to the Corporation.

- (4) A director must not make improper use of his or her position as a director to gain, directly or indirectly, an advantage for himself or herself or for any other person or to cause detriment to the Corporation.
- (5) This section has effect in addition to, and not in derogation of, any Act or law relating to the criminal or civil liability of a member of the governing body of a corporation and does not prevent the institution of any criminal or civil proceedings in respect of such a liability.

30B. Minister may bring proceedings

**S. 30B
inserted by
No. 65/1995
s. 29.**

If a person contravenes section 30A the Minister, in the name of the Corporation, may recover from the person as a debt due to the Corporation by action in a court of competent jurisdiction either or both of the following—

- (a) if that person, or any other person, made a profit as a result of the contravention, an amount equal to that profit;
- (b) if the Corporation has suffered loss or damage as a result of the contravention, an amount equal to that loss or damage.

31. Proceedings of the Board

- (1) Subject to sub-section (2), meetings of the Board shall be held at such times and places as the Board determines.
- (2) The Chairperson may at any time convene a meeting but must do so when requested by at least 4 directors.

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- (3) The Chairperson, or in his or her absence, the Deputy Chairperson, or in the absence of both the Chairperson and the Deputy Chairperson, a director appointed by the Board shall preside at a meeting of the Board.
 - (4) A majority of the directors for the time being constitute a quorum of the Board.
 - (5) A question arising at a meeting shall be determined by a majority of votes of directors present and voting on that question and, if voting is equal, the person presiding has a casting, as well as a deliberative, vote.
 - (6) The Board must ensure that minutes are kept of each meeting.
 - (7) The Board may permit directors to participate in a particular meeting, or all meetings, by telephone, closed-circuit television or other means of communication.
 - (8) A director who participates in a meeting under permission under sub-section (7) is to be taken to be present at the meeting.
 - (9) Subject to this Act, the Board may regulate its own proceedings.

32. Resolutions without meetings

- (1) If a majority of the directors for the time being sign a document containing a statement that they are in favour of a resolution in terms set out in the document, a resolution in those terms shall be taken to have been passed at a meeting of the Board held on the day on which the document is signed or, if the directors do not sign it on the same day, on the day on which the last director signs the document.

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Part 3—The Board

s. 32A

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- (2) If a resolution is, under sub-section (1), taken to have been passed at a meeting of the Board, each director must immediately be advised of the matter and given a copy of the terms of the resolution.
 - (3) For the purposes of sub-section (1), two or more separate documents containing a statement in identical terms, each of which is signed by one or more directors, shall be taken to constitute one document.

32A. Indemnity

The powers of the Corporation do not include a power to exempt, whether directly or indirectly, a director from, or to indemnify (whether by paying a premium in respect of a contract of insurance or otherwise) a director against, any liability that by law would otherwise attach to the director in respect of a wilful breach of duty or breach of trust of which the director may be guilty in relation to the Corporation.

S. 32A
inserted by
No. 121/1994
s. 214(i),
amended by
No. 65/1995
s. 30.

33. Staff

- (1) The Corporation may engage such officers or employees as are necessary for the performance of its functions.
 - (2) The terms and conditions of appointment or employment are as determined by the Corporation.
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PART 4—CORPORATE PLANS

34. Corporate plans

- (1) The Board must prepare corporate plans.
- (2) The first corporate plan shall be for a period of not less than 3 years beginning on a date to be determined by the Minister.
- (3) Each subsequent corporate plan shall be for a period of not less than 1 year beginning immediately after the period of the previous corporate plan.
- (4) The Board may review and revise a corporate plan at any time and must do so at the written request of the Minister or the Treasurer.

S. 34(3)
amended by
No. 121/1994
s. 214(j).

S. 34(4)
amended by
No. 65/1995
s. 31(1).

35. General matters to be included in corporate plans

Each corporate plan must be in a form approved by the Minister and the Treasurer and—

- (a) must set out the objectives of the Corporation and its subsidiaries;
- (b) must outline the overall strategies and policies that the Corporation and its subsidiaries are to follow to achieve the objectives;
- (c) must include a statement of the services the Corporation expects to provide and the standards expected to be achieved in providing those services;
- (d) must include such performance indicators and targets (whether financial or operational) as the Board considers appropriate;
- (e) may include such other information as the Board considers appropriate;

S. 35
amended by
No. 65/1995
s. 31(2)(a).

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Part 4—Corporate Plans

s. 36

- (f) must include such other information as is specified in writing by the Minister or the Treasurer.

S. 35(f)
amended by
No. 65/1995
s. 31(2)(b).

36. Financial matters to be included in corporate plans

Each corporate plan—

- (a) must include a financial target;
- (b) must outline the overall financial strategies for the Corporation and its subsidiaries including the setting of tariffs, charging, borrowing, investment, and purchasing and disposal, strategies;
- (c) must include a forecast of the revenue and expenditure of the Corporation and its subsidiaries including a forecast of capital expenditure and borrowings;
- (d) must include details of the significant tariffs and charges expected to be raised by the Corporation and the basis on which those tariffs and charges are to be raised;
- (e) may include such other financial information as the Board considers appropriate;
- (f) must include such other financial information as is specified in writing by the Minister or the Treasurer.

S. 36(b)
amended by
No. 110/1997
s. 45(3).

S. 36(d)
amended by
No. 110/1997
s. 45(4).

S. 36(f)
amended by
No. 65/1995
s. 31(3).

37. Matters to be considered in setting financial target

In preparing or revising a financial target, the Board must have regard to—

- (a) the need to earn a reasonable rate of return on the Corporation's assets;
- (b) the need to maintain the extent of the State's equity in the Corporation;
- (c) the expectation of the State that the Corporation will pay a reasonable dividend;

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Part 4—Corporate Plans

s. 38

- (d) the need to maintain the Corporation's financial viability;
- (e) the need to maintain a reasonable level of reserves, especially to make provision for—
 - (i) any estimated future demand for the services of the Corporation; and
 - (ii) any need to improve the accessibility of, and performance standards for, the services provided by the Corporation;
- (f) such matters as are specified by the Minister or the Treasurer in writing.

S. 37(f)
amended by
No. 65/1995
s. 31(3).

S. 38
amended by
No. 65/1995
s. 31(4).

38. Corporate plans to be given to Minister and Treasurer

When the Board prepares or revises a corporate plan, it must immediately give a copy of the plan to the Minister and the Treasurer.

39. Minister or Treasurer may direct certain variations of corporate plans

S. 39(1)
amended by
No. 65/1995
s. 31(5)(a)(b).

- (1) When the Board prepares or revises a corporate plan and gives a copy of the plan to the Minister and the Treasurer, the Minister or the Treasurer may, within 60 days after receiving a copy of a prepared plan or within 30 days after receiving a copy of a revised plan and after consultation with the Board, direct the Board to vary any aspect of the plan, including the period to which it relates.
- (2) In exercising powers under sub-section (1), the Minister and the Treasurer must have regard to—
 - (a) the effect of the variation on the corporate plan;
 - (b) the effect of the variation on the services provided by the Corporation;

S. 39(2)
amended by
No. 65/1995
s. 31(6)(a).

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Part 4—Corporate Plans

s. 40

(c) the matters referred to in section 37;

S. 39(2)(c)
amended by
No. 65/1995
s. 31(6)(b).

* * * * *

S. 39(2)(d)
repealed by
No. 65/1995
s. 31(6)(c).

(3) A direction under sub-section (1) must be in writing.

S. 39(3)
amended by
No. 65/1995
s. 31(7).

40. Board to notify Minister and Treasurer of significant affecting events etc.

S. 40
amended by
No. 65/1995
s. 31(8).

If the Board forms the opinion that matters have arisen—

- (a) that may prevent, or significantly affect, achievement of the objectives of the Corporation and its subsidiaries under the corporate plan;
- (b) that may prevent, or significantly affect, achievement of the financial target under the plan—

the Board must immediately notify the Minister and the Treasurer of its opinion and the reasons for the opinion.

41. Corporation must act in accordance with corporate plan

S. 41
substituted by
No. 65/1995
s. 32.

The Corporation must act only in accordance with its corporate plan (as existing from time to time) unless it has first obtained the written approval of the Minister and the Treasurer to act otherwise.

Melbourne Water Corporation Act 1992
Act No. 54/1992

Part 4—Corporate Plans

s. 42

New s. 42
inserted by
No. 65/1995
s. 32.

42. Treasurer may require information

The Treasurer may, in writing, require the Board
to give the Treasurer such information as is
specified in writing by the Treasurer.

Pt 5 (Heading
and ss 42–44)
repealed by
No. 31/1994
s. 4(Sch. 2
item 54).

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PART 6—GENERAL

45. Minister may give directions to the Board

- (1) Subject to any direction given by the Treasurer under section 15(2), the Minister may give to the Board written directions in relation to the performance of the Corporation's functions or exercise of the Corporation's powers.
- (2) The Board must comply with any direction given under sub-section (1).
- (3) The Minister must cause a copy of a direction given under sub-section (1) to be laid before each House of Parliament within 15 sitting days together with, if the Board has advised the Minister that the direction would require it to act otherwise than in accordance with its own policy, an assessment given by the Board of the cost of implementing the direction.

S. 45(1)
amended by
No. 56/1994
s. 4.

46. Reimbursement of cost of complying with directions

- (1) If the Corporation satisfies the Minister that it has suffered financial detriment as a result of complying with a direction given by the Minister under section 45, the Corporation shall, if the Minister so directs, be entitled to be reimbursed by the State the amount that the Minister determines, with the approval of the Minister administering Part 2 of the **Financial Management Act 1994** and after consultation with the Board, to be the amount of the financial detriment.
- (2) The reference in sub-section (1) to suffering financial detriment includes a reference to—
 - (a) incurring costs that are greater than would otherwise have been incurred; or

S. 46(1)
amended by
No. 18/1994
s. 66(Sch. 2
item 18).

Melbourne Water Corporation Act 1992
Act No. 54/1992

Part 6—General

s. 47

- (b) foregoing revenue that would otherwise have been received.
- (3) A determination under sub-section (1) must be made in writing.

47. Public office

- (1) The Corporation must have a public office within the city of Melbourne or at such other place as the Minister determines.
- (2) The office must be open to the public on business days at the times determined by the Board for the purpose of receiving documents from or transacting business with the public.
- (3) The Corporation must ensure that at least 3 persons are on duty in the office during the hours it is required to be open to the public.

S. 47A
inserted by
No. 121/1994
s. 214(k).

47A. Service of documents on Corporation

- (1) Any document required or permitted to be served on the Corporation may be served—
 - (a) by being left at its public office with a person authorised in writing by the Corporation to accept service of documents on behalf of the Corporation; or
 - (b) by sending it by certified mail addressed to the Managing Director at the public office of the Corporation.
- (2) The provisions of this section are additional to and do not take away from the provisions of any rules of court concerning service of documents.

S. 47B
inserted by
No. 121/1994
s. 214(k).

47B. Service of documents by Corporation

- (1) If by or under this Act or the MMBW Act a document is required or permitted to be served by the Corporation on a person then, unless otherwise expressly provided by this Act or the MMBW Act, the document may be served—

Melbourne Water Corporation Act 1992
Act No. 54/1992

Part 6—General

s. 47B

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- (a) by delivering it personally to the person to be served; or
 - (b) by leaving it at that person's usual or last known place of residence with a person apparently over the age of 16 years and apparently residing there; or
 - (c) by sending it by post addressed to the person to be served at that person's usual or last known place of residence; or
 - (d) in the case of service on an owner of any land or premises whose name and address are not known to the Corporation, by delivering it personally to the occupier of the land or premises concerned or leaving it at the land or premises with a person apparently over the age of 16 years and apparently residing there or, if there is no occupier, by putting it up on a conspicuous part of the land or premises; or
 - (e) in the case of service on an occupier of any land or premises whose name and address are not known to the Corporation, by putting it up on a conspicuous part of the land or premises.
- (2) A document that is to be served on the owner or occupier of any land or premises may be addressed by the description of "the owner" or "the occupier" of the land or premises concerned (naming it or them), without further name or description.
- (3) An occupier of any land or premises to whom under sub-section (1)(d) there is personally delivered a document that is intended to be served on the owner of that land or those premises must immediately send that document by certified mail addressed to the owner at the owner's usual place
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Act No. 54/1992

Part 6—General

s. 48

of residence (if known to the occupier) or the owner's place of residence last known to the occupier.

Penalty: 10 penalty units.

- (4) If a document is properly served on the owner or occupier of any land or premises, that service is binding on every subsequent owner or occupier to the same extent as if it had been served on that subsequent owner or occupier.

48. Regulations

- (1) The Governor in Council may make regulations for or with respect to any matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.
- (2) Regulations made under this section may be disallowed in whole or in part by resolution of either House of Parliament in accordance with the requirements of section 6(2) of the **Subordinate Legislation Act 1962**.
- (3) Disallowance under sub-section (2) is deemed to be disallowance by Parliament for the purposes of the **Subordinate Legislation Act 1962**.

Pt 7 (Heading and ss 49–55) repealed by No. 121/1994 s. 214(l).

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Pt 8 (Heading and s. 56) repealed by No. 121/1994 s. 214(l).

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Melbourne Water Corporation Act 1992
Act No. 54/1992

Part 9—Transitional Provisions

s. 57

PART 9—TRANSITIONAL PROVISIONS

57. Transitional provisions

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S. 57(1)(2)
repealed by
No. 121/1994
s. 214(m).

- (3) On and after the commencement of this sub-section, unless the context otherwise requires, a reference in any Act, subordinate instrument (within the meaning of the **Interpretation of Legislation Act 1984**) or other document to, or a reference that by reason of any enactment has effect as if it were a reference to—
- (a) MMBW must be taken to be a reference to the Melbourne Water Corporation;
 - (b) the Chairperson of MMBW must be taken to be a reference to the Chairperson of the Board of Directors of the Melbourne Water Corporation;
 - (c) a member of MMBW must be taken to be a reference to a director of the Melbourne Water Corporation;
 - (d) the General Manager of MMBW must be taken to be a reference to the Managing Director of the Board of Directors of the Melbourne Water Corporation;
 - (e) a resolution of MMBW must be taken to be a reference to a resolution of the Board of Directors of the Melbourne Water Corporation.

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Act No. 54/1992

Part 9—Transitional Provisions

s. 57

S. 57(4)(5)
repealed by
No. 121/1994
s. 214(m).

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Melbourne Water Corporation Act 1992
Act No. 54/1992

Endnotes

ENDNOTES

1. General Information

Minister's second reading speech—

Legislative Assembly: 14 November 1991

Legislative Council: 2 June 1992

The long title for the Bill for this Act was "A Bill relating to the Melbourne Water Corporation, to amend the **Melbourne and Metropolitan Board of Works Act 1958** and for other purposes."

The **Melbourne Water Corporation Act 1992** was assented to on 30 June 1992 and came into operation as follows:

Section 2 on 30 June 1992: section 2(2); rest of Act on 1 July 1992:
Government Gazette 1 July 1992 page 1629.

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Endnotes

2. Table of Amendments

This Version incorporates amendments made to the **Melbourne Water Corporation Act 1992** by Acts and subordinate instruments.

Financial Management Act 1994, No. 18/1994

Assent Date: 10.5.94
Commencement Date: Pt 1 (ss 1–8), ss 60, 61 on 10.5.94: s. 2(1); rest of Act on 1.7.94: s. 2(2)
Current State: All of Act in operation

Financial Management (Consequential Amendments) Act 1994, No. 31/1994

Assent Date: 31.5.94
Commencement Date: S. 4(Sch. 2 item 54) on 1.1.95: Government Gazette 28.7.94 p. 2055
Current State: This information relates only to the provision/s amending the **Melbourne Water Corporation Act 1992**

Melbourne Water Corporation (Amendment) Act 1994, No. 56/1994

Assent Date: 15.6.94
Commencement Date: 15.6.94
Current State: All of Act in operation

Water Industry Act 1994, No. 121/1994

Assent Date: 20.12.94
Commencement Date: Ss 1, 2 on 20.12.94: s. 2(1); rest of Act on 1.1.95: Special Gazette (No. 105) 23.12.94 p. 1
Current State: All of Act in operation

Water Industry (Amendment) Act 1995, No. 65/1995

Assent Date: 27.6.95
Commencement Date: Pt 5 (ss 28–32) on 29.6.95: Government Gazette 29.6.95 p. 1587
Current State: This information relates only to the provision/s amending the **Melbourne Water Corporation Act 1992**

Water Acts (Further Amendment) Act 1997, No. 110/1997

Assent Date: 23.12.97
Commencement Date: S. 45 on 1.7.98: Government Gazette 24.12.97 p. 3783
Current State: This information relates only to the provision/s amending the **Melbourne Water Corporation Act 1992**

Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998

Assent Date: 26.5.98
Commencement Date: S. 7(Sch. 1) on 1.7.98: s. 2(2)
Current State: This information relates only to the provision/s amending the **Melbourne Water Corporation Act 1992**

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Endnotes

Essential Services Legislation (Dispute Resolution) Act 2000, No. 59/2000

Assent Date: 8.11.00
Commencement Date: S. 7 on 13.4.01: Government Gazette 29.3.01 p. 523
Current State: This information relates only to the provision/s
amending the **Melbourne Water Corporation**
Act 1992

Corporations (Consequential Amendments) Act 2001, No. 44/2001

Assent Date: 27.6.01
Commencement Date: S. 3(Sch. item 80) on 15.7.01: s. 2
Current State: This information relates only to the provision/s
amending the **Melbourne Water Corporation**
Ac 1992

Melbourne Water Corporation Act 1992
Act No. 54/1992

Endnotes

3. Explanatory Details

¹ S. 20: Section 185(Sch. 2 item 6) of the **Water Industry Act 1994**, No. 121/1994 reads as follows:

6. MWC directors

The amendments of the **Melbourne Water Corporation Act 1992** made by section 214(e) and (f) do not affect any appointment of a person as a director, or the Managing Director, of Melbourne Water Corporation made before the commencement of that section.

² S. 21(1): See note 1.