

Queensland



Water Resources Act 1989

**WATER RESOURCES
(TARAMPA/ESK WATER
SUPPLY AGREEMENT)
REGULATION 1997**

**Reprinted as in force on 19 April 2002
(regulation not amended up to this date)**

This is the reprint current on the repeal date

Reprint No. 1A

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

Information about this reprint

This regulation is reprinted as at 19 April 2002.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

See endnotes for information about when provisions commenced.

Queensland



**WATER RESOURCES (TARAMPA/ESK
WATER SUPPLY AGREEMENT)
REGULATION 1997**

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WATER RESOURCES (TARAMPA/ESK WATER SUPPLY AGREEMENT) REGULATION 1997

[reprinted as in force on 19 April 2002]

1 Short title

This regulation may be cited as the *Water Resources (Tarampa/Esk Water Supply Agreement) Regulation 1997*.

2 Approval of agreement—Act, s 208

(1) For section 208¹ of the Act, the agreement between the Council of the Shire of Esk and the Tarampa Water Board, a copy of which (other than attachment A) is set out in the schedule, is approved.

(2) Attachment A, the *Tarampa Water Supply Area (Proposed Abolition) Notice (No. 1) 1996*, is set out in the gazette of 11 October 1996 at pages 490-495.

¹ Section 208 (Transfer of functions of board to local government) of the Act

SCHEDULE

section 2

AGREEMENT

THIS AGREEMENT is made on the 25th day of JUNE, 1997.

BETWEEN: the **COUNCIL OF THE SHIRE OF ESK** of 2 Redbank Street, Esk in the State of Queensland (referred to in this agreement as “the Council”)

AND: the **TARAMPA WATER BOARD** of Mail Service 435, Jones Road, Lowood in the State of Queensland (referred to in this agreement as “the Board”).

WHEREAS:

- A.** The Board was constituted under the repealed *Water Act 1926* by Order in Council dated 3 June 1965 and is constituted and continues in existence under the *Water Resources Act 1989* until it is dissolved or otherwise dealt with under that Act.
- B.** The Tarampa Water Supply Area was constituted by Order in Council on 3 June 1965, and is constituted and continues in existence under the *Water Resources Act 1989* until it is abolished or otherwise dealt with under that Act. The area was constituted for the purpose of providing individual landholders within the area (referred to in this agreement as “the Supply Area”) with an adequate supply of suitable water for stock watering, dairy and domestic purposes by means of a reticulated water supply scheme.

SCHEDULE (continued)

- C.** The Council is a local government constituted under the *Local Government Act 1993* for the Shire of Esk.
- D.** The Supply Area forms part of the local government area known as the Shire of Esk
- E.** The Board has the conduct of the rural water scheme supplying water to properties within the boundaries of the Supply Area.
- F.** The Chief Executive of the then Department of Primary Industries has recommended to the Board and the Council that they examine whether the Council, as a function of local government, could better perform the functions of the Board in the Supply Area.
- G.** Agreement has been reached between the Board and the Council that the needs of the Supply Area would best be met by the assumption by the Council of the functions of the Board and of the control and development of a water reticulation scheme for the Supply Area.
- H.** The *Tarampa Water Supply Area (Proposed Abolition) Notice (No.1) 1996* (“Attachment A”) was published in the Government gazette on 11 October 1996.
- I.** No objections were received to the proposal to abolish the Supply Area, dissolve the Board, and for the Council to assume the management and responsibility for the supply of water to land currently supplied by the Board.

SCHEDULE (continued)

DEFINITIONS:

In this agreement -

- (a) “date of approval” means the date this agreement is approved by regulation under the *Water Resources Act 1989*.

THE PARTIES AGREE AS FOLLOWS:

1. The Board after approval by regulation under the *Water Resources Act 1989* will transfer to the Council the following:-
 - (a) those assets of the Board as described in “Attachment A”.
 - (b) the benefit of any agreements, easements, contracts, licences or any rights of any description that the Board may have arising out of or incidental to the exercise by the Board of its functions in the Supply Area.
 - (c) control and administration of the water supply system previously managed by the Board in the Supply Area.
 - (d) trusteeship of a Water Supply Reserve described as Lot 31, CC 2370, Parish of Rosewood, County of Churchill. The Board will make application to the Department of Lands to have the trusteeship of this land transferred to the Council.

2. The Council for its part:-
 - (a) indemnifies and holds harmless the Board, the members, and each of its officers from and against all actions suits claims demands and costs of whatsoever nature or kind which the Council or any of its officers may incur as from the date of approval under the *Water Resources Act 1989* in respect of or arising out of or incidental to the carrying out of the functions previously carried out by the Board or in respect of any assets either real or personal or any works that may have been transferred or assigned by the Board to the Council under this agreement.

SCHEDULE (continued)

- (b) will not seek to recover the debts owed by the Board to the Council for the supply of bulk water to the Board.
 - (c) will connect free of charge to the Council water supply all landowners currently supplied by the Board.
3. The Board for its part warrants to the Council as follows:-
- (a) All expenditure incurred up to the date of approval, including electricity costs and maintenance costs, but not including debts owed by the Board to the Council, will be paid by the Board.
 - (b) There are no liabilities of the Board of any description whether contingent or otherwise which relate to the Supply Area other than those which have been disclosed by the Board to the Council and described in Attachment B.
 - (c) There are no current actions, suits, claims, or demands of any nature or kind against the Board currently issued or served on the Board or contemplated to the knowledge of the Board pertaining to the Supply Area.
 - (d) There are no outstanding judgements or orders of any kind against the Board or any of its officers pertaining to the functions of the Supply Area or the exercise or non-exercise of those functions arising out of or incidental thereto.
 - (e) There are no choses in action, licences, or agreements pertaining to the Supply Area either for the benefit or detriment of the Board other than those disclosed by the Board to the Council (if any).
 - (f) Rates owed to the Board for water supplied to landholders in the Supply Area before the date of approval will become debts due and payable to the Council.
 - (g) All assets of the Board pertaining to the Supply Area are presently and will on the date of approval be free of all mortgages, charges, liens, encumbrances, estates, claims, rights, titles, demands, and other interests.
4. Both the Board and the Council shall do all things and sign all documents necessary to give effect to the terms of this agreement

Water Resources (Tarampa/Esk Water Supply Agreement) Regulation 1997

SCHEDULE (continued)

including the assumption by the Council of the commitments of the Board and the transfer of assets to the Council.

- 5. This agreement does not come into effect until it is approved by regulation by the Governor in Council under section 208(7) of the *Water Resources Act 1989*.
- 6. Any documents pertaining to the transfer of any assets of the Supply Area to the Council shall be prepared by the Council and submitted to the Board for execution after approval of this agreement by the Governor in Council.
- 7. All costs, including stamp duty if any, and costs associated with the transfer of land and the benefit of easements shall be borne by the Council.

IN WITNESS the parties have executed this agreement as follows:

The Official Seal of the

TARAMPA WATER BOARD)

was affixed to this agreement by)

LESLIE GEORGE ZABEL) L G Zabel

Chairperson, this 18th day of June, 1997) Leslie George Zabel

in the presence of:)

WITNESS: R. J. Drury.

Water Resources (Tarampa/Esk Water Supply Agreement) Regulation 1997

SCHEDULE (continued)

The Official Seal of the

COUNCIL OF THE SHIRE OF ESK)

was affixed to this agreement by) J Bray

JEAN BRAY, Mayor, and) Jean Bray

)

DANIEL FRANCIS MULLINS,) Danny Mullins

Chief Executive Officer) Daniel Francis Mullins

this 27th day of June, 1997)

in the presence of:)

A Taylor **ANDREW EDWARD TAYLOR**

WITNESS: **JUSTICE OF THE PEACE (QUALIFIED)**

SCHEDULE (continued)

ATTACHMENT B**LIABILITIES OF THE TARAMPA WATER BOARD**

as at 14 January 1997

Liability For Bulk Water Supplied by Esk Shire Council	\$68990.60
Other Outstanding Invoices	\$ 153.90
TOTAL LIABILITIES	\$ 69144.50

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	proc	= proclamation
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	pubd	= published
exp	= expires/expired	R[X]	= Reprint No.[X]
gaz	= gazette	RA	= Reprints Act 1992
hdg	= heading	reloc	= relocated
ins	= inserted	renum	= renumbered
lap	= lapsed	rep	= repealed
notfd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

Water Resources (Tarampa/Esk Water Supply Agreement) Regulation 1997

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	29 September 1997

5 List of legislation

Water Resources (Tarampa/Esk Water Supply Agreement) Regulation 1997 **SL No. 316**

made by the Governor in Council on 25 September 1997
notfd gaz 26 September 1997 pp 354-6
commenced on date of notification
exp 25 September 2007 (see SIA s 54)
lap 19 April 2002 (2002 No. 34 s 1137(b))