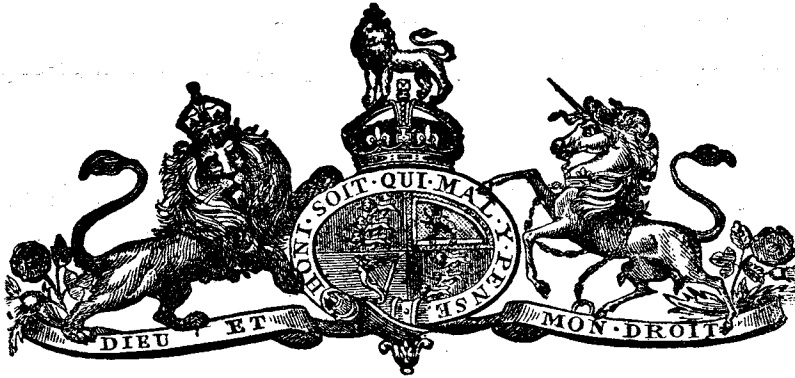


THE CAMPBELL TOWN WATER-SUPPLY ACT, 1908.

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T A S M A N I A.



1908.

ANNO OCTAVO

EDWARDI VII. REGIS,

No. 48.



AN ACT to make provision for a Supply of ^{A.D.} 1908.
Water for the Town of *Campbell Town*, and
for other purposes. [14 *December*, 1908.]

WHEREAS it is expedient to make legislative provision to ensure a Supply of Water for the use of the inhabitants of the part of the Town of *Campbell Town* hereinafter referred to as "the Water District :"
PREAMBLE.

And whereas the Trustees of the *Campbell Town* Water District have granted to the Council of the Municipality of *Campbell Town* permission to erect, alter, repair, and maintain such works in the nature of dams, sluices, pumps, turbines, &c., as may be considered necessary or are required for the purpose of supplying the Town of *Campbell Town* with an adequate supply of water from the *Elizabeth* River for domestic and other purposes, and for the said purposes to take such quantity of water from the said river as may be necessary :

Be it therefore 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 :—

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Short title.

Interpretation.
"Water District."

1 This Act may be cited as "The *Campbell Town* Water-supply Act, 1908."

2 In this Act—

"The Water District" means that part of the Town of *Campbell Town* the description of which is as follows:—

Beginning at the intersection of the *Esplanade* with *East-street* thence bounded on the east by *East-street* to its intersection with *North-street* thence on the north by *North-street* to its intersection with *West-street* thence on the west by *West-street* to the *Elizabeth* River thence along the left bank of the said river after crossing the same to the north-western corner of an allotment in the name of *James Hamilton* thence by the western and southern boundaries of that allotment to *Harrison-street* thence along that street south-west-erly to the north-western corner of an allotment in the name of *Joseph Cannon* thence by the south-western boundary of that allotment and by the south-western boundaries of *Broad-street* and allotments in the names of *William Hoyle*, *Elizabeth Broad*, and *David Solomon* to the junction of *Davidson-street* and *Montague-street* thence along *Davidson-street* to its junction with *Torlesse-street* thence on the south along *Torlesse-street* to its junction with *Calder-street* thence on the east along *Calder-street* to the *Elizabeth* River aforesaid thence by that river westerly to *Forster-street* thence crossing the said river to the point of commencement at the intersection of the *Esplanade* with *East-street* and any additional area or areas which may from time to time be added to it as hereinafter provided:

"Property."

"Property" includes land and buildings:

"The Council."

"The Council" means the Warden and other Councillors of the Municipality of *Campbell Town*:

"Waterworks."

"Waterworks" means and includes all pumps, turbines, reservoirs, fences, pipes, service-pipes, troughs, and other works, of whatsoever kind, which may from time to time be used for effecting the purposes of this Act.

Power to enter on Land, take Materials, construct a Reservoir, lay Pipes, and break up Streets.

Power to make waterworks on the bed and banks of *Elizabeth* River and on Crown lands without making payment in respect thereof.

3 It shall be lawful for the Council from time to time to enter upon part of the bed and banks of the *Elizabeth* River, or immediately adjacent thereto, and to divert and appropriate such a quantity of the water of the said river as shall be required for the purposes of this Act, and to erect One or more turbines and One or more pumps for raising the said water, and to lay pipes

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upon or under the soil of the streets from thence and to excavate and make a reservoir where required, and to lay pipes upon or under the soil of the piece of Crown land adjacent to the said river, and to make use of any earth, stone, or other materials taken from any excavation or trenches made or dug in laying pipes under the soil of the said Crown land, or for any purpose in connection with the waterworks authorised by this Act, and to carry pipes, stones, mortar, and other materials required for any purpose in connection with the waterworks over the said piece of Crown land without making any payment to the Crown, but doing as little damage as possible to the said Crown land, and reinstating the soil and surface of the said piece of Crown land as far as can reasonably be done, if required so to do by any person authorised by the Crown in that behalf. A.D. 1908.

4 It shall be lawful for the Council from time to time to enter upon the land of any person, and to lay pipes upon or under the soil of such land and to repair such pipes, making compensation to such person for all damage sustained by reason of the exercise of the powers conferred upon the Council by this section. Power to enter upon other land upon making compensation.

5 The Council shall have the same power to enter upon any land for cutting down and removing timber to be used in erection of a fence round the said reservoir, or for obtaining and removing materials for the construction of any part of the waterworks, as the council of a municipality now has under "The Local Government Act, 1906," for the construction of public works within a municipality. The Council may cut down timber and remove materials.

6 Any person claiming compensation in respect of injury done to, or timber cut down or materials removed from, land owned or occupied by him shall prefer his claim by notice in writing, addressed to the Council and served upon the Council Clerk; and if such person and the Council do not agree as to the amount of such compensation, the same and the application thereof shall be determined by arbitration in the manner provided for by "The Lands Clauses Act" in cases of disputes respecting compensation. Provisions as to compensation.

7 The Council may from time to time open and break up the soil of any street or road in the Water District to lay pipes thereon or thereunder, and of gardens or other land to lay service-pipes thereon or thereunder leading from any main pipe to any property, if requested so to do by the owner or occupier of such property, and at his expense, and repair, remove, or relay such pipes or service-pipes, and do any other Acts which it may from time to time deem necessary for the purpose of supplying water. The Council may open the soil of streets to lay pipes, and of gardens, &c., to lay down service-pipes.

8 Any person authorised by the Council may at all reasonable times enter any house or building supplied with water by the Council may Persons authorised by the Council may

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enter buildings
and land occupied
therewith for
purposes of
inspection.

Council, and the land occupied therewith, in order to ascertain whether there is any waste of water, or whether the service-pipes are in good repair, and may for the latter purpose break the surface of the ground under which the service-pipes are laid.

Power to add Areas to the Water District, and to make Agreements for the Supply of Water to Properties not within the Water District, and other Powers of the Council.

Adding areas to
the Water
District.

9 The Council may from time to time, at the request of a Two-thirds majority of the electors within such area so proposed to be added, declare that any area within the Municipality of *Campbell Town*, whether within or without the Town of *Campbell Town*, shall be added to the Water District, and every owner or occupier of property within the area so added shall thenceforth be subject to the same liability to be rated as if the said area had originally formed part of the Water District.

Agreements for
the supply of
water to Crown
properties or
properties not
within the Water
District.

10 The Council may, in its absolute discretion, enter into agreements with the head of any department of the State or Commonwealth or any other person acting for or on behalf of the Crown, or with the owners or occupiers of any property not situate within the Water District, or being within the Water District does not appear upon the Assessment Roll for the Municipality, for the supply of water to any property belonging to or occupied by the Crown or any department of the State, or such owners or occupiers as aforesaid, upon such terms as shall be mutually agreed upon, and in the case where the property is not situate within the Water District the Council shall have the same powers of opening and breaking up streets, and of laying down pipes and service-pipes for supplying such property with water, as if it were within the Water District.

The Council may
provide drinking-
troughs.

11 The Council may, if it shall think fit so to do, erect in any street or public place in the Town of *Campbell Town* any trough for supplying horses, and if it think fit other animals, with water.

All Waterworks to be the Property of the Municipal Corporation.

Waterworks to be
the property of
the Corporation.

12 All waterworks, whether the same are situate in the streets or roads of the Municipality of *Campbell Town*, or in land belonging to the Crown, or to private owners, shall be deemed to be the property of the Warden, Councillors, and electors of *Campbell Town*.

Provisions as to Rating.

The Council may
levy a Rate not
exceeding Two
Shillings in the
Pound.

13 It shall be lawful for the Council yearly, or at such other periods as shall to it seem desirable, to make and levy a rate (to be called a Water-supply Rate) not exceeding the sum of Two Shillings in the Pound per annum, to be paid by the owners or occupiers of all property within the Water District, on the assessed

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annual value of the property within the Water District; and such rate shall be made, levied, and recovered in the same manner as other rates made by the Council. A.D. 1908.

14 If any person liable to pay a Water-supply Rate shall neglect to pay the same, the Council may stop the water from flowing into the premises in respect of which such rate is payable by cutting off the pipe to such premises, and may recover the expense of cutting off the water in the same manner as the Water-supply Rate is recoverable. If the rate is not paid the supply of water may be cut off.

Provisions as to Borrowing Money.

15 It shall be lawful for the Council, on behalf of the Corporation of the Municipality, to borrow any sum or sums of money not exceeding in the whole Four thousand Pounds for the purposes of this Act; and it shall be lawful for the Governor in Council from time to time to lend to the Warden, Councillors, and electors of *Campbell Town* such sum or sums under the provisions of "The Local Public Works Loans Act, 1890:" Provided that it shall not be necessary to lay before either House of Parliament plans and specifications of the proposed works, nor a report by the Engineer-in-Chief thereon, as provided in Section Two of the said Act; but before any part of the said sum of Four thousand Pounds shall be advanced to the Council plans and specifications of the proposed works, together with a report by the Engineer-in-Chief upon the probable cost thereof, the suitability of the site proposed therefor, the sufficiency of the plans and specifications, and upon such other matters connected with the works as the Engineer-in-Chief may deem it desirable to refer to in his said report, and that the work can be completed for the amount proposed to be borrowed, shall be submitted to and approved by the Governor in Council. The Council may borrow money not exceeding £4000.
54 Vict. No. 30.

16 The Council shall not proceed in the matter of borrowing any sum of money until a poll has been taken of the electors of the Municipality of *Campbell Town* who are owners or occupiers of property within the Water District, for the purpose of determining whether the Council shall borrow the money. If at the taking of such poll a less number than Two-thirds of the votes recorded shall be in favour of the Council's proceeding to borrow, the Council shall not borrow, but the Council may nevertheless at any time after the expiration of Three months cause another poll of the electors to be taken; and if at any such subsequent poll Two-thirds of the votes recorded shall be in favour of the Council's borrowing, the Council may proceed to borrow. Poll to be taken before any money is borrowed.
Two-thirds of the number of the votes recorded must be in favour of borrowing.
A poll may be taken subsequently.

17 When the Council shall have decided to take a poll as aforesaid it shall cause a notice that the poll will be taken to be published, not less than Fourteen days before the day fixed for the Notice of the day when, and the place where, the poll will be taken to be published.

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taking of the poll, not less than Three times in a daily newspaper circulating in the Municipality, and in Two consecutive numbers of the *Gazette*.

What is to be stated in the notice.

18 The notice shall state the hours during which, and the place at which, the poll will be taken, and the amount which it is proposed to borrow.

Form of voting-paper.

19 The voting-paper to be used at the taking of the poll shall be in the form in the Schedule, or to the like effect.

Voting and proceedings to be the same as at an election of Councillors.

20 The number of votes to which each elector is entitled shall be the same as that to which he is entitled at an election of Councillors, and the proceedings at the taking of the poll shall, with any necessary changes, be the same as those prescribed by law at an election of Councillors.

Expense to be defrayed out of the General Rate.

21 The expense of taking a poll shall be defrayed out of the General Rate.

By-laws.

By-laws may be made.

22 The Council shall have power from time to time to make by-laws for the following purposes:—

- I. For regulating the charges, terms, and conditions upon which water shall be supplied to the occupiers of property within the Water District, and the charges to be made for laying down or repairing service-pipes:
 - II. For preventing injury to the waterworks:
 - III. For regulating all matters connected with the supply of water by means of the waterworks, and for preventing the waste or misappropriation of water—
- and generally for the better effectuating the purposes of this Act; and such by-laws from time to time to alter or repeal.

Offences.

What acts are to be punishable.

23 Any person—

- I. Who wilfully obstructs any person acting under the authority of the Council when doing any act or work by this Act authorised to be done by the Council: or
- II. Who wilfully or through his negligence wastes water supplied by the Council, or permits water so supplied to be wasted: or
- III. Who wilfully supplies water to any other person not residing on the property supplied with water, or permits such other person to take water from the property so supplied except for the purpose of extinguishing any fire, or unless such other person is a person whose property is supplied with water by the Council, and the pipe by which it is supplied with water is without any default on his part out of repair: or

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iv. Who without authority takes water from any of the waterworks—
shall be liable for every such offence to a penalty not exceeding Ten Pounds.

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Miscellaneous Provisions.

24 All acts done by the Council under this Act, including the making of by-laws, shall for all purposes be deemed to have been done by the Council under the provisions of any law now or hereafter to be in force conferring powers to do acts upon the councils of municipalities, and all obligations imposed upon the Council by any law now or hereafter to be in force imposing obligations upon such councils shall be deemed to be obligations imposed upon the Council in respect of all acts done by it under this Act.

All things done under this Act to be deemed to have been done under any law relating to municipal councils.

25 Nothing contained in this Act shall be deemed to abridge the powers given by "The *Campbell Town Water Act, 1878*," to the Trustees under that Act.

Powers of the Trustees under "The *Campbell Town Water Act, 1878*," not abridged.

26 All offences against this Act shall be heard and determined, and all penalties or other moneys payable be recovered, in a summary way by and before any One justice of the peace in the mode prescribed by "The *Magistrates Summary Procedure Act*."

Recovery of penalties.

27 It shall be lawful for the Council, if it should consider it desirable to do so, to purchase, take over, and acquire the rights, if any, conferred upon one *James Gray*, deceased, by the Warden, Councillors, and electors of the Municipality of *Campbell Town* under and by virtue of a grant contained in an indenture dated the Twelfth day of *January*, One thousand eight hundred and eighty-eight, and made between the said Warden, Councillors, and electors of the one part and the said *James Gray* of the other part, or any portion of the said rights, or the whole or any portion of the plant, pipes, drains, and other works and material connected with the waterworks and water-supply belonging to the estate of the said *James Gray* deceased, or to compensate the estate of the said *James Gray* deceased for or in respect of any damage or injury which the water-supply authorised by this Act may cause the said estate in respect of the water-supply now carried on by the said estate under the aforesaid indenture.

It shall be lawful for the Council to pay compensation.

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SCHEDULE.

VOTING-PAPER.**FOR.****AGAINST.**

If you are in favour of the Council's borrowing money for the purpose of supplying Campbell Town with water, you are to strike out the word "Against." If you are opposed to its borrowing money, you are to strike out the word "For."