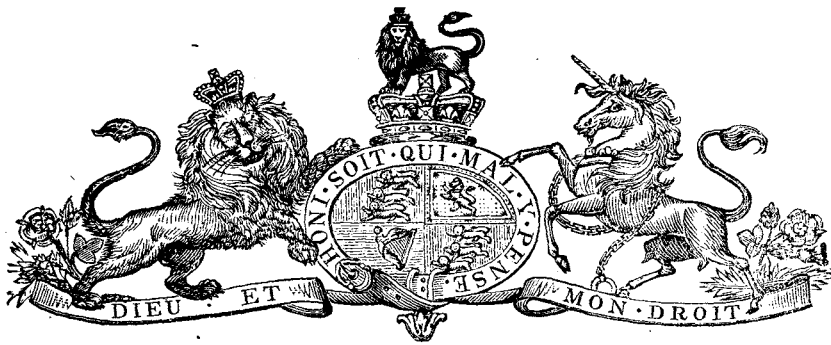


T A S M A N I A .

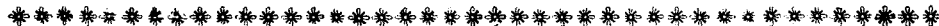


1898.

ANNO SEXAGESIMO-SECUNDO

VICTORIÆ REGINÆ,

No. 61.



AN ACT to further amend "The *Glenorchy* A.D. 1898.  
Water Act, 1890." [29 October, 1898.]

WHEREAS the Trustees of the *Glenorchy* Water District have agreed to supply the residents in the *Moonah* Water District, as herein defined, with water for a period of Ninety-nine years, upon the terms and conditions hereinafter contained: PREAMBLE.

And whereas it is necessary in order to carry out such agreement that the said Trustees should be given the powers hereby conferred upon them:

And whereas for the purposes aforesaid, and for other purposes, it is desirable to further amend "The *Glenorchy* Water Act, 1890," in 54 Vict. No. 51. the manner hereinafter appearing:

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:—

1 This Act may be cited for all purposes as "The *Glenorchy* Water Short title. Act Amendment Act, 1898."

2 In the construction and for the purposes of this Act, unless the Interpretation. context otherwise determines—

The expression "the said Act" shall mean "The *Glenorchy* 54 Vict. No. 51. Water Act, 1890":

The expression "the said Acts" shall mean "The *Glenorchy* 54 Vict. No. 51. Water Act, 1890, and "The *Glenorchy*, Water Act 55 Vict. No. 67.

*Glenorchy Water Act Amendment.*

A.D. 1898.

57 Vict. No. 27.

Amendment Act, 1891," and "The *Glenorchy* Water Act Amendment Act, 1893 :The expression "the Trustees" shall mean the Trustees for the time being of the *Glenorchy* Water District :The expression "the Corporation" shall mean the Corporation of the Mayor, Aldermen, and Citizens of the City of *Hobart* :The expression "*Moonah* Water District" shall mean the Water District as described and set forth in the Schedule hereto :The expression "the Governor" shall mean the Governor for the time being of the Colony of *Tasmania* :The expression "the Treasurer" shall mean the Treasurer for the time being of the Colony of *Tasmania*.

## PART I.

## VALUATION OF WATERWORKS.

Notice to treat.

**3** It shall be lawful for the Trustees, within Three months after this Act comes into operation, to give notice to the Corporation that they are willing to treat with the Corporation for the purchase of all mains, pipes, and other waterworks constructed, laid down, or made by the Corporation within the *Moonah* Water District.

How value to be ascertained.

**4** The value of such mains, pipes, and other waterworks shall be ascertained by mutual agreement ; and if within One month after the service of the notice mentioned in the last preceding Section the Trustees and Corporation do not agree as to the value of such mains, pipes, and other waterworks, the value thereof shall be ascertained by arbitration in the manner directed by *The Lands Clauses Act*.

*The Lands Clauses Act* incorporated.

**5** The following Sections of *The Lands Clauses Act*, together with all the provisions therein contained, are hereby declared to be incorporated with and embodied in this Part of this Act, and for the purposes of such incorporation the Trustees shall be deemed to be the Promoters of the undertaking :—

Sections Fourteen to Twenty-six, both inclusive, (as to appointment and powers of arbitrators and umpire and conduct of arbitration).

Trustees may exercise powers.

**6**—(1.) If the Trustees determine to pay to the Corporation the value of all such mains, pipes, and other waterworks when ascertained as aforesaid, the Trustees shall, within Two months after such value is agreed upon or determined by arbitration, give notice to the Corporation and to the Treasurer that it is their intention to exercise the powers and authorities conferred upon them by Part II. of this Act.

(2.) The Governor shall thereupon by Proclamation, to be published in the *Hobart Gazette*, declare that all the provisions contained in

*Glenorchy Water Act Amendment.*

Part II. of this Act shall come into operation on a day to be named in such Proclamation. A.D. 1898.

(3.) Upon the day so named in such Proclamation all the mains, pipes, and other waterworks shall be thereupon transferred to, and vested in, the Trustees for the purposes of this Act and of the said Act, and shall thenceforth be the property of the Trustees.

(4.) The Trustees shall thereupon pay to the Corporation the value of such mains, pipes, and other waterworks so ascertained as herein-before mentioned.

**7** (1.)—If the value of such mains, pipes, and other waterworks is ascertained by arbitration, and if in the opinion of the Trustees the value so ascertained is excessive, the Trustees may, within Two months after the Arbitrators shall deliver their award, give notice in writing to the Corporation and to the Treasurer that it is not their intention to proceed further in the exercise of the powers and authorities conferred upon them by Part II. of this Act, and shall thereupon pay to the Corporation all the costs of the reference and award incurred by the Corporation.

Trustees may disclaim powers.

(2.) The Governor shall thereupon by Proclamation, to be published in the *Hobart Gazette*, declare that all the provisions contained in Part II. of this Act shall cease and be of no effect.

**PART II.****MOONAH WATER DISTRICT.**

**8** All powers, authorities, duties, liabilities, and obligations conferred upon the Trustees by the following Sections of the said Act, in respect to the *Glenorchy* Water District, save so far as the same are inconsistent with the provisions of this Act, are hereby conferred and imposed upon the Trustees in respect to the *Moonah* Water District, and all the provisions in the said Sections contained, save as aforesaid, are hereby incorporated with and embodied in this Act for the purpose of carrying out the provisions of this Act:—

Powers of Trustees within *Moonah* Water District.

Section Two, Sections Thirty-seven to Fifty-six, both inclusive, Section Sixty, Sections Sixty-three to Seventy-four, both inclusive, Sections Seventy-eight to One hundred and one, both inclusive, Sections One hundred and twenty-three to One hundred and thirty-five, both inclusive, Sections One hundred and thirty-seven to One hundred and forty-six, both inclusive, and Schedule Four.

**9**—(1.) Where the land attached and belonging to any house occupied wholly or in part as a dwelling-house within the *Moonah* Water District and enjoyed therewith shall be shown by the Valuation or Assessment Roll in force for the time being in such District to exceed Five acres in area, the Trustees shall, once in every year, by a just and equitable assessment, assess the annual value of such house and its appurtenances, together with Five acres of land immediately attached thereto, and belonging thereto and enjoyed therewith, and

Power to assess certain properties.

*Glenorchy Water Act Amendment.*

A.D. 1898.

How assessment  
to be made.

such assessment shall be called "The *Moonah* Water District Assessment Roll."

(2.) For the purpose of effecting assessments under this Section, all the provisions contained in the Rural Municipalities Act and every Amendment thereof relating to the assessment of property, the preparation and notice of such assessment, amendments of the assessment, and appeals against assessment, shall be applicable to assessments under this Section, and to appeals therefrom; and wherever in any portion of the last-mentioned Act relating to any of the matters aforesaid the terms "Municipal Council," "Municipality," and "Council Clerk" are used, the same shall, for the purposes of this Act, be deemed to mean "the Trustees," "the *Moonah* Water District," and "the Secretary of the Trustees," respectively: Provided that every appeal against any assessment to be made by the Trustees under this Section shall be made to the Court of General Sessions of the Peace held nearest to the *Moonah* Water District, and no Justice of the Peace, who is also one of the Trustees, shall act or sit at such Court.

*Moonah* Water  
Rate.

**10** The Trustees are hereby empowered, once in every year, to make, levy, and recover a Water Rate upon and from the occupiers of all houses occupied wholly or in part as dwelling-houses within the limits of the *Moonah* Water District to and in which the Trustees have caused water to be brought, according to the assessed annual value of such houses and their appurtenances, and of any land attached and belonging thereto and enjoyed therewith as shown by the Valuation or Assessment Roll in force for the time being in such District if not exceeding Five acres in area, and according to the assessed annual value of such houses and their appurtenances, and of any land attached and belonging thereto as shown by the *Moonah* Water District Assessment Roll if exceeding Five acres in area: and such Rate shall be called "The *Moonah* Water Rate."

Amount of Rate.

**11**—(1.) The Water Rate to be made by the Trustees as aforesaid shall not exceed the amounts set forth, that is to say—

In respect of all houses occupied wholly or in part as dwelling-houses and their appurtenances, and of any land attached and belonging thereto and enjoyed therewith, not exceeding Five acres in area—

- i. Where the annual value shall not exceed the sum of Forty Pounds, the Rate shall not exceed the sum of One Shilling and Four Pence for each and every Pound of such value:
- ii. Where the annual value shall exceed the sum of Forty Pounds, the Rate shall not exceed the sum of One Shilling for each and every Pound of such value above the sum of Forty Pounds in addition to the Rate before mentioned.

(2.) No occupier of any such dwelling-house shall be liable to the payment of any such Rate unless the same is actually supplied with water for domestic purposes, or unless the main or other pipes of the Trustees are laid down and properly supplied with water within Fifty feet from the outer boundary of such premises.

(3.) No Rate made by the Trustees under the provisions of this Act shall in any year exceed the Rate made and levied by the Trustees upon the occupiers of property within the *Glenorchy* Water District during the same year.

(4.) If any such dwelling-house shall be unoccupied at the time at which any Rate payable in respect of such house is appointed to be

*Glenorchy Water Act Amendment.*

paid, the owner of such house shall not be liable for such Rate; but when and so soon as such house is occupied the occupier or owner shall then be liable to pay and shall pay such rate, deducting such portion thereof as is proportionate to the period which has elapsed since the time when such amount of Rate was appointed to be paid, and until the time when such house became occupied. A.D. 1898.

(5.) Every keeper of horses and horned cattle within the *Moonah* Water District shall be entitled to receive a supply of water for Three of such animals free of charge.

**12** Upon the making of any Water Rate under this Act a notice signed by the Chairman and not less than Two other Trustees specifying the amount in the Pound of the Rate, the period for which the same is made, and at what time the same is payable, shall be published in the *Gazette*, and also in at least two consecutive numbers of a public newspaper published in the City of *Hobart*; and upon any such notice being so published the Rate therein mentioned shall be payable and paid at the times specified in such notice by the persons liable to pay the same according to the annual value of such property as ascertained and determined by the Valuation or Assessment Roll in force for the time being in the *Moonah* Water District, or by the *Moonah* Water District Assessment Roll, as the case may be; and it shall not be necessary in any such notice to set forth the names of the persons liable to the payment of the Rate, or the sums which according to such Rate such persons are liable to pay, or any other particulars than hereinbefore in that behalf mentioned. Upon making Rate, notice to be given.

**13** Every Water Rate made by the Trustees under this Act shall for all purposes be deemed to be a Water Rate made by the Trustees under the said Act, and may be made, levied, and recovered in the same manner as a Water Rate may be made, levied, and recovered from occupiers or owners of property within the *Glenorchy* Water District under the authority of the said Act or of this Act. How to be made, &c.

**14** The like proceedings may be had and taken for recovering and enforcing the payment of any charges payable by any person to the Trustees for water supplied by the Trustees under any of the provisions of this Act, as may be had and taken for recovering and enforcing payment of any rate made and levied under the authority of the said Act. Recovery of charges for water.

**15** The Local Authority or other body or person having the care and control of so much of the Main Road between *Hobart* and *Launceston* as passes through the *Moonah* Water District shall be entitled to obtain from the Trustees, free of cost, so much water as may from time to time be necessary to properly flush and cleanse the surface drains on each side of the said portion of the Main Road. Water for Main Road.

**16** The Trustees shall, at the request of the owner or occupier of any house or part of a house occupied as a separate dwelling situated on any land within the *Moonah* Water District the outer boundary of which land is within Fifty feet of any main or other pipe of the Trustees, if such land does not exceed Five acres in area, or if such land exceeds Five acres in area then the outer boundary of such Five acres immediately adjoining such house is within Fifty feet of any main or other pipe of the Trustees, furnish to such person within such Supply of water for domestic use within the *Moonah* Water District.

*Glenorchy Water Act Amendment.*

A.D. 1898.

dwelling-house, by means of communication pipes and other necessary and proper apparatus to be provided, laid down, and maintained by the Trustees at the cost of such person, a sufficient supply of water for his domestic purposes, including a supply for any private water-closet and fixed bath in such dwelling-house.

Supply of water for garden purposes.

**17** The Trustees shall, at the request of the owner or occupier of any land within the *Moonah* Water District the outer boundary of which is within Fifty feet of any main or other pipe of the Trustees, furnish to such person, by means of communication pipes of not less than one half of an inch in diameter and other necessary and proper apparatus to be provided, laid down, and maintained by the Trustees at the cost of such person, a sufficient supply for garden purposes.

Such water shall, at the option of the Trustees, be charged for by meter or according to the number of garden taps: but the charge for such supply shall not exceed the amount for the time being charged by the Trustees to persons within the *Glenorchy* Water District for water supplied for similar purposes, and in the same circumstances, and requiring the same extent of supply.

In all other respects such supply shall be furnished upon such terms and conditions as may be agreed upon between the Trustees and the persons desiring the same.

Agreements may be made for supply of water.

**18** Subject to anything herein contained, the Trustees may supply water to the owners or occupiers of any lands, houses, or other buildings within the *Moonah* Water District by measure or otherwise for any purpose at such charges and subject to such conditions as shall be from time to time agreed upon by and between the Trustees and the persons desiring to be so supplied with water; but as far as possible the charge for such supply of water shall be uniform to all persons in the same circumstances and requiring the same extent of supply, and shall not exceed the amount for the time being charged by the Trustees to persons within the *Glenorchy* Water District for water supplied for similar purposes, and in the same circumstances, and requiring the same extent of supply.

Supply may be limited.

**19** If at any time the Trustees shall find it necessary from any cause to limit the supply of water for any purposes in the *Glenorchy* Water District, then it shall be lawful for the Trustees to limit the supply of water for similar purposes in the *Moonah* Water District.

*Moonah* Water District outside provisions of 57 Vict. No. 25.

**20** When and so soon as this Part of this Act shall come into operation the *Moonah* Water District shall cease to be within the limits of "The *Hobart* Water Act"; and every agreement made between the Trustees and any owners or occupiers within the *Moonah* Water District for the supply of water by the Trustees to such owners or occupiers, shall thereupon be determined; but nothing herein contained shall affect—

- I. Anything duly done before this Part of this Act commences and takes effect:
- II. Any liability accruing before this Part of this Act commences and takes effect:
- III. Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence committed before this Part of this Act commences and takes effect:

*Glenorchy Water Act Amendment.*

- iv. The institution of any legal proceeding or any other remedy for enforcing or recovering any such liability, penalty, forfeiture, or punishment as aforesaid. A. D. 1898.

**21** Notwithstanding anything in the said Acts contained, it shall be lawful for the Trustees to borrow and take up at interest in the manner directed by the said Acts, or in accordance with the provisions of this Act, such sum or sums of money not exceeding Two thousand Pounds in the whole, further and in addition to the sum or sums by the said Acts authorised to be borrowed, as shall from time to time be necessary for effectuating the objects authorised by the said Acts or by this Act. Trustees may borrow.

**22** It shall be lawful for the Governor in Council, under and subject to the provisions of "The Local Public Works Loans Act, 1890," to grant to the Trustees as a loan for effectuating the objects authorised by the said Acts or by this Act, any sum or sums of money not exceeding Two thousand Pounds in the whole, further and in addition to the sum or sums of money by the said Acts authorised to be borrowed. Governor in Council may advance money. 54 Vict. No. 30.

**23** Nothing in the said Acts or in this Act shall be deemed to authorise the Trustees to raise by way of loan a sum exceeding Seventeen thousand Pounds in the whole: Provided that if after having borrowed any sum or sums of money as aforesaid the Trustees shall pay off the same or any part thereof, it shall be lawful for the Trustees again to borrow, under the provisions of the said Acts or this Act, the amount so paid off, and so from time to time. Limitation of total amount to be borrowed by Trustees.

**24** No property within the *Moonah* Water District shall be chargeable with any liability incurred to or to be incurred by or on account of the Trustees for or in respect of any moneys borrowed or to be borrowed by the Trustees under the provisions of the said Acts or this Act, or any Act amending the same, further than the liability to be charged with the payment of Rates that may be imposed thereunder. Property only liable for Rates.

**PART III.****MISCELLANEOUS.**

**25** All Rates payable under the said Act or this Act in respect of property the assessed annual value of which does not exceed Twenty Pounds, or which is let to weekly or monthly tenants, or payable in respect of buildings let in separate apartments or portions, shall be payable and paid by the owner instead of the occupier or occupiers thereof. Rates on property under £20, &c. to be paid by owner.

Where any property shall be let as aforesaid, the person letting the same or receiving the rents for the same shall be deemed to be the owner thereof for the purposes of this Section.

**26** No person shall be liable to be imprisoned for non-payment of any Water Rate or charge for water supplied under the provisions of this Act or of the said Act. Persons not to be imprisoned for non-payment of Water Rates or charges.

*Glenorchy Water Act Amendment.*

A.D. 1898.

Destruction or  
removal of  
carcasses.

**27** The occupier or, if there be no occupier, then the owner, of any land upon which there shall be any dead animal or part thereof the drainage from which may run, drain, or percolate into the *Humphrey's Rivulet* or the tributaries thereof above any waterworks of the Trustees, or into any reservoir, aqueduct, or other waterwork of the Trustees, shall forthwith effectually destroy or remove the same; and if any such dead animal or part thereof shall be left upon any land for any time exceeding Six hours without being effectually destroyed or removed, then it shall be lawful for the Trustees or any officer of the Trustees to take such steps as they or he may think fit for the effectual destruction or removal thereof, and for that purpose the Trustees, their officers, servants, and agents, may enter upon and into any land upon which any such dead animal or part thereof may be, and the expense of such destruction or removal shall be recoverable and recovered from such occupier or owner in such manner and by the same process as any Water Rate is recoverable under the said Act.

Substitution.

**28** The numbers 61 and 62 are hereby substituted for the numbers 59 and 60 respectively in the Fifth line of the One hundred and thirty-sixth Section of the said Act.

Statement and  
account to be  
annually  
prepared.

**29** The Trustees shall, before the end of the second week in the month of *January* in each year, cause the accounts of the Trustees up to and including the last day of *December* next preceding to be balanced, and also cause a full and true statement and account to be drawn out of the amount of all Rates made and levied, and of all moneys received and expended during the preceding year, and also of all debts then owing by and to the Trustees, and such statement and account shall be signed by the Chairman and not less than Two Trustees.

Audit of  
accounts.  
52 Vict. No. 43.

**30** The accounts of the Trustees mentioned in the preceding Section of this Act, and in Section One hundred and twenty-one of the said Act, shall be subject and liable to all the provisions of "The Audit Act, 1888," in the same manner as the accounts of Trustees of Road Districts are now subject and liable; and the statement and account mentioned in the preceding Section of this Act shall be forwarded to the Auditor-General not later than the Thirty-first day of *March* in every year; and such statement and account, with the report of the said Auditor-General thereon, shall be published in the *Gazette* as soon as may be after the same have been audited, and a copy of such *Gazette* shall be affixed by the Trustees on or near the door of the Post Office at *Glenorchy*.

By-laws to be  
certified and  
published.

**31** No By-law to be made by the Trustees shall be of any force and effect until it has been certified by the Attorney or Solicitor-General not to be repugnant to this Act or to the general spirit or intendment of the Laws in force in *Tasmania*, and published in the *Gazette*.

By-laws to be  
published and  
laid before  
Parliament.

**32** All By-laws made hereunder shall be published in the *Gazette*, and shall be laid before both Houses of Parliament within Fourteen days after the publication thereof if Parliament is then sitting, or if not then sitting, then within Fourteen days from the next assembling of Parliament; and upon publication in the *Gazette* all such By-laws shall have the force of law.



---

*Glenorchy Water Act Amendment.*

---

**33** This Act and the said Act and every Act amending the same shall, save as altered or amended by this Act, be read and construed together as one and the same Act.

A.D. 1898.

—  
Acts to be read together.

---

**SCHEDULE.**

---

**BOUNDARIES OF THE MOONAH WATER DISTRICT.**

Commencing at a point on the River Derwent being the northern angle of land granted or located to G. H. M'Guire, and bounded by the eastern boundary of the Glenorchy Water District to the point where such boundary meets the New Town Rivulet, thence by that rivulet to the River Derwent, and thence by that river to the point of commencement.

