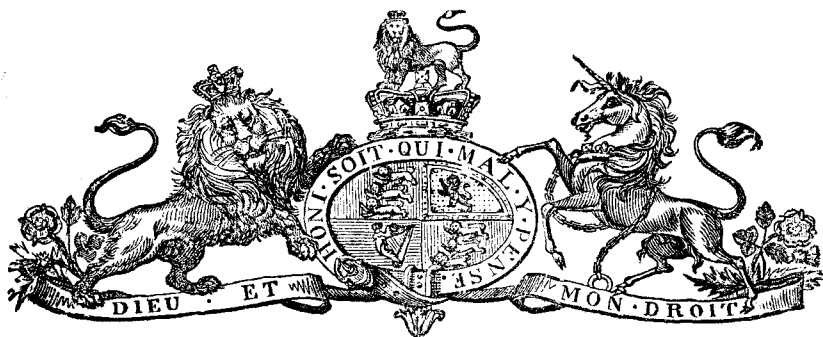


T A S M A N I A.



1860.

ANNO VICESIMO-QUARTO

VICTORIÆ REGINÆ,

No. 9.



AN ACT for providing a sufficient Supply of  
Water for the City and Port of *Hobart Town*  
and Places adjacent. [4 October, 1860.]

**W**HEREAS by the Act of Council of the 5th *William* the 4th, PREAMBLE.  
No. 14, after reciting that, in order to ensure a supply of pure Water for  
the use of the Inhabitants of *Hobart Town* and the Shipping in its Har-  
bour, a Tunnel or Watercourse had been constructed at the public expense,  
by means of which Water was obtained from the source of the *Hobart*  
*Town Rivulet* at a place near the foot of *Mount Wellington*, and was  
carried thence through the Town to the Harbour, and also that Wells  
supplied by means of the same Watercourse had been sunk, and Pumps  
erected in divers places in the said Town for the greater public convenience  
in obtaining Water; and that it might be expedient thereafter to construct  
other Watercourses, for the purpose of obtaining a supply of Water  
either from the said Rivulet or from other Streams in the neighbourhood  
of *New Town* or elsewhere; and it was necessary that all nuisances and  
obstructions therein, or in or to any part of the said Rivulet from which  
the major part of the Inhabitants of the Town obtained their only  
supply of Water, should be prevented, and that the said several Water-  
courses should be effectually preserved from injury, it was enacted by  
Section 1 of the said Act that the said Tunnel or Watercourse then  
made, and all such Branches thereof as were then or at any future  
time might be made under the authority of the Governor, by means  
of Pipes or other Conduits, for conveying Water from the said *Hobart*  
*Town Rivulet* or elsewhere into the said Town, or through any Street  
or other part thereof, for the supply of the Inhabitants with Water, and all

such new or other Tunnels or Watercourses, and Pipes or Conduits therefrom, as should at any future time be made or constructed for any of the purposes aforesaid, and all Reservoirs, Basins, Wells, Tanks, Pumps, Cocks, and other things lawfully used for retaining Water in, or conducting or distributing Water from, the same Watercourse or Watercourses or either of them; and also (subject nevertheless to all private rights or interests, if any, to or in the same) all Springs and Streams of Water forming the sources of supply of any such Watercourse, and especially the Water of and in the said Rivulet, together with the soil and bed thereof, and the right of ingress and egress to and from the same for the purpose of inspecting and cleansing the same, and repairing and making good the banks thereof, should be and the same were thereby declared to be respectively vested in His then Majesty King *William* the 4th, His Heirs and Successors, for the use of the Public for ever: And whereas the present supply of Water to the City of *Hobart Town* and the Suburbs thereof is inadequate and insufficient, both in quantity and purity, for the wants and convenience of the Population and Trade of the said City and Suburbs: And whereas it is expedient that the supply of Water to the said City and Suburbs, and to the Shipping in the Harbour thereof, should be provided by, and be placed under the control, regulation, and management of, the Municipal Council of the said City, and that the rights vested in the Crown by the said recited Act should be transferred to and vested in the Corporation of the said City; and also that the power of obtaining an additional supply of Water from other Streams should be conferred on the said Municipal Council: 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:—

*Interpretation.*

Interpretation.	<b>1</b> In the construction and for the purposes of this Act, and of all proceedings under this Act, the following terms and expressions shall have the respective meanings hereafter assigned to them, unless there is something in the context of the Act repugnant to such construction; that is to say,
“Corporation.”	“Corporation” shall mean the Corporation of <i>The Mayor, Aldermen, and Citizens of the City of Hobart Town</i> :
“Council.”	“Council” shall mean the Municipal Council of the City of <i>Hobart Town</i> :
“Waterworks.”	“Waterworks” shall extend to and include all Reservoirs, Wells, Cisterns, Tanks, Aqueducts, Tunnels, Feeders, Drains, Channels, Cuts, Floodgates, Sluices, Conduits, Filters, Troughs, Dams, Embankments, Pumps, Culverts, Pipes, Pipe-breaks, Engines, Buildings, and other Works of what kind soever, which are, from time to time, necessary or used for effecting the purposes of this Act; and shall also extend to and include Compensation Reservoirs and all Works incident thereto:
“Streams.”	“Streams” shall extend to and include Springs, Brooks, Rivers, and other running Waters:
“Street.”	“Street” shall extend to and include any public and common Highway, Road, Footway, Bridge, Square, Court, Passage, Alley, Thoroughfare, and public Way or Place:
“Limits of this Act.”	“Limits of this Act” shall comprise and include the City of <i>Hobart Town</i> and Suburbs thereof, and Districts and Places adjacent:

“Two Justices” shall mean Two or more Justices of the Peace in “Two Justices.”  
and for the Colony met and acting together :

“Person” shall include Corporations. “Person.”

*Execution of Act.*

**2** The Corporation is hereby empowered to carry this Act and the Council to execute Act.  
several powers thereof into execution by the Council.

*Waterworks vested in the Corporation.*

**3** All rights, matters, and things which, by virtue of Section 1 of Rights vested in the Crown by 5  
the said recited Act of Council of the 5th *William* the 4th, No. 14, W. 4, No. 14, s. 1  
were vested in His then Majesty King *William* the 4th, His Heirs and transferred to the  
Successors, and all rights, matters, and things which, by virtue of the Corporation.  
said Section of the said recited Act, are vested in Her present Majesty  
at the time when this Act commences and takes effect, are hereby  
transferred to and vested in the Corporation for the purposes of this Act.

**4** All Waterworks transferred to and vested in the Corporation by Property in the  
this Act, or made, constructed, repaired, or maintained under this Act, Waterworks  
and all appliances and appurtenances thereto respectively belonging, vested in the Cor-  
and the materials of which the same consist, excepting Communication poration.  
Pipes and their appliances within the outer boundary of any premises,  
and all materials, tools, implements, and things furnished and provided  
by the Council, under the authority or for any of the purposes of this  
Act, shall be the property of the Corporation.

*Sources of Supply.*

**5** The following Streams shall constitute the Sources of the Supply Sources of Supply  
of Water for the purposes of this Act ; for the purposes  
of the Act.

(1.) All Streams the right to which is hereby transferred to the Corporation as aforesaid :

(2.) So much of the Waters of the Streams known as the *Wellington Rivulet* and the *Fern Tree Creek*, and of all other Streams lying between the said last-mentioned Rivulet and Creek, and flowing from *Mount Wellington* towards the Road known as the *New Huon Road*, as arises or flows on the North-western side of the said Road, including the Waters of any such Stream which have at any time been diverted into or may now flow in the *Hobart Town Rivulet*, and which are hereby declared not to be any portion of the said *Hobart Town Rivulet* :

(3.) The *New Town Rivulet* and its Tributaries : Provided, that if the *New Town Rivulet* or its Tributaries are not taken by the Council under the powers conferred by this Act within Five Years from the time of the passing of this Act, the powers conferred upon the Council by this Act of taking and using the said Rivulet or its Tributaries shall cease.

*Notices by the Council.*

**6** Any Notice required to be given to any person by the Council by Notices to be given  
virtue of the provisions of *The Lands Clauses Act*, or of this Act, by Council how  
shall be sufficient if signed by the Mayor or by the Town Clerk. to be signed.

**7** Any Notice required to be given to any person by the Council by Service of Notices.  
virtue of the provisions of this Act may either be served personally on

the person to be served, or be left at his last usual place of abode if any such can after diligent inquiry be found.

*Construction of Works.*

**Purchase of Land.** **8** The Council is hereby empowered to purchase any Land which the Council may consider to be necessary for the purposes of this Act, and which the Council may think proper to purchase; and for the purpose of facilitating and effectuating any such purchase *The Lands Clauses Act* shall be incorporated with this Act.

**Entry upon Land.** **9** For the purposes of this Act it shall be lawful for the Council to enter upon any Land, and to take levels of the same, and to set out such parts of such Land as the Council thinks necessary, and to dig, cut, trench, and break up the soil of such Land, and to remove all earth, stone, trees, or other things dug or obtained out of the same, and to use such materials in the construction and upholding of the Works authorised by this Act.

**Taking Streams.** **10** For the purposes of this Act it shall be lawful for the Council, from time to time and continuously, to take, divert, and impound the Water of the Streams or any of them constituting the Sources of Supply under this Act, and to alter the course of any such Stream.

**Construction of Waterworks.** **11** It shall be lawful for the Council, from time to time, to make, construct, lay down, maintain, alter, or discontinue such Waterworks upon any Land, and upon the Streams constituting the Sources of Supply under this Act, as the Council thinks necessary for supplying the Inhabitants within the Limits of this Act with Water.

**Council to give notice prior to first entry upon Land.** **12** Prior to the first entry upon any Land by the Council for the purposes of this Act, not less than Fourteen Days notice of the intention of the Council to enter shall be given by the Council to the Owner and Occupier, if any; but no notice shall be necessary previous to any subsequent entry by the Council upon such Land for the purposes of this Act.

**Provisions of Act to apply to existing Waterworks.** **13** The Council is hereby empowered to use any now existing Waterworks so transferred to the Corporation as aforesaid, and to maintain, alter, or discontinue the same, for the purposes of this Act, as the Council may, from time to time, think proper, in the same manner as any Waterworks constructed under the authority of this Act; and all the powers and provisions of this Act relating to Waterworks shall equally apply to such existing Waterworks.

**Council to do as little damage as may be.** **14** In the exercise of the powers conferred by this Act the Council shall do as little damage as can be, and, in all cases where it can be done, shall provide other Watering-places, Drains, and Channels for the use of adjoining Lands, in place of any such as are taken away or interrupted by the Council.

*Compensation.*

**Council to make Compensation for damage done by execution of Works.** **15** The Corporation shall make Compensation, in manner hereinafter provided, to all parties lawfully interested in the Water of any Stream taken or used under the authority of this Act, or in any Land, other than Land purchased by the Council, in or upon which any Waterworks may be constructed, or which may be injuriously affected by the construction and maintenance of the Waterworks under this Act, other

than any now existing Waterworks, or otherwise by the execution by the Council of the powers hereby conferred, for all damage sustained by reason of the exercise as to such Stream or Land of the powers vested in the Council by this Act.

**16** Any person claiming such Compensation shall prefer his claim by Notice in writing addressed to the Council, and served upon the Town Clerk, in which Notice shall be specified the place of abode of the Claimant, the particular act occasioning the damage for which Compensation is claimed, the nature and amount of such damage, and the nature of the title or interest of such Claimant in or to the Water or Land in respect of which the claim is preferred; and if any such person and the Council do not agree as to the amount of such Compensation, the same, and the application thereof, shall, except in the cases hereinafter mentioned, be determined by Arbitration in the manner provided by *The Lands Clauses Act* in cases of disputed Compensation.

Persons damaged to make claim for Compensation.

Compensation how to be ascertained.

**17** In determining such claims, regard shall be had to any benefit which may be done or accrue to the Claimant, by or as the result of the provisions in this Act contained.

Regard to be had to any benefit which may accrue.

**18** Any claim which may be made under this Act by the Owner or Occupier of any Mill erected before the passing of the Act of Council of the 5th *William* the 4th, No. 14, and worked by the Water of the *Hobart Town Rivulet*, to Compensation for damage sustained in respect of such Mill by reason of the diversion of the Water of such Rivulet by the Council under the powers conferred by this Act, shall, whether heard before Arbitrators or before the Supreme Court, be determined as if such Mill and the Land occupied therewith at the time of the passing of the said recited Act had been then vested in fee in such Owner, and as if any Land through or over which the Water for working such Mill was then conveyed had not then been vested in the Crown.

Claims for Compensation by Owners of Mills on *Hobart Town Rivulet* to be determined as if such Owners had been seised before 5 W. 4, No. 14.

**19** If the Council, by Notice in writing, requires any person to make claim for Compensation for any damage occasioned by the exercise previously to the service of such Notice of any of the powers conferred on the Council by this Act, such person shall not be entitled to Compensation for any damage sustained by reason of the exercise of any such powers previously to the service of such Notice, unless he prefers his claim, in manner aforesaid, within Three Months after service of such Notice.

Persons not making claim when required to be barred.

**20** Where any claim for Compensation involves damage alleged to have been sustained by reason of the taking or diversion of any Water, and the right of the Claimant in or to such Water is disputed by the Council, if the Council within Fourteen Days after the service of the Notice of the claim gives Notice to the Claimant that his right in or to such Water is disputed, then such claim shall not be determined by Arbitration, but shall be determined by an Action in the Supreme Court, to be brought by the Claimant against the Corporation for damages, or upon an issue agreed to between the Claimant and the Council.

Compensation for diverting Water to be ascertained by Action in the Supreme Court.

**21** Every such Action shall be commenced within Three Months after the service on the Claimant of such Notice as aforesaid that his right is disputed, and not afterwards.

Such Actions to be commenced within Three Months.

**22** The Corporation shall, from time to time, and at all times for ever hereafter, pay and make good to the Owners and Occupiers of all

Compensation for damage done by

failure of the Works.

Lands and Buildings, and to every person whomsoever, all loss, costs and charges, sums of money, damages and expenses whatsoever, and for all injury, of what nature or kind soever, as well immediate as consequential, which such Owners or Occupiers, or other persons, may suffer, incur, pay, expend, or be put to by reason or in consequence of the failure or giving way of any of the Waterworks of the Corporation under this Act.

No Compensation for diverting Streams from *Hobart Town Rivulet* which are not natural Tributaries thereof, nor for maintaining existing Waterworks after such diversion.

**23** No claim to Compensation shall arise under this Act or otherwise by reason of the Waters of any Stream, not being naturally a Tributary of the *Hobart Town Rivulet*, and which may have been at any time brought or diverted into, or may now flow in the said Rivulet, being cut off or diverted from or prevented from flowing in the said Rivulet, and being appropriated for the purposes of this Act by the Council, nor by reason that, after the cutting off or diversion as aforesaid of the Waters of any such Stream not being naturally a Tributary of the *Hobart Town Rivulet*, the Council uses and maintains the now existing Waterworks so transferred to the Corporation as aforesaid, and uses the Waters of the said Rivulet and of any natural Tributary thereof, for the purposes of this Act, in as full and ample a manner, and to the same extent, as the same have been heretofore used and maintained for the purposes of any Law in force at the time of the passing of this Act.

#### *Compensation Works.*

If *New Town Rivulet* taken Compensation Works to be provided by Council.

**24** In case the Waters of the *New Town Rivulet*, or of any Tributary thereof, are taken, diverted, or impounded by the Council under the authority of this Act, the Council shall make adequate provision, by means of Stand-pipes erected in or near the said Rivulet at convenient places, as near as may be to the places whence the Inhabitants of *New Town* have been previously accustomed to obtain Water, for affording to such Inhabitants of *New Town* as may choose to carry the same away the means of obtaining, free of all charge, a supply of Water equal in quantity and quality to the supply which they would have enjoyed had this Act not passed.

Compensation Works may be provided instead of making Compensation.

**25** In any case in which the Council is able to make good the interruption which would be caused by the taking or diversion of any Water under this Act, by means of Compensation Reservoirs or other Works, it shall be lawful for the Council, instead of making pecuniary Compensation to any person having a right to the use of such Water, to construct such Compensation Reservoirs or other Works, and thereby to secure to such person a supply of Water equal in quantity and quality to the supply which he would have enjoyed had this Act not passed; and in such case the Compensation Reservoir or other Works shall be completed and filled with Water before the Water is taken or diverted for the purposes of this Act.

Sufficiency of Compensation Works how to be ascertained.

**26** If any difference should arise between the Council and any such person respecting the construction of any such Compensation Reservoir or other Works, or the kind or sufficiency thereof, or respecting the maintenance thereof, the same shall be determined by Arbitration in the mode prescribed by *The Lands Clauses Act* in cases of disputed Compensation.

Water may be supplied from the

**27** Wherever the Owners or Occupiers of Land, through or by which any Streams flow the Water of which has been taken, diverted, or im-

\* pounded by the Council under the authority of this Act, have now by Law the right of using such Water for any purpose, and Water in lieu of that which may be thereby taken away can be supplied from the Waterworks, it shall be lawful for the Council, instead of making pecuniary Compensation to the Owners or Occupiers for the time being of such Lands, to afford a reasonable supply of Water for such purpose from the Waterworks free of charge, other than the Water Rates for the time being made and in force under this Act; and in case the Council and any such Owner or Occupier do not agree as to the quantity to be so supplied, or as to the mode of supply, the same shall be determined by Arbitration in the mode prescribed by *The Lands Clauses Act* in cases of disputed Compensation. Waterworks instead of making Compensation.

*Breaking up of Streets.*

**28** The Council may open and break up the soil and pavement of any Streets within the Limits of this Act, and may open and break up any Sewers, Drains, or Tunnels within or under such Streets, and lay down and place Pipes, Service Pipes, and other Works and Engines, and, from time to time, repair, alter, or remove the same; and, for the purposes aforesaid, remove and use all earth and materials in and under such Streets, and do all other acts which the Council, from time to time, deems necessary for supplying Water to the Inhabitants within the said Limits, doing as little damage as can be in the execution of the powers hereby granted. Power to break up Streets, &c., and to open Drains.

**29** The Council shall, before opening or breaking up any Street without the City, give to the persons, if any, under whose control or management the same may be, or to their Clerk, Surveyor, or other Officer, Notice in writing of the intention of the Council to open or break up the same not less than Three clear Days before beginning such work, except in cases of emergency arising from defects in any of the Pipes or other Works, and then so soon as is possible after the beginning of the work or the necessity for the same has arisen. Notice to be served on persons, if any, having control of Streets.

**30** No Street without the City shall, except in the cases of emergency aforesaid, be opened or broken up except under the superintendence of the persons, if any, having the control or management thereof, or of their Officer, and according to such Plan as is approved of by such persons or their Officer, or in case of any difference respecting such Plan then according to such Plan as may be determined by Two Justices: Provided, that if the persons having such control or management as aforesaid and their Officer fail to attend at the time fixed for the opening of any such Street, after having had such Notice of the intention of the Council as aforesaid, or do not propose any Plan for breaking up or opening the same, or refuse or neglect to superintend the operation, the Council may perform the work specified in such Notice without the superintendence of such persons or their Officer. Streets not to be broken up except under superintendence of persons having control of same.

**31** When the Council opens or breaks up any Street, Sewer, Drain, or Tunnel, it shall with all convenient speed complete the work for which the same was broken up, and fill in the ground, and reinstate and make good the Street, Sewer, Drain, or Tunnel so opened or broken up, and carry away the rubbish occasioned thereby; and shall at all times whilst any such Street is so opened or broken up cause the same to be fenced and guarded, and a light sufficient for the warning of passengers to be set up and kept against the same every night. Streets, &c., broken up to be reinstated without delay.

*Fire-plugs.*

Council to affix  
Fire-plugs in  
Mains.

**32** The Council shall fix proper Fire-plugs in the Main and other Pipes, at such convenient distances, not being more than One hundred Yards from each other, and at such places as may be most proper and convenient for the supply of Water for extinguishing Fires.

Council to keep  
Fire-plugs in re-  
pair and deposit  
Keys thereof at  
Engine houses.

**33** The Council shall, from time to time, renew and keep in effective order every such Fire-plug; and, as soon as any such Fire-plug is completed, the Council shall deposit a Key thereof at each place within the Limits of this Act where any public Fire Engine is kept, and shall put up a public Notice in some conspicuous place in each Street in which such Fire-plug is situated showing its situation, which notice the Council may put up on any house or building in such Street.

Fire-plugs to be  
placed near build-  
ings at request of  
Owners.

**34** The Council shall, at the request and expense of the Owner or Occupier of any building situated in any Street in which there is a Pipe, place and maintain in effective order a Fire-plug, to be used only for extinguishing Fires, as near as conveniently may be to such building.

Pipes to be kept  
charged.

**35** The Council shall at all times keep charged with Water all Pipes to which Fire-plugs are fixed, unless prevented by unusual drought, or other unavoidable cause or accident, or during necessary repairs, and shall allow all persons at all times to take and use such Water for extinguishing Fire without making compensation for the same.

Water may be  
taken to extinguish  
Fires without  
charge.

*Supply of Water.*

Supply of Water  
for domestic use  
within the City.

**36** The Council shall, at the request of the Owner or Occupier of any house or part of a house occupied as a separate dwelling situated within the City, the outer boundary of which is within Fifty Feet of any Main or other Pipe of the Council, furnish to such person within such dwelling-house, by means of Communication Pipes and other necessary and proper apparatus, to be provided, laid down, and maintained as to such part thereof as is within the outer boundary of the premises 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 domestic use  
beyond the City  
and within the  
Limits.

**37** The Council shall, if practicable, cause Pipes to be laid down and Water to be brought to every part of the places and districts within the Limits of this Act and beyond the City, whereunto the Council is required by so many Owners or Occupiers of houses in such part of the district beyond the City as that the aggregate amount of the Suburban Water Rate hereinafter mentioned payable by them annually shall not be less than One-tenth part of the expense of providing and laying down such Pipes: Provided always, that no such requisition shall be binding on the Council unless such Owners or Occupiers severally execute an Agreement binding themselves to take such supply of Water for Three successive Years at least.

Supply of Water  
for other purposes  
than domestic use.

**38** The Council may, if it sees fit, furnish to any person within the Limits of this Act a supply of Water for Steam-engines, or for warming any dwelling-house or other premises, or for working any Machine or Apparatus, or for Horses or Cattle, or for washing Carriages, or for Gardens, Fountains, or ornamental purposes, or for flushing Sewers or Drains, or for any Trade, Manufacture, or Business,



whether carried on in any dwelling-house or in other premises, or for any other purpose not domestic, such respective supplies being so furnished at such Charges, and upon such terms and conditions, as may be agreed upon between the Council and the person desiring the same: Provided always, that, 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.

**39** The Communication Pipe between the Main or other Pipe of the Corporation, and the outer boundary of any premises, shall be provided, laid down, and maintained by and at the expense of the Corporation, and shall be the property of the Corporation.

Service Pipes without private property to be laid down by Council.

**40** The description of Pipes and other apparatus by means of which Water is laid on, distributed, or supplied, within the outer boundary of any premises, shall be such as the Council determines, either generally, or in classes of cases, or in any particular case, and the Council shall not be bound to supply Water in any case in which the required description of Pipes, or other apparatus, is not provided, and may cut off the Pipes, or turn off the Water, from any premises supplied with Water, until the required description of Pipes, or other apparatus, is provided.

Council may determine the description of Service Pipes to be used.

**41** It shall be lawful for the Council, if it thinks fit so to do, to erect and place within the Limits of this Act, any number of Fountains, Pumps, or other Waterworks, in any public situation for the gratuitous use of any persons who may choose to carry Water away from the same for their own private use, but not for sale; and to supply with Water any public Baths or Wash-houses which may be established for the use of the poorer classes.

Public Fountains.

**42** The Council may supply Water at or by means of any Public Fountains, Pumps, or other Waterworks, now or hereafter erected within the Limits of this Act, on such terms and at such rate as are for the time being approved of and sanctioned by the Council.

Council may charge for Water supplied at Fountains.

**43** The Council shall supply and distribute Water at such places as it thinks proper for the use of the Shipping in and frequenting the Port of *Hobart Town*, at a Charge not exceeding Two Shillings for every Tun of Two hundred and fifty-two Gallons; and the Council is hereby empowered to demand and receive payment in advance for all Water so to be supplied according to the quantity of Water required to be supplied.

Supply of Water for the use of the Shipping.

#### *Fouling the Water by Gas.*

**44** For the purpose of ascertaining whether the Water supplied by the Council is fouled by the Gas of any persons making or supplying Gas, the Council may dig up the ground, and examine the Pipes and Works of the persons making or supplying Gas: Provided that, before proceeding so to dig and examine, the Council shall give Twenty-four hours notice in writing to the persons so making or supplying Gas of the time at which such digging and examination is intended to take place.

Power to examine Gas Pipes to ascertain whether Water is fouled.

**45** If upon such examination it appears that such Water has been fouled by Gas belonging to such persons, the expenses of the digging, examination, and repair of the Street or place disturbed in any such examination shall be paid by the persons making or supplying the Gas; but if upon such examination it appears that the Water has not been fouled

The expenses to abide the result of the examination.

by the Gas of such persons, then the Council shall pay all the expenses of the examination and repair, and also make good to the said persons any injury which may be occasioned to those Works by such examination.

How expenses to be ascertained.

**46** The amount of the expenses of every such examination and repair, and any injury done to the Corporation, shall, in case of any dispute about the same, together with the costs of ascertaining and recovering the same, be ascertained and recovered in a summary way by and before any Two or more Justices of the Peace.

*Waste or Misuse of Water.*

Service Pipes to be kept in repair.

**47** In case any person, when required by the Council, neglects to keep the Pipes and other apparatus, by means of which his premises are supplied with Water, in good repair, the Council may cut off the Pipe or turn off the Water from such premises until such Pipes and other apparatus are sufficiently repaired.

Council may repair Service Pipes.

**48** The Council may repair any such Pipe, or other apparatus, so as to prevent any such waste of Water, and the expenses of such repair, shall be repaid to them by the person so allowing the same to be out of repair and may be recovered by the Council from such person in a summary way.

Cisterns, &c., to be constructed so as to prevent waste or impurity.

**49** Every Cistern or other receptacle for Water which the Council may permit to be used, and every Closet, Soil-pan, and private Bath supplied with Water by the Council, shall be so constructed and used as effectually to prevent the waste, misuse, or undue consumption of Water, and the flow or return of foul air or other noisome or impure matter into the Mains or Pipes of the Council, or into any Pipes connected or communicating therewith; and the Council shall not be bound to supply Water into any Cistern or other receptacle for Water, so permitted to be used, or any Closet, Soil-pan, or private Bath, which is not so constructed and used.

Power to enter premises to inspect.

**50** The Director of Waterworks, or any other person acting under the authority of the Council, may, between the hours of Nine of the clock in the forenoon and Four of the clock in the afternoon, enter into any house or premises supplied with Water by virtue of this Act, in order to examine if there is any waste or misuse of such Water; and if such Director of Waterworks or other person is at any such time refused admittance into such house or premises for the purpose aforesaid, or is prevented from making such examination as aforesaid, the Council may turn off the Water from such house or premises.

*Annual Estimate of Expenditure.*

Council to estimate annual sum required for purposes of the Act.

**51** The Council is hereby authorised and required, once in each Year, to estimate and fix the amount of money necessary to be levied for the purpose of defraying the cost, charges, and expenses of supplying Water within the Limits of this Act for and during the Year then current, under which shall be understood to be comprehended the payment of the interest of any money borrowed on the security of the Water Rates and Charges, as well as any sum of money which the Council may think fit to set apart and apply each Year as and for a Sinking Fund as hereinafter provided, together with such portions of the salaries, wages, and other expenses of the Director of Waterworks and any Engineers, Surveyors, Clerks, Collectors, and other Officers and Servants employed by the Council for the purposes of this Act as the Council thinks equitable and fair to charge to such account, and all

other charges and expenses attendant upon procuring and distributing a supply of Water, and for the other purposes authorised and required by this Act.

*Rates.*

**52** In order to raise a sum of money sufficient for the purposes aforesaid, the Council is hereby authorised and required, once in every Year, to make and levy a Rate, to be called The Domestic Water Rate, upon and from the Occupiers of all dwelling-houses, and shops and buildings used as dwelling-houses, within the City, according to the annual value of such dwelling-houses and shops and buildings, and of any land attached or belonging thereto respectively.

Domestic Water Rate to be levied.

**53** The Council is hereby authorised and required in like manner, once in every Year, to make and levy a Rate, to be called The Public Water Rate, upon and from the Owners of all dwelling-houses, shops, warehouses, counting-houses, coach-houses, stables, buildings, workshops, mills, and manufactories, and of the several lands thereunto attached or belonging, and all other lands and premises within the City, except as hereinafter mentioned, according to the annual value thereof: Provided always, that the said Public Water Rate shall be made and levied upon the Owners of any land not attached to or occupied with a dwelling-house according to One-fourth part only of such annual value thereof respectively.

Public Water Rate to be levied.

**54** No person who is the Occupier or Owner of any of the aforesaid description of premises shall be liable to the payment of either of the said Rates, in a greater proportion than according to One-fourth part only of such annual value thereof, unless such premises are actually supplied with Water for domestic purposes, or unless the Mains or other Pipes of the Council are laid down and properly supplied with Water, within Fifty Feet from the outer boundary of such premises.

One-fourth only of such Rates to be levied unless premises are supplied with Water.

**55** The Council may make the said Domestic Water Rate and Public Water Rate prospectively in order to raise money to pay charges and expenses to be incurred thereafter, or retrospectively in order to raise money to pay charges and expenses already incurred.

Such Rates may be levied to defray past or future expenses.

**56** The Domestic Water Rate shall not at any time exceed the rate of Five Pounds *per centum per annum*; and the Public Water Rate shall always be in the proportion to the Domestic Water Rate of One-fourth part thereof.

Limits amount of Domestic and Public Water Rate.

**57** The Council is hereby empowered, once in every Year, to make and levy a Rate, to be called The General Suburban Water Rate, upon and from the Occupiers of all dwelling-houses, and shops and buildings used as dwelling-houses, within the Limits of this Act and beyond the City, according to the annual value of such dwelling-houses, and shops and buildings, and of any land attached or belonging thereto respectively; or, if the Council in any Year thinks fit so to do, it shall be lawful for the Council, instead of making and levying a General Suburban Water Rate, to make and levy separate Suburban Water Rates upon and from the Occupiers of such description of premises as last aforesaid, within separate portions of the area beyond the City and within the Limits of this Act, in which case each such separate Suburban Water Rate shall be called The Special Suburban Water Rate for the portion of such area to which it relates, assigning

Suburban Water Rate to be levied.

to such portion a distinctive appellation: Provided, that no Occupier of any such premises shall be liable to the payment of any Suburban Water Rate unless such premises are actually supplied with Water for domestic purposes, or unless the Mains or other Pipes of the Council are laid down and properly supplied with Water within Fifty Feet from the outer boundary of such premises.

Limits amount of Suburban Water Rate.

**58** The Suburban Water Rate, whether General or Special, shall never be a less amount in the Pound than the aggregate amount in the Pound of the Domestic Water Rate and Public Water Rate for the time being.

Rates and Charges for Water to be so regulated as not to exceed annual expenditure.

**59** The Council shall, from time to time, so regulate the Rates and Charges to be levied and made for the supply of Water under the provisions of this Act, that the amount of such Rates and Charges, with the aid of the Public Water Rate to be levied under the authority of this Act, shall be, as near as may be, sufficient to pay the interest upon any money borrowed by the Council for the purposes of this Act, together with the costs of managing and conducting the Waterworks, and such further sum not exceeding Five Pounds *per centum per annum* on the amount borrowed for the purposes of this Act as the Council may set apart as hereinafter provided, for the purpose of the Sinking Fund, anything in Section 118 of *The Hobart Town Corporation Act* to the contrary notwithstanding; and if in any Year the amount received is more than sufficient for all the purposes aforesaid, the Council is hereby required to make a proportionate reduction in the Rates and Charges payable by the consumers of Water to be in the next Year made in respect of Water supplied under and by virtue of this Act.

Upon making a Rate notice of same to be given.

**60** Upon the making of any Rate under this Act, a Notice signed by the Mayor and not less than Five Aldermen, specifying the amount in the Pound of the Rate, the period for which the same is made, and at what times the same is payable, shall be published in the *Gazette*; and upon any such Notice being so published, the Rate therein mentioned shall be payable and paid at the times specified in such Notice, in the case of the Domestic Water Rate by the then respective Occupiers of such description of property as is mentioned in Section 52, and in the case of the Public Water Rate by the then respective Owners of such description of property as is mentioned in Section 53, according to the annual value of such property as ascertained and determined by the Assessment Roll then in force for the City, and, in the case of a Suburban Water Rate, by the then respective Occupiers of such description of property as is mentioned in Section 57, according to the annual value of such property as ascertained and determined by the Valuation Roll in force for the time being comprising such property; 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.

Where several premises supplied by One Pipe each to pay.

**61** When several buildings are supplied by one common Pipe, the several Owners or Occupiers of such buildings shall be liable to the payment of the same Rates for the supply of Water as they would have been liable to if each of such several buildings had been supplied with Water from the Waterworks by a separate Pipe.

Rates how to be recovered.

**62** If any person liable as herein provided to pay any Water Rate neglects to pay such Water Rate within due time after the same has

been lawfully demanded, 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, or by such means as the Council thinks fit, and may recover the Rate due from such person, with the expenses of cutting off the Water, in the same manner as any Municipal Rate is recoverable.

**63** The like proceedings may be had for recovering and enforcing the payment of any Charge for the supply of Water by the Council under this Act, other than Water Rate, as in the case of any Water Rate.

Charges for Water how to be recovered.

**64** 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.

Persons not to be imprisoned for non-payment of Water Rates or Charges.

**65** Subject to the provisions of this Act, so much of *The Hobart Town Corporation Act* as relates to Rates shall be applicable to all Rates to be made and levied under this Act.

Applies provisions of 21 V. No. 14, relating to Rates.

**66** No Charge for the supply of Water, nor any Rate whatever, shall be made or levied under this Act in respect of any buildings or premises the property of or occupied on behalf of Her Majesty and used for a public purpose, or of any building or premises used solely for any public purpose, or of any ship belonging to or in the service of Her Majesty, or of any Hospital, Benevolent Asylum, or other building used solely for charitable purposes, except any actual expense which may be incurred by the Council in supplying the Water in any such case; but every such building, premises, ship, Hospital, or Benevolent Asylum as aforesaid shall be entitled to obtain such supply of Water as may be directed by order of the Governor.

Certain property and vessels exempted from Rates.

#### *Borrowing Money.*

**67** It shall be lawful for the Council, for the purposes of this Act, to borrow on Mortgage any sums not exceeding Fifty thousand Pounds, and to make and grant Mortgages of the several Rates and Charges to be levied and paid under the authority of this Act in security of the payment of the money so borrowed and interest thereon; and if after having borrowed the said sums, or any part thereof, the Council pays off the same, it shall be lawful for the Council again to borrow the amount so paid off, and so from time to time; and the provisions of *The Hobart Town Corporation Act* relating to Mortgages of Rates shall, subject to the provisions of this Act, be applicable to Mortgages to be granted under the authority of this Act.

Power to borrow money.

**68** In order to facilitate the borrowing by the Council of the said sum of Fifty thousand Pounds for the purposes aforesaid, it shall be lawful for the Colonial Government to guarantee the payment of interest upon the same, or any part thereof, to the lenders: Provided always, that in every such case, and so far as the Colonial Government, in consequence of such guarantee, advances and pays any sum of money to any such lender, all moneys so paid shall be, and the same are hereby declared to be, a first or primary charge upon the Rates and Charges to be received by the Council under the authority of this Act.

Government may guarantee interest on the loan.

**69** It shall be lawful for the Trustees for the time being of any Bank for Savings in *Tasmania*, now established or hereafter to be established, to advance and lend to the Council, upon the security aforesaid, any

Savings Banks may invest in such loans.

part of the sum not exceeding Ten thousand Pounds which the Council is authorised to borrow under this Act, any thing in the Act of Council of the 12th *Victoria*, No. 1, to the contrary notwithstanding.

*Sinking Fund.*

Sinking Fund to be established.

**70** It shall be lawful for the Council, and it is hereby required, annually to set apart as a Sinking Fund, from and out of any surplus moneys appearing upon the yearly balance of the Hobart Town Water Account hereinafter mentioned, a sum not exceeding Five Pounds *per centum per annum* on the amount raised and borrowed for the purposes of this Act; and such Sinking Fund shall be, from time to time, applicable to the redemption of Mortgages, and the restoration and improvement of the Waterworks, and to no other purposes whatsoever.

*Offences.*

Penalty for illegally diverting the Sources of Supply.

**71** After any of the Streams constituting the Sources of Supply for the purposes of this Act have been taken, diverted, or impounded by the Council for such purposes, every person who illegally diverts or takes any such Stream so taken, diverted, or impounded, or the Water supplying or flowing into any Stream so taken, diverted, or impounded, or any part thereof, or who does any unlawful act whereby the said Streams may be drawn off or diminished in quantity, and who does not immediately repair the injury done by him on being required so to do by the Council, so as to restore the said Waters to the state in which they were before such act, shall incur a penalty not exceeding Five Pounds for every day during which the said supply of Water is diverted or diminished by reason of any such act; and the payment of any such penalty so incurred shall not bar or affect the right of the Corporation to bring an Action at Law against such person for the damage so committed.

Penalty for obstructing construction of Works.

**72** Every person who wilfully obstructs, hinders, or interrupts the Council, or any person acting under the authority of the Council, in doing or performing any work by this Act authorised to be done or performed by the Council, or in the exercise of any power or authority by this Act conferred on the Council, shall for every such offence incur a penalty of not less than Ten Pounds nor more than Fifty Pounds.

Injuring Works.

**73** Every person who commits any of the next following offences shall, for every such offence, incur a penalty not exceeding Fifty Pounds;

- (1.) Every person who pulls up or removes any Pole or Stake driven into the ground for the purpose of setting out the Line of any Waterworks of the Corporation, or defaces or destroys any work made for the same purpose:
- (2.) Every person who damages or destroys any of the Waterworks of the Corporation or any part thereof.

Fouling Water.

**74** Every person who commits any of the offences next following shall, for every such offence, incur a penalty not exceeding Ten Pounds;

- (1.) Every person who bathes in any of the Streams constituting the Sources of Supply for the purposes of this Act, or in any Reservoir, Aqueduct, or other Waterwork of the Corporation, or washes, throws, or causes to enter therein any Dog or other animal alive or dead:

- (2.) Every person who throws any rubbish, dirt, filth, or other noisome thing into any such Stream, Reservoir, Aqueduct, or other Waterwork as aforesaid, or washes or cleanses therein any cloth, wool, leather, or skin of any animal, or any clothes or other thing :
- (3.) Every person who causes or permits the water of any sink, sewer, or drain, steam engine boiler, or other filthy water belonging to him or under his control, to run or be brought into any such Stream or Reservoir, Aqueduct, or other Waterwork, or who does or permits any other act whereby the Water of the Waterworks or supplying the same is fouled :

And every such person shall incur a further penalty of Two Pounds for each day during which such last-mentioned offence is continued, after the expiration of Twenty-four hours from the time when notice of the offence has been served on such person by the Council.

**75** Every person who wilfully and maliciously damages or destroys any of the Waterworks of the Corporation or any part of such Waterworks, or who wilfully and maliciously does any act calculated to render the Water in such Waterworks or supplying the same unwholesome or offensive, shall be guilty of a misdemeanor, and shall be liable to fine and imprisonment at the discretion of the Court as in other cases of misdemeanor, or to be imprisoned and kept to hard labour for any time not exceeding Three Years.

Maliciously  
damaging Water-  
works or fouling  
Sources of Supply.

**76** Every Owner or Occupier of any premises supplied with Water under this Act who supplies to any other person, or wilfully permits him to take, any of such Water from any Cistern or Pipe in or on such premises, unless for the purpose of extinguishing any Fire, or unless he is a person supplied with Water by the Council from the Waterworks, and the Pipes belonging to him are, without his default, out of repair, shall for every such offence incur a penalty not exceeding Twenty Pounds.

Allowing persons  
not supplied to  
use the Water.

**77** Every person who, without due authority, takes any Water from any Reservoir, Watercourse, or Conduit belonging to the Corporation, or any Pipe leading to any such Reservoir, Watercourse, or Conduit, or from any Cistern or other like place containing Water belonging to the Corporation, other than such as may have been provided for the gratuitous use of the Public, shall, for every such offence, incur a penalty not exceeding Twenty Pounds.

Taking Water  
without authority.

**78** Any person who makes any Pipe to communicate with any Waterwork or Pipe of the Corporation, without the authority of the Council in that behalf, shall incur a penalty not exceeding Twenty Pounds.

Attaching Service  
Pipe without  
authority.

**79** Every person supplied with Water by the Council who suffers any Pipe or other apparatus by means of which his premises are supplied with Water to be out of repair, so that the Water supplied to him by the Council is wasted, shall, for every such offence, incur a penalty not exceeding Five Pounds.

Suffering Service  
Pipe to be out of  
repair.

**80** Every person who wilfully or carelessly breaks, injures, or opens any Lock, Cock, Valve, Pipe, Work, or Engine belonging to the

Destroying  
Valves, &c.

Corporation, or flushes or draws off the Water from the Reservoirs or other Waterworks of the Corporation, or does any other wilful act whereby such Water is wasted, shall, for every such offence, incur a penalty not exceeding Twenty Pounds.

Fouling Water by Gas.

**81** Whenever the Water supplied by the Council is fouled by the Gas of any persons making or supplying Gas, such persons shall, for every such offence, incur a penalty not exceeding Twenty Pounds, and a further penalty not exceeding Ten Pounds for each day during which the offence continues after the expiration of Twenty-four hours from the service of notice of such offence.

*Accessories to Offences.*

Accessories to offences liable as principals.

**82** Where the doing of any act or thing is made punishable by this Act, or by any Bye-law in force under the authority of this Act, with any penalty, fine, or forfeiture, the causing, procuring, permitting, or suffering such act or thing to be done shall be punishable in like manner.

*Appropriation of Penalties.*

Appropriation of penalties.

**83** All penalties for offences against this Act shall be applied to the use of the Corporation, or, at the discretion of the convicting Justice or Justices, any portion, not exceeding a moiety thereof, shall be applied to the use of the Informer or person prosecuting, and the remainder to the use of the Corporation; and all penalties or portions of penalties to be applied to the use of the Corporation shall be paid to the Treasurer of the Corporation, and shall be carried to the credit of the Hobart Town Water Account.

*Hobart Town Water Account.*

Water Account to be kept.

**84** The Treasurer of the Corporation shall keep a separate and distinct Account, to be called The Hobart Town Water Account, of all moneys received and paid under the powers and provisions of this Act; and all Rates and moneys received by the Council or the Treasurer under the provisions of this Act shall be carried to the credit of the said Account, and shall be appropriated and applied to the purposes of this Act, including any Purchase money of Land, and Compensation payable under this Act, and to no other purpose whatsoever.

*Officers.*

Appointment of Officers.

**85** The Council may, from time to time, appoint and employ a Director of Waterworks and such other Officers and other persons as the Council thinks necessary and proper for the execution of the powers vested in the Council by this Act; and, subject to the provisions of this Act, the provisions of *The Hobart Town Corporation Act* relating to Officers and their Accountability shall be applicable to all Officers and other persons appointed or employed under this Act, and shall be incorporated with this Act.

Powers conferred on Council to extend to Officers duly authorised.

**86** Wherever by this Act authority is conferred on the Council to enter upon any Land for the purposes of this Act, or to do any act in or relating to the construction or maintenance of any Work, the same authority shall equally extend to all persons acting by the direction of the Council, and to all necessary agents, assistants, servants, workmen, means and appliances whatsoever.



*Bye-laws.*

**87** The Council shall have power, from time to time, to make, alter, modify, amend, or repeal Bye-laws for regulating the Charges, terms, and conditions upon which Water shall be supplied in the cases provided for by Section 38 of this Act, or at or by means of Public Fountains,—for regulating the Charge, not exceeding the maximum Charge hereinbefore in that behalf provided, for Water supplied to the Shipping in and frequenting the Port of *Hobart Town*,—for regulating the description of Pipes and other apparatus by means of which Water may be laid on, distributed, or supplied from the Waterworks of the Corporation in or on premises within the Limits of this Act, and for prohibiting the use of any other description of Pipes or apparatus,—for preventing injury to the Waterworks,—for regulating all or any matters and things whatsoever connected with the Water to be supplied within the Limits of this Act by means of the Waterworks,—and otherwise for the better effectuating any of the purposes of this Act, in any matter not otherwise sufficiently provided for; and to provide that any such Bye-law may be enforced by cutting off the Pipe or turning off the Water, and by such pecuniary penalty, not exceeding in any case, the sum of Twenty Pounds, as the Council thinks proper, or by either of such remedies.

*Disqualification from Interest.*

**88** No person shall be disqualified from acting as a Judge, Justice of the Peace, Juror, or otherwise in any proceeding under this Act, or any Act incorporated therewith, by reason only of his being a Citizen of the City of *Hobart Town*, or an Inhabitant within the Limits of this Act, or by reason of his being liable to any Rate or Charge for Water supplied under this Act, or of his premises being supplied, or being so situated as to be capable of being supplied, with Water under this Act.

Interest in execution of Act not to be a disqualification.

*Repeal.*

**89** On and after the day on which this Act commences and takes effect, the Acts and parts of Acts of Council and of the Parliament of *Tasmania* set forth in the Schedule (1.), to the extent to which such Acts and parts of Acts are therein expressed to be repealed, shall be hereby repealed:

Repeal of Acts mentioned in the Schedule (1.).

Provided that such repeal shall not affect—

- (1.) Anything duly done before this Act commences and takes effect:
- (2.) Any liability accruing before this Act commences and takes effect:
- (3.) Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence committed before this Act commences and takes effect:
- (4.) The institution of any legal proceeding, or any other remedy for enforcing, or recovering any such liability, penalty, forfeiture, or punishment as aforesaid:
- (5.) Any Appointment or Bye-law duly made under any Enactment hereby repealed, and subsisting at the time when this Act commences and takes effect; and the same shall be deemed to have been made under this Act, and shall be subject to such provisions of this Act as are applicable thereto respectively.

22 V. No. 26,  
wholly repealed  
upon levying a  
Rate under this  
Act.

**90** On and after the day on which the first amount of any Rate made under the authority of this Act is made payable, the Act of the Parliament of *Tasmania* set forth in the Schedule (2.), to the extent to which such Act is therein expressed to be repealed, shall be repealed :

Provided that such repeal shall not affect—

- (1.) Anything duly done before that day :
- (2.) Any liability accruing before that day :
- (3.) The institution of any legal proceeding for enforcing any such liability.

Provided also, that no person shall be liable to the payment of any Water Rate or Charge for Water under this Act, and also to any Charge for Water under the said last-mentioned Act, for one and the same period.

8 W. 4., No. 6.

8 W. 4, No. 6,  
not to apply to  
the Waterworks  
under this Act.

**91** The provisions of the Act of Council of the 8th *William* the 4th, No. 6, shall not apply to the Waterworks and other Works of the Corporation under this Act.

*The Hobart Town Rivulet Improvement Act.*

18 V. No. 16,  
not to be affected.

**92** Nothing in this Act contained shall be construed so as in any manner to repeal or affect the operation of *The Hobart Town Rivulet Improvement Act*, or shall in any manner apply to so much of the *Hobart Town Rivulet* as is embraced by the provisions of that Act.

*Commencement of Act.*

Commencement  
of Act.

**93** This Act shall commence and take effect on the First day of *October*, 1860.

*Title of Act.*

Short Title.

**94** In referring to this Act it shall be sufficient to use the expression *The Hobart Town Water Act*, 1860.

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## SCHEDULE.

## (1.)

*ACTS and Parts of Acts to be repealed.*

Sect. 89.

<i>Reference to Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
5 Wm. 4, No. 14.	An Act for enabling the Government to secure a Supply of Pure Water for the Town and Port of <i>Hobart Town</i> .	The whole Act except the Preamble and Section 1.
12 Vict. No. 2.	An Act to repeal the Act of Council of this Island, intituled <i>An Act to amend an Act of this Island, intituled An Act for enabling the Government to secure a Supply of Pure Water for the Town and Port of Hobart Town, and to substitute other Provisions in lieu thereof.</i>	The whole Act.
21 Vict. No. 22.	An Act to confer certain Powers upon the Municipal Councils of the City of <i>Hobart Town</i> and Town of <i>Launceston</i> .	Sections 30, 31, and 32.
22 Vict. No. 26.	An Act to amend the Laws regulating the Supply of Water to the City and Port of <i>Hobart Town</i> .	Sections 6, 7, 9, 10, 13, 14, 15, 16, 17, and 18.

## (2.)

*ACT to be repealed.*

Sect. 90.

<i>Reference to Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
22 Vict. No. 26.	An Act to amend the Laws regulating the Supply of Water to the City and Port of <i>Hobart Town</i> .	So much as is not hereinbefore repealed.

