

TASMANIA.



1877.

ANNO QUADRAGESIMO-PRIMO

VICTORIÆ REGINÆ,

No. 20.

AN ACT to further amend *The Hobart Town Water Act, 1860.* A.D. 1877. [11 December, 1877.]

WHEREAS it is expedient, for the more efficient supply and better distribution of Water to the City of *Hobart Town* and the Suburbs thereof, that *The Hobart Town Water Act, 1860*, should be further amended in certain particulars :

PREAMBLE.
24 Vict. No. 9.

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 In this Act—

Interpretation.

“The said Act” means “*The Hobart Town Water Act, 1860* :”

“Prescribed” and “prescribe” mean prescribed by Bye-laws to be made by the Council, or as the Council may prescribe by Bye-laws.

2 The Council may supply any person within the limits of the said Act with water for other than domestic purposes, by measure, at such uniform charge and subject to such conditions as the Council may prescribe ; but such charge shall not exceed the sum of One Shilling for every One thousand gallons of water so supplied.

Council may supply water by measure.

3 The Council may, whenever it sees fit so to do, and by the desire of the consumer, attach a meter to the pipe supplying water to any person, and thereupon all water supplied to such person shall be drawn only

Council may attach meters at any time.

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through such meter; and there shall be payable by such person to the Council, besides the amount of any water rate or charge for water supplied to such person, such sum or sums of money, as rent for the use of such meter, and at such time or times, as may be prescribed.

Council may let
meters.

4 The Council may let for hire to any consumer of water supplied by measure any meter or instrument for measuring the quantity of water supplied and consumed, and any pipes and apparatus for the conveyance, reception, or storage of the water, for such remuneration in money as may be agreed upon between the Council and the consumer, which shall be recoverable in the same manner as rates due to the Council for water.

Any meter let for hire as aforesaid shall be attached and affixed to the pipe to which the same is intended to be attached and affixed by or under the superintendence of the Director of Waterworks, or some person deputed by him for that purpose, and not otherwise.

Meters of Council
not distrainable.

5 Such meters, instruments, or other apparatus shall not be subject to distress for rent of the premises where the same are used, or to be attached or taken in execution under any process of the Supreme Court or any inferior Court, or under or in pursuance of any adjudication or order in bankruptcy or other legal proceeding against or affecting the consumer of the water, or the occupier of the premises, or other person in whose possession the meters, pipes, instruments, or other apparatus may be.

Officers of the
Council may in-
spect meters, &c.

6 The Director of Waterworks, or 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 any house, building, or lands to, through, or into which water is supplied by the Council by measure, in order to inspect the meters, instruments, pipes, and apparatus for the measuring, conveyance, reception, or storage of water, or for the purpose of ascertaining the quantity of water supplied or consumed; and may from time to time enter any house, building, or lands for the purpose of removing any meter, instrument, pipe, or apparatus the property of the Council; and if any person hinders any such officer from entering or making such inspection, or effecting such removal, or if any person, not being an officer of the Council, in any manner injures or interferes with any meter placed for the purpose herein named, he shall for every such offence be liable to a penalty not exceeding Five Pounds, in addition to the amount of damage or injury done.

Notice of removal
of or change in
meter.

7 Every person requiring to remove or alter the position of any meter shall give Six days notice in writing to that effect to the Director of Waterworks, who will cause a registration of the quantity of water used to be taken, and such removal or alteration to be made; and the expense of so doing shall be paid by such person; and no alteration shall be made but by or under the direction of an officer of the Council, nor until the permission of the Director of Waterworks has been obtained.

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

8 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 constructed and used in such manner as may be prescribed so as effectually to prevent the waste, misuse, or undue consumption of water, and the flow or return of foul

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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 may cut off the pipe attached to, or turn off the water supplied to any cistern or other receptacle for water so permitted to be used, or any closet, soil-pan, or private bath, which is not constructed and used as prescribed, until such cistern or other receptacle for water, or such closet, soil-pan, or private bath is constructed and used as prescribed.

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9 The Director of Waterworks, or any other person acting under the authority of the Council, may at all times, between the hours of Eight of the clock in the forenoon and Eight of the clock in the afternoon, enter upon any premises supplied with water by the Council, 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 time refused admittance into such premises for the purpose aforesaid, or is prevented from making such examination as aforesaid, the Council may turn off the water from such premises.

Power to enter premises to inspect.

10 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 limits of the said Act, 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.

11 The Council is hereby authorised and required in like manner, once in every year, to make and levy a rate, to be called the Warehouse Water Rate, upon and from the occupiers of all shops, warehouses, stores, counting-houses, coach-houses, stables, buildings, workshops, mills, and manufactories, and of the several lands thereunto attached or belonging, within the limits of the said Act, except as hereinafter mentioned, according to the annual value thereof.

Warehouse water rate to be levied.

12 Where any premises are supplied with water by measure, and the prescribed charge for the water actually used on such premises in any year, as shown by the meter, would be less than the amount of Water-rate payable in respect of the said premises, the occupier of such premises shall be liable to pay to the Council the full amount of such Water-rate, instead of such prescribed charge; but in all cases in which the prescribed charge exceeds the amount of such rate, then the amount of such charge only shall be paid by the Occupier and not the amount of rate.

Charge for Water supplied by measure not to be less than Rate.

13 No occupier of any premises not in the City of *Hobart Town* shall be liable to the payment of any Water Rate unless such premises are with his consent actually supplied with water for domestic purposes.

Exemption of certain suburban properties from Water Rate.

14 The rates to be made by the Council as aforesaid shall not exceed the amounts hereinafter set forth; that is to say,—

Maximum amount of rates.

In respect of all dwelling-houses and shops and buildings used as dwelling-houses, together with any coach-house, stable, or other appurtenances occupied therewith, where the annual value thereof shall not exceed the sum of Ten Pounds, the rate shall not exceed the sum of Fifteen Shillings:

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Where the annual value shall exceed the sum of Ten Pounds but shall not exceed the sum of Forty Pounds, the rate shall not exceed the sum of One Shilling and Sixpence for each and every pound of such value :

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 :

In respect of all shops, warehouses, counting-houses, coach-houses, stables, workshops, mills, manufactories, or other buildings not used as dwellings, and of the several lands thereunto attached or belonging, where the annual value thereof shall not exceed the sum of Twelve Pounds, the rate shall not exceed the sum of Six Shillings :

Where the annual value shall exceed the sum of Twelve Pounds but shall not exceed the sum of Thirty Pounds, the rate shall not exceed the sum of Sixpence for each and every pound of such value :

Where the annual value shall exceed the sum of Thirty Pounds but shall not exceed the sum of One hundred Pounds, the rate shall not exceed the sum of Threepence for each and every pound of such value in addition to the rate before mentioned :

Where the annual value shall exceed the sum of One hundred Pounds, the rate shall not exceed the sum of Twopence for each and every pound of such value in addition to the rate before mentioned.

Rates and charges for water to be so regulated as not to exceed annual expenditure.

15 The Council shall, from time to time, so regulate all the rates and charges to be levied and made for the supply of water under the provisions of the said Act and this Act that the amount of such rates and charges shall be, as near as may be, sufficient to pay the interest upon any money borrowed by the Council for the purposes of the said Act or any Act amending the same, together with the costs of managing and conducting the Waterworks, and such further sum that will amount to One Pound 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 whenever practicable 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 the said Act or this Act.

Sinking Fund to be established.

16 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 of One Pound per centum per annum on the amount or amounts raised and borrowed for the purposes of supplying *Hobart Town* with water and of this Act, and such Sinking Fund shall be from time to time applicable to the redemption of mortgages of the Waterworks and to no other purpose whatsoever.

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17 Upon the making of any rate under this Act, a notice signed by the Mayor and not less than Five Aldermen, specifying the amount 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 by the then respective occupiers of such descriptions of property as is mentioned in Sections Ten and Eleven, 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 property without the City 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.

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Upon making a rate notice of same to be given.

18 No charge for the supply of water, nor any rate whatever, shall be made or levied under the said Act or 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: Provided that the cisterns, water-closets, pipes, and other apparatus in or connected or communicating therewith are such as shall be prescribed by the Council; and the Council shall not be bound to supply water to any such buildings or premises until the requirements of the Director of Waterworks or of the Council have been complied with.

Certain property and vessels exempted from rates.

19 The Council shall have power, from time to time to make, alter, modify, amend, or repeal Bye-laws—

Bye-laws.

For regulating the charges, terms, and conditions upon which water shall be supplied within the limits of the said Act, in the cases provided by Section 2 of this Act, or at or by means of Public Fountains:

For regulating the charge, not exceeding the maximum charge by the said Act in that behalf provided, for water supplied to the shipping in and frequenting the Port of *Hobart Town*:

For fixing the charges for water supplied by measure, and a minimum quantity of water to be charged for in cases where water is so supplied, and the rent to be paid for the use of meters used for measuring such supply:

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 the said Act, and for prohibiting the use of any other description of pipes or apparatus:

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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 the said Act by means of the Waterworks :

And otherwise for the better effectuating any of the purposes of the said Act or 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, or by such pecuniary penalty, not exceeding in any case the sum of Twenty Pounds, as the Council think proper.

Repeal.

20 On and after the day on which this Act commences and takes effect, the proviso to Section 37, and Sections 38, 49, 50, 52, 53, 56, 57, 58, 59, 60, 66, 70, and 87 of *The Hobart Town Water Act, 1860*, shall be hereby repealed :

But 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 Bye-law duly made under the said Act, 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.

Acts to be read together.

21 This Act, *The Hobart Town Water Act, 1860*, and every Act altering or amending the same, shall, save so far as the same or any of them may be altered by this Act, be read and construed together as one and the same Act.

Short title.

22 This Act may be cited as “*The Hobart Town Water Act, 1877.*”