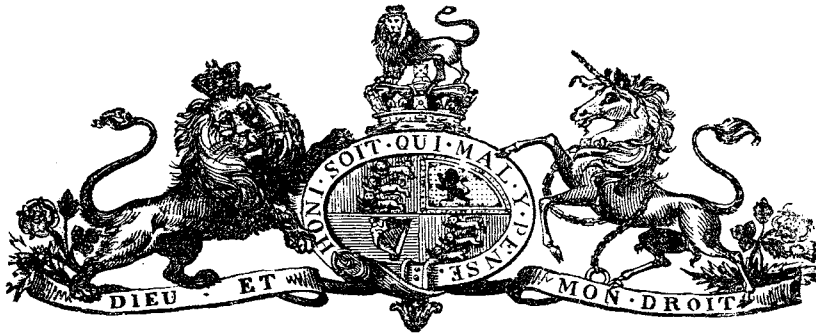


T A S M A N I A.



1893.

ANNO QUINQUAGESIMO-SEPTIMO

VICTORIÆ REGINÆ,

No. 25.

*See Act No. 12 Amendment to the Act*

*1. The Act  
2. Section 50  
3. Edw VII No 32*

AN ACT to consolidate and amend the Laws relating to the Supply of Water to the City and Port of *Hobart* and the Places adjacent thereto. [14 November, 1893.] A.D. 1893.

WHEREAS it is expedient to consolidate and amend the Laws relating to the supply of Water to the City and Port of *Hobart* and the places adjacent thereto : PREAMBLE.

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.*

1 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,— Interpretation.

- “ City ” or “ the said City ” means the City of *Hobart* : “ City.”
- “ Corporation ” shall mean the Corporation of *The Mayor, Aldermen, and Citizens of the City of Hobart* : “ Corporation.”
- “ Council ” shall mean the Municipal Council of the City of *Hobart* : “ Council.”

*Hobart Water.*

A.D. 1893.	
"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</i> and suburbs thereof, and districts and places adjacent thereto:
"Prescribed."	"Prescribed" and "prescribe" mean prescribed by By-laws to be made by the Council, or as the Council may prescribe by By-laws:
"Two Justices."	"Two Justices" shall mean Two or more Justices of the Peace met and acting together:
"Person."	"Person" shall include Corporations."

*Execution of Act.*

**2** The Corporation is hereby empowered to carry this Act into execution and to exercise the several powers hereby conferred upon it through the Council.

*Waterworks vested in the Corporation.*

**3** All waterworks made, erected, built, or laid under any Act hereby repealed, and all property, rights, matters, and things which by virtue of any previous Act were transferred to, or vested in, or declared to be the property of the Corporation, shall continue to be vested in and to be the property of the Corporation in the same manner as if this Act had not been passed.

**4** All waterworks transferred to and vested in the Corporation by this Act, or by any Act hereby repealed, and all waterworks made, constructed, repaired, or maintained under this Act, and all appliances and appurtenances thereto respectively belonging, and the materials of which the same consist, excepting communication pipes and other 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.

**5** The Council is hereby empowered to use any 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.

*Hobart Water.*

**6** For the purposes of this Act it shall be lawful for the Corporation, 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.

A.D. 1893.

Taking streams.

*Sources of Supply.*

**7** The following streams shall constitute the sources of the supply of water for the purposes of this Act :—

Sources of supply for the purposes of the Act.

- i. 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 rivulet and the said 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 Rivulet*, and which are hereby declared not to be any portion of the said *Hobart Rivulet* :
- ii. All streams flowing from *Mount Wellington* towards the direct *Huon Road* from *Hobart* to *Leslie* within a radius of One hundred chains around *Saint Crispin's Well* (excepting a stream known as *Millhouse's* or *Falls Creek*) :
- iii. All other streams which were transferred to or vested in the Corporation by any Act hereby repealed.

*Construction of Works.*

**8** The Corporation is hereby empowered to compulsorily purchase any land and to compulsorily acquire any easements 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.

Purchase of land.

**9** For the purposes of this Act it shall be lawful for the Corporation 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 work authorised by this Act.

Entry upon land.

**10** It shall be lawful for the Corporation, 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.

Construction of waterworks.

**11** Prior to the first entry upon any land by the Corporation for the purposes of this Act, not less than Fourteen days' notice of the intention of the Corporation 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 Corporation upon such land for the purposes of this Act.

Council to give notice prior to first entry upon land.

2 Edw. 7. 11. 22. 30

*Hobart Water.*

A.D. 1893.

*Compensation.*

Corporation to do as little damage as may be.

**12** In the exercise of the powers conferred by this Act the Corporation 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 Corporation.

Corporation to make compensation for damage done by execution of works.

**13** 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 Corporation, 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 exercise by the Council of the powers hereby conferred, for all damages sustained by reason of the exercise as to such stream or land of the powers vested in the Corporation by this Act.

Persons damaged to make claim for compensation.

**14** 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 Land Clauses Act* in cases of disputed compensation.

Compensation how to be ascertained.

Regard to be had to any benefit which may accrue.

**15** 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.

Claims for compensation by owners of mills on *Hobart Rivulet* to be determined as if such owners had been seised before.  
5 W. 4, No. 14.

**16** 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 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.

Persons not making claim when required to be barred.

**17** 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 Corporation 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.

*Hobart Water.*

**18** 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 Corporation.

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Compensation for diverting water to be ascertained by action in the Supreme Court.

**19** 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.

**20** 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 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.

Compensation for damage done by failure of the works.

**21** 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 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 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.

No compensation for diverting streams from *Hobart Rivulet* which are not natural tributaries thereof, nor for maintaining existing waterworks after such diversion.

*Compensation Works.*

**22** In any case in which the Corporation 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 Corporation, 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.

Compensation works may be provided instead of making compensation.

**23** If any difference should arise between the Corporation and any such persons respecting the construction of any such compensation

Sufficiency of compensation works how to be ascertained.

*Hobart Water.*

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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 waterworks instead of making compensation.

**24** Wherever the owners or occupiers of land, through or by which any streams flow the water of which has been taken, diverted, or impounded by the Corporation 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 Corporation, 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.

*Breaking up of Streets.*

Power to break up streets, &c. and to open drains.

**25** The Corporation 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.

Notice to be served on persons, if any, having control of streets.

**26** Before the Corporation shall open or break up any street without the City, the Council shall 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 Corporation 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.

Streets not to be broken up except under superintendence of persons having control of same.

**27** 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 Corporation 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.

*Hobart Water.*

**28** When the Corporation 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.

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Streets, &c.  
broken up to be  
reinstated without  
delay.

*Fire-plugs.*

**29** The Corporation 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.

Corporation to  
affix fire-plugs in  
mains.

**30** The Corporation 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.

Council to keep  
fire-plugs in  
repair and deposit  
keys thereof at  
engine houses.

**31** The Corporation 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.

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

**32** The Corporation 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.

Pipes to be kept  
charged.

Water may be  
taken to ex-  
tinguish fires  
without charge.

*Supply of Water.*

**33** The Corporation shall, at the request of the owner or occupier of any house or part of a house occupied as a separate dwelling and situated on any land within the City, the outer boundary of which is within Fifty feet of any main or other pipe of the Corporation, 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  
within the city.

**34** The Corporation 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 Corporation 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.

Supply of water  
for domestic use  
beyond the City  
and within the  
limits.

*Hobart Water.*

A.D. 1893.

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

Council may determine the description of service pipes to be used.

**35** 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.

**36** 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 or cases, or in any particular case, and the Corporation 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.

Corporation may supply water by measure.

Corporation may attach meters at any time.

**37** The Corporation may supply water to any person within the limits of this Act for domestic or other 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; and the Corporation may, whenever it sees fit so to do, attach a meter to the pipe supplying water for domestic purposes to any person, and thereupon all water supplied to such person shall be drawn only through such meter; and there shall be payable by such person to the Corporation, 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.

Corporation may let meters.

**38** The Corporation 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 Corporation 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 not distrainable.

**39** 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 inspect meters, &c.

**40** The Director of the 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 Corporation 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



*Hobart Water.*

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 Twenty Pounds, in addition to the amount of damage or injury done.

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**41** 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.

Notice of removal  
of or change in  
meter.

**42** It shall be lawful for the Corporation, 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.

**43** The Corporation 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.

**44** The Corporation 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*, 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.

*Power to examine Gas Pipes.*

**45** For the purpose of ascertaining whether the water supplied by the Corporation 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.

**46** 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 by the gas of such persons, then the Corporation 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.

The expenses to  
abide the result of  
the examination.

*Hobart Water.*

A.D. 1893.

How expenses to be ascertained.

**47** 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.

**48** If any person neglects to keep the pipes and other apparatus by means of which his premises are supplied with water in good repair, the Director of Waterworks 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.

**49** 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 Corporation from such person in the same manner as any Rate made and levied under the authority of this Act may be recovered.

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

**50** 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 Corporation, 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 air or other noisome or impure matter into the mains or pipes of the Corporation, or into any pipes connecting 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.

Power to enter premises to inspect.

**51** The Director of Waterworks, or any other person acting under the authority of the Council, may at all times, between the hours of Nine of the clock in the forenoon and Six of the clock in the afternoon, enter into any house or building supplied with water by the Corporation, for the purpose of ascertaining whether there is any waste or misuse of such water; and may at all times, during the day or night, enter into and upon any garden or other land for the purpose of ascertaining whether any water is being wasted or illegally used; and if such Director of Waterworks or such other person as aforesaid is at any time refused admittance into such premises, or is prevented from making such examination as he may deem necessary for the purposes aforesaid, the Director of Waterworks may turn off the water from such premises.

*Annual Estimate of Expenditure.*

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

**52** 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

*Hobart Water.*

Water Rates and Charges levied and made under the authority of this Act, 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 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. A.D. 1893.

*Rates.*

**53** 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.

**54** No person who is the occupier or owner of any dwelling-house or shop or other building used as a dwelling-house within the City shall be liable to the payment of the Domestic Water Rate upon more than One-fourth part of the annual value of such dwelling-house, shop, or other building, unless such dwelling-house, shop, or other building is actually supplied with water for domestic purposes, or unless the mains or other pipes of the Corporation are laid down and properly supplied with water within Fifty feet from the outer boundary of the land upon which such dwelling-house, shop, or other building is situate. One-fourth only of Domestic Water Rate to be levied unless premises are supplied with water.

**55** The Council is hereby also authorised and required 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 within the City, and of the several lands thereunto attached or belonging, according to the annual value thereof. Warehouse Water Rate to be levied.

**56** Where any premises are supplied with water by measure for domestic purposes, 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 Corporation 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.

**57** The Rates to be made by the Council as aforesaid shall not exceed the amounts hereinafter set forth; that is to say— *Repealed by No 26* 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:

Where the annual value shall exceed the sum of Ten Pounds but shall not exceed the sum of Forty Pounds, the Rate

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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 of 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.

Upon making a Rate notice of same to be given.

**58** 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 Fifty-three and Fifty-five, 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.

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 all 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 shall be sufficient to pay the interest upon any moneys borrowed by the Corporation for the purposes of constructing waterworks, together with the costs of managing and conducting the waterworks, and to provide annually any further sum which the Council may at any time be required by law to set apart for a Sinking Fund for the redemption of the mortgages representing any moneys borrowed for the purposes aforesaid. And if in any year the amount received is more than sufficient for all the purposes aforesaid, the Council is hereby required,

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wherever 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 this Act. A.D. 1893.

**60** No Rate 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; but every such building, premises, ship, hospital, or benevolent asylum as aforesaid shall be entitled to obtain such reasonable supply of water as may be required for the use of such building, premises, ship, hospital, or benevolent asylum as aforesaid: 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 Corporation 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.

**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. Where several premises supplied by one pipe each to pay.

**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. Rates how to be recovered.

**63** The like proceedings may be had and taken for recovering and enforcing the payment of any charges payable by any person to the Corporation for water supplied by the Corporation 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 this Act. 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 Corporation Act, 1893," as relates to Rates shall be applicable to all Rates to be made and levied under this Act. Applies provisions of Hobart Corporation Act, 1893, relating to Rates.

*Amended by the*  
*Suburban Water Rates.*

**66** The Council is hereby empowered once in every year to make and levy and recover, in accordance with the provisions of Section Fifty-seven, separate Suburban Water Rates upon and from the Suburban Water Rates.

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occupiers of all houses, buildings, and other premises in such places and districts beyond the City of *Hobart*, to and in which the Council have caused pipes to be laid down and water to be brought, as hereinbefore provided; and each such separate Suburban Water Rate shall be called "The Suburban Water Rate" for the place or District to which it relates, assigning to such place or district a distinctive name. Provided that no occupier of any such house, building, or other premises shall be liable to the payment of any Suburban Water Rate unless such house, building, or other premises is actually supplied with water for domestic or other purposes, or unless the main or other pipes of the Council are laid down and properly supplied with water within Fifty yards from the outer boundary of the land upon which such house, building, or other premises is situated.

Every suburban Water Rate made by the Council under this Act shall for all purposes be deemed to be a Water Rate made by the Council under this Act, and may be made, levied, and recovered in the same manner as such Water Rate may be made, levied, and recovered.

Supply of water outside of the City at such charges as may be agreed upon.

**67** Notwithstanding anything hereinbefore contained, the Corporation may supply water to the owners or occupiers of any lands, houses, or other buildings in any place outside of the City of *Hobart* at such charges as shall be from time to time agreed upon by and between the Council and the persons desiring to be so supplied with water.

*Hobart Water Account.*

Water Account to be kept.

**68** The Treasurer of the Corporation shall keep a separate and distinct account, to be called the *Hobart 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.

*Water Rate not payable by owner of unoccupied land.*

Owner of unoccupied land not liable for Water Rate.

**69** Nothing in this Act contained shall make the owner of any unoccupied land liable to pay any Water Rate in respect thereof as being the occupier of such land within the meaning of the word "occupier" as defined in "The *Hobart Corporation Act*, 1893."

*Offences.*

Penalty for illegally diverting the sources of supply.

**70** After any of the streams constituting the sources of supply for the purposes of this Act have been taken, diverted, or impounded by the Corporation 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

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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. A.D. 1893.

**71** 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 Corporation or the Council, or in the exercise of any power or authority by this Act conferred on the Corporation or the Council, shall for every such offence incur a penalty of not less than Ten Pounds nor more than Fifty Pounds. Penalty for obstructing construction of works.

**72** Every person who commits any of the next following offences shall, for every such offence, incur a penalty not exceeding Fifty Pounds :— Injuring works.

- i. 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 :
- ii. Every person who damages or destroys any of the waterworks of the Corporation or any part thereof.

**73** Every person who commits any of the offences next following shall, for every such offence, incur a penalty not exceeding Ten Pounds :— Fouling water.

- i. 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 :
- ii. 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 :
- iii. 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 for 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.

**74** 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 waterworks or fouling sources of supply

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Allowing persons  
not supplied to  
use the water.

**75** 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 Corporation 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.

Taking water  
without authority.

**76** 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.

Attaching service  
pipe without  
authority.

**77** 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.

Suffering service  
pipe to be out of  
repair.

**78** Every person supplied with water by the Corporation who suffers any pipe or other apparatus by means of which his premises are supplied with water to be out of repair, or wilfully permits water to run to waste so that the water supplied to him by the Council is wasted, shall, for every such offence, incur a penalty not exceeding Five Pounds.

Destroying  
valves, &c.

**79** Every person who wilfully or carelessly breaks, injures, or opens any lock, cock, valve, pipe, work, or engine belonging to the Corporation, or flushes or draws off the water from the reservoirs or others 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.

**80** Whenever the water supplied by the Corporation 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.

**81** Where the doing of any act or thing is made punishable by this Act, or by any By-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.

**82** 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



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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 Water Account*. A.D. 1893.

*Officers.*

**83** 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 Corporation Act, 1893*," 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. Appointment of officers. 57 Vict. No. 11.

**84** Wherever by this Act authority is conferred on the Corporation 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. Powers conferred on Corporation to extend to officers duly authorised.

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

**86** Any notice required to be given to any person by the Council by 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. Service of Notices.

*Disqualification from Interest.*

**87** 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*, 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.

*By-laws.*

**88** The Council shall have power, from time to time, to make, alter, modify, amend, or repeal By-laws— By-laws.

For regulating the charges, terms, and conditions upon which water shall be supplied within the limits of this Act:

For regulating the charge, not exceeding the maximum charge in that behalf provided, for water supplied to the shipping in the Port of *Hobart*:

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

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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; 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 By-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 thinks proper.

*Repeal.*

Repeal of Acts mentioned in the Schedule.

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

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 By-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.

## 8 W. 4., No. 6.

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

**90** 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 Rivulet Improvement Act.*

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

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

*Commencement of Act.*

Commencement of Act.

**92** This Act shall commence and take effect on the First day of *January*, 1894.

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**93** In referring to this Act it shall be sufficient to use the expression  
 “The *Hobart Water Act*, 1893.”

Short title.

## SCHEDULE.

## ACTS TO BE REPEALED.

Sect. 89.

<i>Date and Number of Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
24 Vict. No. 9..	“The Hobart Town Water Act, 1860.”	The whole Act.
27 Vict. No. 19..	“The Hobart Town Water Act, 1863.”	The whole Act.
31 Vict. No. 40..	“The Hobart Town Water Act, 1867.”	The whole Act.
36 Vict. No. 13..	“The Hobart Town Water Act, 1872.”	The whole Act.
41 Vict. No. 20..	“The Hobart Town Water Act, 1877.”	The whole Act.
55 Vict. No. 65..	“The Hobart Water Act, 1891.”	The whole Act.

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