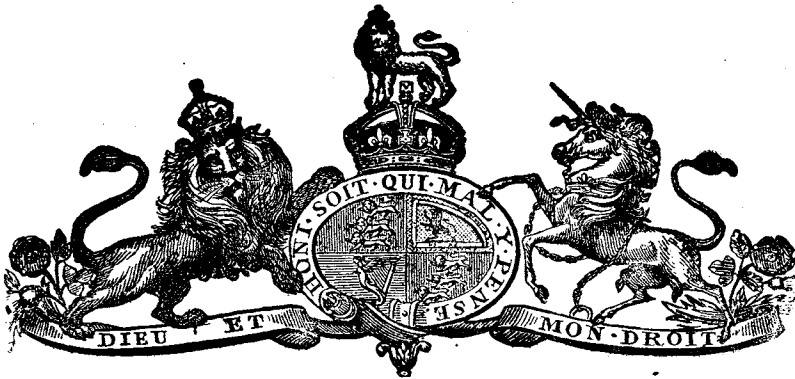


T A S M A N I A.



1908.

ANNO OCTAVO

EDWARDI VII. REGIS,

No. 13.

ANALYSIS.

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AN ACT to make provision for a Supply of Water to the Town of *Penguin* and the Inhabitants thereof. [3 December, 1908.]

A.D. 1908.

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as "The *Penguin* Water Act, 1908." 8d.]

Short title.

Penguin Water.

A.D. 1908.

—
Interpretation.

“Water district.”

“Property.”

“The Council.”

“Waterworks.”

2 In this Act—

The “Water District” means the town of *Penguin*, the description of which is as follows:—The eastern boundary to be the eastern side-line of the property of General *Wilson*, *Penguin East*; the northern boundary to be the sea-coast; the western boundary to be the eastern side-line to its southernmost point of the block selected by *Long* and *Walton*; thence to strike an imaginary line south-east to the north-western corner of block selected by *T. Giblin*; and thence eastwards along the northern line of this block and continuing due east to where it meets the eastern boundary, as above:

“Property” includes land and buildings:

“The Council” means the Warden and Councillors of the Municipality of *Penguin*:

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

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

Power to make waterworks.

3 It shall be lawful for the Council from time to time to enter upon land and divert and appropriate such a quantity of the water from the stream known as *Ling's Creek* as shall be required for the purposes of this Act, and to construct such necessary weirs, dams, and buildings on the bed and banks of the said *Ling's Creek*, and lay pipes upon or under the soil from any reservoir or dam to the town of *Penguin*, and also to make use of any earth, stone, or timber required for the construction of the waterworks; but in all cases as little damage as possible shall be done to the lands, and as far as may be reasonably expected the ground shall be restored to its original character.

Power to enter upon other land upon making compensation.

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

The Council may cut timber and remove materials.

5 The Council shall have the same power to enter upon any land for cutting down and removing timber to be used in the erection of fences or tresselling, or for the construction of any part of the waterworks as the trustees of a road district now have for purposes in connection with the making, repairing, or fencing-off of roads within the road district, or as the council of a municipality may have under any law hereafter to be passed for the construction of public works within a municipality.

Penguin Water.

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

A.D. 1908.

Provisions as to compensation.

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

The Council may open streets and other lands to lay pipes.

8 Any person authorised by the Council may, at all reasonable times, enter any house or building supplied with water by the Council, and the land occupied therewith, in order to ascertain whether there is any waste or misuse of water, or whether the service-pipes are in good repair, and may for the latter purpose break the surface of the ground under which the service-pipes are laid.

Persons authorised may inspect pipes.

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

9 The Council may from time to time declare that any additional area shall be added to the present water district, and every owner or occupier of any property within the area so added shall thenceforth be subject to the same liability to be rated as if the said area had originally formed part of the water district.

Power to add areas to the water district.

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

Agreements, supply of water to the Crown or properties outside the water district.

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

Drinking-troughs.

Penguin Water.

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*All Waterworks shall be the Property of the Municipal Corporation.*Waterworks
property of
Corporation.

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

*Provisions as to Rating.*Power to
levy water rate
not exceeding
Two Shillings in
the Pound.

13 It shall be lawful for the Council yearly, or at such other periods as shall to it seem desirable, to make and levy a rate (to be called a water rate) not exceeding the sum of Two Shillings in the Pound per annum, to be paid by the owners or occupiers of all property within the water district on the assessed annual value of the property within the water district; and such rate shall be made, levied, and recovered in the same manner as other rates made by the Council; but a minimum rate of Ten Shillings per annum shall be charged to all dwelling-houses within the water district.

Water may be
cut off if rate not
paid.

14 If any person liable to pay a water rate shall neglect to pay the same, the Council may stop the water from flowing into the premises in respect of which such rate is payable by cutting off the pipe to such premises, and may recover the expense of cutting off the water in the same manner as the water rate is recoverable.

*Provisions as to borrowing Money.*The Council may
borrow not
exceeding £2000.

15 It shall be lawful for the Council, on behalf of the Corporation of the Municipality, to borrow any sum or sums of money not exceeding in the whole Two thousand Pounds for the purposes of this Act; and it shall be lawful for the Governor in Council from time to time to lend to the Warden, Councillors, and electors of *Penguin* such sum or sums under the provisions of "The Local Public Works Loans Act, 1890:" provided that it shall not be necessary to lay before either House of Parliament plans and specifications of the proposed works, nor a report of the Engineer-in-Chief thereon, as provided in Section Two of the said Act; but before any part of the said sum of Two thousand Pounds shall be advanced to the Council, plans and specifications of the proposed works, together with a report by the Engineer-in-Chief upon the probable cost thereof, the suitability of the site proposed therefor, the sufficiency of the plans and specifications, and upon such other matters connected with the works as the Engineer-in-Chief may deem it desirable to refer to in his said report, and that the work can be completed for the amount proposed to be borrowed, shall be submitted to and approved by the Governor in Council.

Poll to be taken.
Two-thirds vote
needed.

16 The Council shall not proceed in the matter of borrowing any sum of money until a poll has been taken of the electors of the Municipality of *Penguin* who are owners or occupiers of property within the water district, for the purpose of determining whether the Council

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shall borrow the money. If at the taking of such poll a less number than Two-thirds of the votes recorded shall be in favour of the Council's proceeding to borrow, the Council shall not borrow; but the Council may nevertheless at any time after the expiration of Three months cause another poll of the electors to be taken, and if at any subsequent poll Two-thirds of the votes recorded shall be in favour of the Council's borrowing, the Council may proceed to borrow.

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Subsequent poll can be taken after Three months.

17 When the Council shall have decided to take a poll as aforesaid, it shall cause a notice that the poll will be taken to be published, not less than Fourteen days before the day fixed for the taking of the poll, not less than Twice in a daily newspaper circulating in the Municipality, and in Two consecutive numbers of the *Gazette*.

Notice to be published in newspapers and *Gazette*.

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

What is to be stated in notice.

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

Form of voting-paper.

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

Voting and proceedings same as at election of Councillors.

21 The expenses of taking a poll shall be defrayed out of the general rate.

Expense out of general rate.

By-laws.

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

By-laws may be made.

- I. For regulating the charges, terms, and conditions upon which water shall be supplied to the occupiers of property within the water district, and the charges to be made for laying down or repairing service-pipes:
- II. For preventing injury to the waterworks:
- III. For regulating all matters connected with the supply of water by means of the waterworks, and for preventing the waste or misappropriation of water:

and generally for the better effectuating the purposes of this Act, and such by-laws from time to time to alter and repeal.

Offences.

23 Any person—

- I. Who wilfully obstructs any person acting under the authority of the Council when doing any act or work by this Act authorised to be done by the Council: or

Acts punishable.

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- ii. Who wilfully, or through his negligence, wastes water supplied by the Council, or permits water so supplied to be wasted : or
- iii. Who uses water for any other purpose than domestic use without the consent of the Council : or
- iv. Who wilfully supplies water to any other person not residing on the property supplied with water, or permits such person to take water from the property so supplied, except for the purpose of extinguishing any fire, or unless such other person is a person whose property is supplied with water by the Council, and the pipes by which it is supplied with water are, without any default on his part, out of repair : or
- v. Who, without authority, attaches any pipe and takes water without authority of the Council : or
- vi. Who bathes in any reservoir, or dam, or waterworks of the the Council, or who causes to enter therein any dog or other animal, alive or dead : or
- vii. Who throws any rubbish, filth, or any noisome thing into any waterworks as aforesaid, or who permits any drainage from any sewer, sink, or from any pig-sty or other place, to flow into *Ling's Creek*, or any of its tributaries, to render the water unwholesome or polluted—

shall be liable to a penalty not exceeding Ten Pounds ; and whosoever shall cause, procure, permit, or suffer such offences to be done, shall be liable to the same penalty.

Miscellaneous Provisions.

All things done under any law relating to municipal councils.

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

Power of Council to divert water.

25 The Council shall have full power, if it in the future considers it desirable, to add to the supply in *Ling's Creek*, to divert any other stream in needed quantity and cause it to flow into the aforesaid creek.

Penguin Water.

SCHEDULE.

A.D. 1908.

VOTING - PAPER.

FOR.

AGAINST.

If you are in favour of the Council's borrowing money for the purpose of supplying *Penguin* with water, you are to strike out the word "Against."

If you are opposed to its borrowing money, you are to strike out the word "For."

