

T A S M A N I A.



1903.

ANNO TERTIO

EDWARDI VII. REGIS,

No. 43.



AN ACT to make provision for a Supply of pure Water to the Town of *Swansea*. A.D. 1903

[6 January, 1904.]

WHEREAS it is expedient to make legislative provision to ensure a supply of pure Water for the use of the Inhabitants of the Town of *Swansea*, from such sources and in such manner and under such control, management, and conditions as are hereinafter provided : 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 :—

Short Title.

1 This Act may be cited for all purposes as “The *Swansea* Water Act, 1903.” Short title.

Preliminary.

2 In the construction and for the purposes of this Act, and of all proceedings under this Act or under any By-laws in force or made under this Act, unless the context otherwise determines— Interpretation.

“Trustees” means the Trustees acting for the time being under the authority of this Act :

“Landholder” extends to and includes the owner or the occupier of any property situate within the District whose name is on the Assessment Roll :

1s. 6d.]

Swansea Water.

A.D. 1903.

- “Minister” means the Responsible Minister of the Crown for the time being administering this Act :
- “Property” includes Lands and Buildings :
- “Rate” shall mean a rate duly made under and for the purposes of this Act :
- “Waterworks” extends to and includes all reservoirs, wells, cisterns, tanks, aqueducts, watercourses, 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 :
- “Street” extends to and includes any public and common highway, road, main road, lane, footway, bridge, square, court, passage, alley, thoroughfare, and public way and place :
- “Person” includes Corporation.

Division of Act

3 This Act is divided into Eleven Parts, as follows:—

- Part I.—Water District and Trustees.
 Part II.—Power of Trustees.
 Part III.—Supply of Water.
 Part IV.—Rates.
 Part V.—Borrowing Money.
 Part VI.—Officers and their Accountability.
 Part VII.—Accounts.
 Part VIII.—By-laws.
 Part IX.—Waste or Misuse of Water.
 Part X.—Offences.
 Part XI.—Miscellaneous.

PART I.**WATER DISTRICT AND TRUSTEES.**

Water District.

4 The Town of *Swansea* as described in the Schedule (1.) hereto is hereby declared to be a Water District under and for the purposes of this Act, and shall be called the *Swansea Water District*; and whenever in this Act the word “District” is used, the same shall mean and include the *Swansea Water District* as described in the said Schedule (1.).

Trustees.

5 The Warden and Councillors of the Rural Municipality of *Glamorgan* who shall from time to time constitute the Municipal Council of the said Rural Municipality under the provisions of *The Rural Municipalities Act, 1865*, are hereby constituted and declared to be the Trustees of the *Swansea Water District* for all the purposes of this Act.

Swansea Water.

6 The Warden for the time being of the said Rural Municipality shall be the Chairman of the Trustees. A.D. 1903.

—
Chairman.

7 Except as it may be in this Act otherwise provided, all the provisions of *The Rural Municipalities Act, 1865*, which relate to the meetings and proceedings of a Municipal Council under that Act, shall apply to the meetings and proceedings of the Trustees under this Act.

Provisions of *The Rural Municipalities Act, 1865*, to apply to meetings and proceedings of the Trustees, &c.

PART II.

POWERS OF TRUSTEES.

(1.) *Power to Divert Water.*

8 Subject to the provisions herein contained, the Trustees are hereby empowered and authorised from time to time to take, divert, and appropriate within the said Water District such quantities of the waters of the *Meredith* River and other rivulets and streams flowing through or bounding the said Water District as shall be required by the Trustees for any of the purposes herein mentioned; and from time to time to enter upon the said river and other rivulets and streams and upon the banks and beds thereof, and to construct and erect on and in any portion of the banks and beds of the said river and other rivulets and streams such works as shall be necessary for the purposes of such taking and diversion and appropriation of so much of the said water of the said river and other rivulets and streams as aforesaid.

Trustees empowered to divert water of *Meredith* River to erect waterworks.

9 It shall be lawful for the Trustees to use all or any portion of such water as aforesaid for any of the purposes hereinafter specified; viz.—

Purposes for which water so taken may be used.

- i. To supply the inhabitants of the Town of *Swansea* with water for domestic and manufacturing purposes and for motive power, and for irrigation:
- ii. To supply water in the Town of *Swansea* for any purpose that any person or public or corporate body may require.

(2.) *Power to take Land.*

10 The Trustees are hereby empowered to purchase, acquire, and take any land which they may consider to be necessary for the purposes of this Act, and which they may think proper to purchase and take.

Purchase of land.

11 *The Lands Clauses Act* shall, except as hereby expressly varied, be incorporated with this Act; but—

21 Vict. No. 11 incorporated.

- i. There shall not be incorporated with this Act the Sections and provisions of the said Act hereinafter mentioned; that is to say,—Section Eight, whereby it is provided that the capital is to be subscribed before the compulsory powers

Swansea Water.

A.D. 1903.

are to be put in force; Section Nine, whereby it is provided that the certificates of the Justice shall be evidence that the capital has been subscribed :

- ii. In the construction of this Act and the said incorporated Act this Act shall be deemed to be the Special Act, and the Trustees shall be deemed to be "the Promoters of the undertaking."

Entry upon land. **12** For the purposes of this Act it shall be lawful for the Trustees to enter upon any land, and to take levels of the same, and to set out such parts of such land as the Trustees think 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.

If compensation excessive Trustees may give up land. **13** Where the Trustees give notice of their intention to take land for any of the purposes hereinbefore set forth, and the compensation in respect thereof is determined as in cases of disputed compensation, if the Trustees deem it inexpedient to pay the amount of compensation so determined, they may, within Twenty-one days after notice of the amount of compensation so determined on, withdraw the first-mentioned notice on payment of all the costs of reference and award.

Construction of waterworks. **14** It shall be lawful for the Trustees, from time to time, to make, construct, lay down, maintain, alter, or discontinue such waterworks upon any land within the said Water District as the Trustees think necessary for the purposes of this Act.

Trustees to give notice prior to first entry upon land. **15** Prior to the first entry upon any land by the Trustees for the purposes of this Act, not less than Seven days' notice of the intention of the Trustees to enter shall be given by the Trustees to the owner and occupier, if any; but no notice shall be necessary previous to any subsequent entry by the Trustees upon such land for the purposes of this Act.

Trustees to do as little damage as may be. **16** In the exercise of the powers conferred by this Act, the Trustees shall do as little damage as is possible, 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 Trustees.

Trustees to make compensation for damage done by execution of works. **17** The Trustees shall make compensation, in manner hereinafter provided, to all parties having a lawful right to the use of any water taken or diverted or appropriated by the Trustees under the authority of this Act, or having a lawful interest in any land which may be injuriously affected by the construction and maintenance of the waterworks under this Act, or otherwise by the execution by the Trustees of the powers hereby conferred, for all damage sustained by reason of the exercise in regard to such land or water of the powers vested in the



Swansea Water.

Trustees by this Act other than damage sustained by the diversion or appropriation by the Trustees of water to be used solely for domestic purposes. A.D. 1903.

18 Any person claiming such compensation shall prefer his claim by notice in writing addressed to the Trustees, and served upon the Secretary or Chairman of the Trustees, 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, as the case may be, in respect of which the claim is preferred; and if any such person and the Trustees 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 Cluses Act* in cases of disputed compensation. Persons damaged to make claim for compensation. Compensation how to be ascertained.

19 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 to accrue.

20 If the Trustees, by notice in writing, require any person to make claim for compensation for any damage occasioned by the exercise of any of the powers conferred on the Trustees by this Act previously to the service of such notice, 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.

21 If either party is dissatisfied with the award of the arbitrators or the umpire appointed to determine the amount of compensation to be paid to the owner or occupier of any land taken or occupied under the authority of this Act, or with the decision of the arbitrator or umpire appointed to determine the amount of compensation to be paid to any person claiming the right to use any of the water diverted or appropriated by the Trustees, the dissatisfied party, when the amount of compensation awarded by the arbitrators or the umpire exceeds Fifty Pounds, may appeal from the award of the arbitrators or the umpire, as the case may be, to a Judge of the Supreme Court, and may have the amount of compensation fixed by a Judge of the said Court, in the manner hereinafter provided. Dissatisfied party may appeal to a Judge of the Supreme Court.

22 If the dissatisfied party desires to appeal from the award of the arbitrators or umpire as aforesaid, he shall, within Fourteen days after the delivery to him of such award or a copy thereof, give notice in writing to the other party of his intention to appeal, and shall, within One month after the service of such notice upon the opposite party, prosecute such appeal in accordance with the Rules made by the Judges for conducting appeals under "The Main Line Railway Amendment 36 Vict. No. 19. Procedure upon appeal.

Swansea Water.

A.D. 1903.

Act, No. 2," so far as such Rules are applicable ; and the amount of compensation to be paid in such case shall be ascertained by a Judge of the Supreme Court in such manner as he deems advisable, and subject to such conditions as such Judge sees fit to impose, and the Judge may also, in his discretion, make any Order as to the party by whom the costs of the appeal shall be borne.

Judge may allow appeal within Three months.

23 A Judge of the Supreme Court may upon what he shall deem sufficient cause, allow an appeal under this Act to be prosecuted after the expiration of the time hereinbefore allowed for that purpose, but no appeal shall be allowed after the expiration of Three months after the service of notice of intention to appeal.

Award not to be made a Rule of Court until Judge determines matter in dispute.

24 Where the dissatisfied party gives such notice of appeal as aforesaid, then the award given by the arbitrators or the umpire shall not be made a Rule of Court until a Judge of the Supreme Court, by an Order in writing under his hand, determines the matter in dispute, or the time hereinbefore allowed for prosecuting the appeal has expired.

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

25 Where any claim for compensation involves damage alleged to have been sustained by reason of the taking or diversion or appropriation of any water and the right of the claimant in or to such water is disputed by the Trustees, if the Trustees within Fourteen days after the service of the notice of the claim give 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 Trustees for damages or upon an issue agreed to between the claimant and the Trustees.

Action to be commenced within Three months.

26 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.

Compensation for damage done by failure of the works.

27 The Trustees may 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 Trustees under this Act.

Land acquired under this Act not subject to *Lands Clauses Act*.

28 No land acquired or held by the Trustees under the authority of this Act and used for the purposes of this Act shall, unless with the consent of the Governor in Council, be subject to the operations of *The Lands Clauses Act* or any Act incorporating the whole or any portion of that Act.

Swansea Water.

PART III.

A.D. 1903.

SUPPLY OF WATER.

29 The Trustees shall, at the request of the owner or occupier of any land situated within the District, and which is within One hundred feet of any main or other pipe laid down by the Trustees, furnish to such person by means of communication pipes and other necessary and proper apparatus, to be provided, laid down, and maintained by the Trustees at the cost of such person, a sufficient supply of water for his domestic purposes, including a supply for any fixed bath in any dwelling-house.

Supply of water for domestic use within the District.

30 The Trustees may, upon the application of the owners and occupiers of any properties beyond the District, cause pipes to be laid down and water to be brought to such properties; and the Trustees shall, by notice under the hand of the Chairman and published in the *Gazette* and also in at least two consecutive numbers of a public newspaper published or circulating in the District, specify the properties beyond the District to which the Trustees propose to lay down pipes for the purpose aforesaid.

Supply of water to districts beyond the District.

31 The Trustees may furnish to any person a supply of water for irrigation purposes, or 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 Trustees and the person desiring the same:

Supply of water for other purposes than domestic use.

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.

32 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 Trustees determine, either generally or in classes of cases or in any particular case, and the Trustees shall not be bound to supply water in any case in which the required description of pipes or other apparatus is not provided; and the Trustees 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.

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

Swansea Water.

A.D. 1903.

PART IV.

RATES.

Trustees to fix Water Rate in respect of property within the District.

33 It shall be lawful for the Trustees, yearly, half-yearly, or at such other periods as to them may seem necessary, to make and levy a Rate to be paid by the occupiers of all property within the District for the purposes of this Act.

Rate may be levied on the annual value of property.

34 Such Rate shall be called a Water Rate, and may be of an amount not exceeding the sum of Two Shillings per annum on the assessed annual value of the property within the District; and, except as it is herein otherwise provided, all the provisions of *The Rural Municipalities Act, 1865*, relating to the making, publication, levying, collecting, and recovery of Rates shall apply to the making, publication, levying, collection and recovery of every Rate imposed under the authority of this Act.

One-half only of Rate to be levied unless premises are supplied with water.

35 No person shall be liable to the payment of the said Water Rate in a greater proportion than upon One-half part only of such annual value of any property occupied by such person unless such property is actually supplied with water for domestic purposes, or those purposes described in Section Thirty-one of this Act, or unless the mains or other pipes of the Board are laid down and properly supplied with water within One hundred feet from the boundary of such property.

Where several premises supplied by one pipe each to pay.

36 When several buildings are supplied by one common pipe, the several occupiers of such buildings shall be liable to the payment of the same Rate 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.

Rate how to be recovered.

37 If any person liable as herein provided to pay a Water Rate neglects to pay the same within due time after the same had been lawfully demanded, the Trustees 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 Trustees think fit, and may recover the amount due from such person, with the expense of cutting off the water, in the same manner as any Water Rate is recoverable under this Act.

Charges for water how to be recovered.

38 The like proceedings may be had for recovering and enforcing the payment of any expenses incurred in the execution of this Act which may become payable by any person to the Trustees, or for enforcing and recovering payment for any charge for the supply of water by the Trustees under this Act, as may be had for enforcing and recovering payment of any Water Rate.

Swansea Water.

39 No person shall be liable to be imprisoned for non-payment of any expenses or Water Rate or charge for water supplied under the provisions of this Act.

A.D 1903.

No imprisonment for non-payment of rate or charges.

40 The occupiers of all properties beyond the District to which water shall be brought by the Trustees as hereinbefore provided shall pay such charges as may be determined by mutual agreement made between them and the Trustees for such Water; and all such charges shall be recoverable in the same manner as any Water Rate levied under this Act may be recovered.

Persons supplied with water beyond the District to pay Water Rate.

PART V.

BORROWING MONEY.

41 It shall and may be lawful for the Trustees to borrow, as herein provided, such sum or sums of money, not exceeding the sum of One thousand Pounds in the whole, as shall from time to time be necessary for defraying the expense of making, constructing, establishing, repairing, carrying on, and managing any waterworks under the authority of this Act, or the payment of any such compensation as aforesaid, or any other expense incident to the effectuating the objects or the preparation and passing of this Act; and it shall be lawful for the Governor in Council from time to time to grant to the Trustees as a loan or loans, for carrying out the objects of this Act under the provisions of "The Local Public Works Loans Act, 1890," any sum or sums of money not exceeding in the whole the sum of One thousand Pounds.

Power to borrow.

42 The Trustees shall, from time to time, so regulate the Water Rate and Charges to be levied and made for the supply of water under the provisions of this Act that the amount of such Rate and Charges shall be, as near as may be, sufficient to pay the interest upon any money borrowed by the Trustees for the purposes of this Act, together with the cost of managing and conducting the waterworks; and if in any year the amount received is more than sufficient for all the purposes aforesaid, the Trustees are 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 this Act.

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

43 The power to borrow money hereinbefore conferred upon the Trustees shall be exercised in accordance with and subject to the provisions of "The Local Bodies Loans Act," and whenever in that Act the terms "Local Bodies," or "Municipal Council," or "Municipality" are used, the same shall, for the purposes of this Act, be deemed to mean the Trustees of the District of *Swansea*; and the terms "Warden" and "Council Clerk" shall, for the purposes of this Act, respectively be deemed to mean the Chairman of the Trustees and the Secretary to the said Trustees: Provided, that Sections Five, Seven, Eight, Nine, and Twenty-eight of "The Local Bodies Loans Act" shall not apply to this Act.

Powers of 45 Vict. No. 16 to be exercised by Trustees.

Swansea Water.

A.D. 1903.

PART VII.

OFFICERS AND THEIR ACCOUNTABILITY.

Power to appoint
Officers.

44—(1.) The Trustees shall, from time to time, appoint a Treasurer, and a Secretary, and may, from time to time, appoint and employ a Solicitor, Clerk, and such Surveyors, Collectors of Water Rate, and other Officers as the Trustees think necessary and proper; and, from time to time, may remove any of such Officers, and appoint others in the room of such as are so removed, or as may die, resign, or discontinue their offices; and may, out of the moneys at the disposal of the Trustees under this Act, pay such salaries and allowances to the said Officers respectively as the Trustees think reasonable.

(2.) Nothing herein contained shall prevent the same person from being appointed to hold more than one of such offices at the same time if the Trustees so think fit, except as hereinafter provided.

(3.) It shall not be lawful for the Trustees to appoint the same person to be a Collector and also Treasurer of the Trustees.

Trustees not to
be Officers.

45 Every person holding any office or place of profit in the gift or disposal of the Trustees shall be disqualified from being a Trustee, and if any Trustee is appointed to any such office or place of profit he shall thereupon cease to be a Trustee, and his office as a Councillor of the said Rural Municipality shall also thereupon become vacant, and an election of another Councillor to fill the vacancy thereby created shall be held in accordance with the provisions of *The Rural Municipalities Act, 1865*.

Security from
Officers.

46 Before any person, whether Treasurer, Secretary, Collector, or other Officer, who is entrusted by the Trustees with the custody or control of moneys by virtue of his office, enters upon such office, the Chairman of Trustees shall take sufficient security for the faithful execution thereof.

Provisions of
*The Rural
Municipalities
Act, 1865*, to
apply to Officers.

47 All the provisions of *The Rural Municipalities Act, 1865*, which relate to the accountability of officers, shall apply to the officers appointed under this Act.

PART VIII.

ACCOUNTS.

Trustees to keep
accounts of
receipts and
disbursements.

48 The Trustees shall cause books to be provided and kept, and true and regular accounts to be entered therein of all sums of money received and paid under the authority of this Act, and of the several purposes for which such sums of money have been received and paid, which books shall at all reasonable times be open to the inspection of any Trustee or any creditor of the Trustees, without fee or reward; and the persons aforesaid, or any of them, may take copies of or extracts from the said books without paying anything for the same; and any

Swansea Water.

person having the custody of the said books who does not, on the reasonable demand of any person as aforesaid, permit him to inspect the said books, or to take such copies or extracts as aforesaid, shall, for every such offence, incur a penalty not exceeding Five Pounds.

A.D. 1903.

49 All moneys received by the Treasurer of the Trustees shall be paid by him monthly into some Public Bank to the account of the Trustees; and no part of such moneys shall be drawn out of such Bank except by cheque signed by the Chairman, Treasurer, and one of the Trustees.

Moneys received to be paid into Bank.

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

Statement and account to be annually prepared.

51 The accounts of the Trustees mentioned in the Sixty-seventh Section of this Act shall be subject and liable to all the provisions of "The Audit Act, 1901," in the same manner as the accounts of Trustees of Road Districts are now subject and liable; and the statement and account mentioned in the preceding Section of this Act shall be forwarded to the Auditor-General during the month of *March* in every year; and an abstract of receipts and expenditure, with the report of the said Auditor-General thereon, shall be published in the *Gazette* as soon as may be after the same have been audited.

Audit of accounts.
1 Ed. VII. No.13.

52 All moneys whatsoever levied, received, or recovered under the authority of this Act shall be at the sole and absolute disposal of the Trustees, to be by them applied in such manner as they see fit in carrying out and effectuating the purposes of this Act, and to no other purpose.

Appropriation.

PART IX.

BY-LAWS.

53 The Trustees shall have power from time to time to make, alter, modify, amend, or repeal By-laws for the following purposes:—

By-laws.

For regulating the charges, terms, and conditions upon which water shall be supplied in the cases provided for by Sections Forty and Forty-one of this Act:

For regulating the description of pipes and other apparatus by means of which water may be laid on, distributed, or supplied from the waterworks, and for prohibiting the use of any other description of pipes or apparatus:

Swansea Water.

A.D. 1903.

For regulating the distance or distances from the waterworks at which yards, pigsties, stables, cow-houses, cesspools, closets, and such like places shall be made, placed, or erected :

For preventing injury to the waterworks :

For regulating all or any matters and things whatsoever connected with the water to be supplied by means of the waterworks :

And otherwise for the better effectuating any of the purposes of this Act in any manner 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 Ten Pounds.

By-laws to be certified and published.

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

PART X.

WASTE OR MISUSE OF WATER.

Service pipes to be kept in repair.

55 In case any person, when required by the Trustees, neglects to keep the pipes and other apparatus by means of which his premises are supplied with water in good repair, the Trustees may cut off the pipe or turn off the water from such premises until such pipes and other apparatus are sufficiently repaired.

Trustees may repair service pipes.

56 The Trustees 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 the Trustees by the person so allowing the same to be out of repair, and may be recovered by the Trustees from such person in a summary way.

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

57 Every cistern or other receptacle for water which the Trustees may permit to be used, and every private bath supplied with water by the Trustees, shall be so constructed and used in such manner as may be prescribed by regulations to be made by the Trustees, 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 Trustees, or into any pipes connected or communicating therewith; and the Trustees 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 private bath which is not constructed and used as prescribed as aforesaid, until such cistern or other receptacle for water, or such private bath is constructed and used as prescribed as aforesaid.

Swansea Water.

58 Any Officer of the Trustees or other person acting under the authority of the Trustees, may at all reasonable times 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 Officer 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 Trustees may cut off the water from such house or premises.

A.D. 1903.

Power to enter premises to inspect.

PART XI.

OFFENCES.

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

Penalty for obstructing Trustees.

60 Every person who commits any of the following offences shall, for every such offence, incur a penalty of not less than Five Pounds and not exceeding Fifty Pounds:—

Injuring Waterworks or preventing flow of water.

- I. Destroys or injures any of the waterworks;
- II. Otherwise injures or obstructs the passage of the water in a pure and wholesome state through any waterworks of the Trustees.

61 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 part of the *Meredith* River within a mile above the intake of the waterworks of the Trustees, 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 part of the *Meredith* River as aforesaid, or into any waterworks of the Trustees, 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

Swansea Water.

A.D. 1903.

brought into any such part of the *Meredith* River as aforesaid, or into any waterworks of the Trustees, or who does or permits any other act whereby the water of the waterworks supplying the same is fouled :

- iv. Every person who permits or suffers the drainage from any yard pigsty, stable, cow-house, or any place to so run, drain, or percolate as calculated to render the water in the waterworks or supplying the same unwholesome or offensive.

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 Trustees.

Maliciously
injuring works or
fouling water a
Misdemeanor.

62 Every person who wilfully and maliciously damages or destroys any of the waterworks or any part thereof, or who wilfully and maliciously does any act calculated to render the water in the waterworks or supplying the same unwholesome or offensive, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable to be imprisoned for any term not exceeding Three years.

Certain offenders
may be
apprehended.

63 Any person found committing an offence mentioned in the last preceding Section may be immediately apprehended without a warrant by any constable or any person who sees such offence committed, and forthwith taken before a Justice of the Peace to be dealt with according to law.

Allowing persons
not supplied to
use the water.

64 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 Trustees 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.

65 Every person who, without due authority, takes any water from any waterwork belonging to the Trustees, or any pipe leading to any such waterwork or other like place containing water belonging to the Trustees, 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.

66 Any person who makes any pipe to communicate with any waterwork or pipe of the Trustees, without the authority of the Trustees in that behalf, shall incur a penalty not exceeding Twenty Pounds.

Suffering service
pipe to be out of
repair.

67 Every person supplied with water by the Trustees who suffers any pipe or other apparatus by means of which his premises are

Swansea Water.

supplied with water to be out of repair, so that the water supplied to him by the Trustees is wasted, shall for every such offence incur a penalty not exceeding Five Pounds. A.D. 1903.

68 Every person who wilfully or carelessly breaks, injures, or opens any locks, cock, valve pipe, work, or engine belonging to the Trustees, or flushes or draws off water from the reservoirs or other waterworks of the Trustees, or does any other wilful act whereby such water is wasted, shall for every such offence incur a penalty not exceeding Twenty Pounds. Destroying valves, &c.

69 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. Accessories to offences liable as principals.

70 Any person who thinks himself aggrieved by any penalty imposed under the authority of this Act may, unless otherwise expressly provided, appeal against the same in the manner prescribed by *The Appeals Regulation Act*. Appeal from penalties. 19 Vict. No. 10.

PART XII.

MISCELLANEOUS.

71 Whenever by this Act authority is conferred on the Trustees 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 Trustees, and to all necessary agents, assistants, servants, and workmen. Powers conferred on Trustees to extend to officers duly authorised.

72 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 herewith, by reason only of his being a landholder of the District, 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.

73 The Trustees shall sue and be sued, and all proceedings before any Court or a Judge of any Court, and all proceedings taken or adopted in pursuance of the provisions of this Act shall be taken or adopted by or against them, by the name of the "Trustees of the Trustees how to sue and be sued.



Swansea Water.

A.D. 1903.

Swansea Water District,” without otherwise naming such Trustees, and service of any legal process on the Chairman or Secretary shall be deemed and taken as good service on the said Trustees.

Property may be laid in the Trustees.

74 The property in all land purchased by the Trustees, and in all moneys at their disposal for the purposes of this Act, and in all waterworks, with the several appliances and appurtenances thereto belonging, and the materials of which the same consist, and all materials, tools, implements, and things furnished and provided by the Trustees for the purposes of this Act, shall for the purposes of this Act be vested in the Trustees of the *Swansea Water District* for the time being without otherwise naming such Trustees; and in any proceedings civil or criminal relating to any such land, waterworks, money, or property so vested in the Trustees for the purposes of this Act, it shall be sufficient to describe such property, waterworks, or money as the property, waterworks, or money of “The Trustees of the *Swansea Water District.*”

Offences to be dealt with summarily. 19 Vict. No. 8. Appropriation of penalties.

75 All offences against this Act, or any By-law made hereunder, shall be heard and determined in a summary way by any Two Justices of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*; and all penalties for offences against this Act shall be applied to the use of the Trustees, and shall be paid to the Treasurer of the Trustees, and shall be carried to the credit of the Water Account.

Books containing records to be evidence in Courts of Justice, &c.

76 Every Book in which Orders and Proceedings are entered under the provisions of this Act shall be received as *prima facie* evidence in all Courts, and before all Judges, Justices of the Peace, and others, that such Orders and Proceedings were duly made and had; and the onus of proving that such Orders and Proceedings respectively were not duly made and had shall in all cases rest upon the defendant or the party disputing the validity thereof.

SCHEDULE.

(1.)

TOWN OF SWANSEA.

Bounded on the north-east by 16 chains 50 links or thereabouts south-westerly along land purchased by C. A. Graham from E. C. Shaw to the Crossroad Swansea to Campbell Town; thence west north-westerly 7 chains 27 links or thereabouts to land owned by Frederick Shaw; thence south-south-westerly 5 chains thence 2 chains east south-easterly; thence 15 chains 45 links or thereabouts south-south-easterly to Maria-street; thence across Maria-street 1 chain 20 links or thereabouts to the westerly corner of land owned by John Keeper originally granted to Samuel Thomas Drake; along such land 5 chains 30 links or thereabouts southerly to Sand Creek; thence to the sea and along the seaboard to the point of commencement.

Swansea Water.

(2.)

A.D. 1903.

DISTRESS WARRANT FOR WATER RATE.

TASMANIA } To X.Y. [a Collector of Water Rate for the Swansea Water District,
TO WIT. } [or some other fit person.]

Whereas complaint has been made before [me] a Justice of the Peace, that A.B. of certain property situate [describe property fully] by virtue of the Water Rate for the Swansea Water District made on or about the day of 19 , although the same has been duly demanded of him : and whereas it appears to me upon the oath of [the said X.Y.] a Collector of Water Rate for the said Water District that the said sum of has been duly demanded by him from the said A.B. and that the said A.B. has failed to pay the same for the space of

days after such demand made and has not paid the same : and whereas the said A.B. having appeared before me in pursuance of a Summons issued by [me] for that purpose, has not shown sufficient cause why the said sum of

should not be paid : [or And whereas it has been proved to me upon oath that the said A.B. has been summoned to appear before [me] or such other Justice of the Peace as might now be here to show cause why the said sum of should not be paid, and the said A.B. has neglected to appear according to such Summons, and has not shown any sufficient cause why the said sum of

should not be paid :] These are therefore to command you forthwith to make Distress of the Goods and Chattels of the said A.B. wheresoever the same may be found, and also of all Goods and Chattels found by you upon the said property to whomsoever the same may belong ; and unless at any time within the space of [Four] days after such Distress by you made the said sum of £ and the sum of £ for costs, making together the sum of £ together with

all costs, charges, and expenses attendant upon such Distress, be paid to you, that you cause the said Goods and Chattels so by you distrained to be sold, and out of the money arising by such sale that you detain the said last-mentioned sum, and also all costs, charges, and expenses attendant upon such Distress and Sale, rendering to the said A.B. or other person whose Goods and Chattels are so distrained by you, as the case may be, the overplus, if any, on demand ; [in case the Warrant is directed to some other person than the Collector, and the said sum of you are hereby commanded to pay to (the said X.Y.) the said Collector of Water Rate:] and if no sufficient Distress can be made of the Goods and Chattels of the said A.B. or otherwise as aforesaid, that then you certify the same to me together with this Warrant.

Given under my hand this day of 19.

J.P.,
Justice of the Peace.

