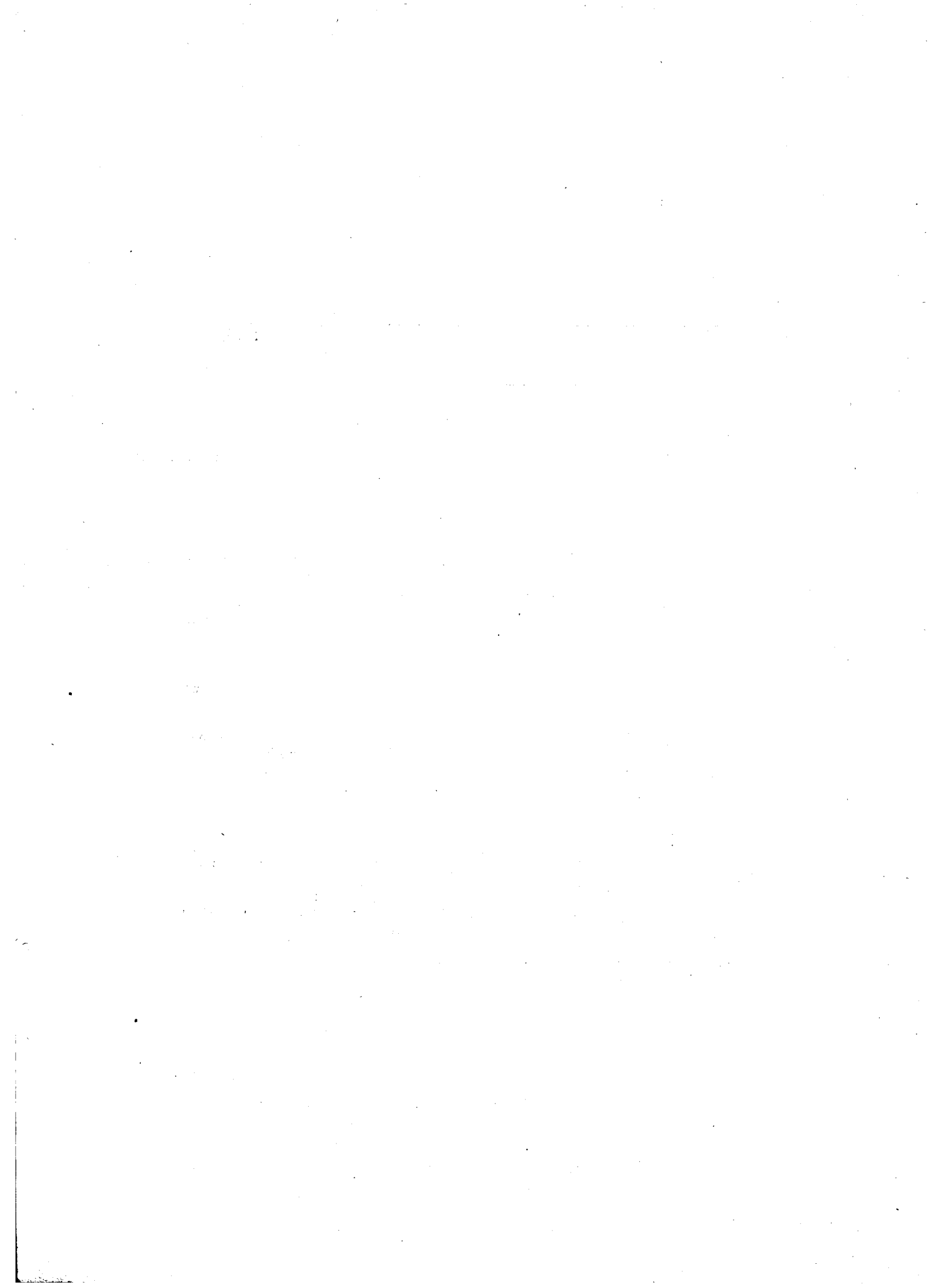


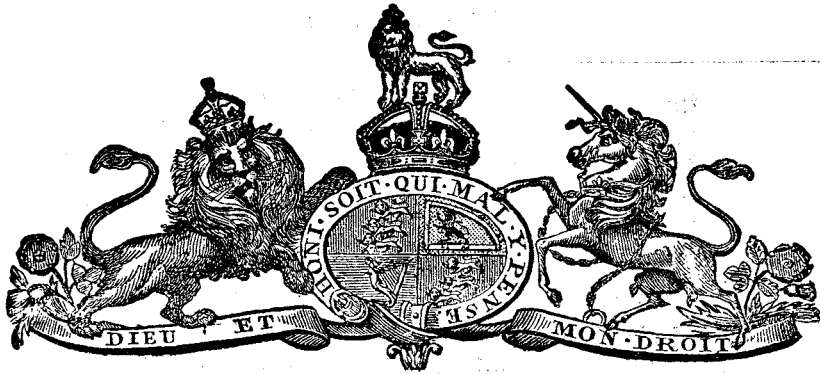
THE WYNYARD WATER ACT, 1912.

ANALYSIS.

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“ Property.”
“ The Council.”
“ Waterworks.”
3. Power to make waterworks on the bed and banks of Camp Creek and on Crown lands without making payment in respect thereof.
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9. Adding areas to Water District.
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14. If rate not paid supply of water may be cut off
15. The Council may borrow money not exceeding £9000.
16. Poll to be taken before any money borrowed.
Two-thirds of votes recorded required in favour.
Provision for subsequent poll.
17. Notice of poll to be published.
18. Notice to state days, hours, and polling-place.
19. Form of ballot-paper.
20. Voting and proceedings to be same as at election of councillors.
21. Expense of poll defrayed out of general rate.
22. By-laws may be made.
23. Offences.
24. All things done under this Act to be deemed to have been done under any law relating to municipal councils.
25. Recovery of penalties.
26. Council may purchase or acquire rights.



T A S M A N I A.

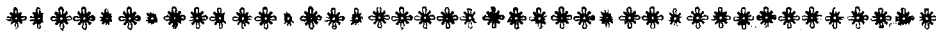


1912.

ANNO TERTIO

GEORGII V. REGIS.

No. 4.



AN ACT to make provision for a Supply of Water for the Town of Wynyard, and for other purposes. [15 November, 1912.]

A.D. 1912.

WHEREAS it is expedient to make legislative provision to ensure a supply of water for the use of the inhabitants of that part of the Municipality of Table Cape hereinafter referred to as "the Water District":

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:—

1 This Act may be cited as "The Wynyard Water Act, 1912."

Short title.

Interpretation.

2 "The Water District" means and includes all that part of the Municipality of Table Cape situate within the boundaries described as follows:—

Interpretation. "Water District."

Beginning at Bass Strait at a point opposite the Mount Hicks-road, from this point to the Mount Hicks-road, by

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that road to its intersection with the railway-line (now under construction, and known as the "Burnie-Flowerdale Railway Extension"), by the railway-line to its intersection with Dodgin-street, by Dodgin-street to Kingsmill-street, by Kingsmill-street to York-street, by York-street to the River Inglis, by the River Inglis to Bass Strait, along Bass Strait to the point of commencement;

And also includes—

All lands and dwellings and other properties having a frontage on either side of any of the said streets or railway-line :

"Property."

"Property" includes lands and buildings :

"The Council."

"The Council" means the Warden and other councillors of the Municipality of Table Cape :

"Waterworks."

"Waterworks" extends to and includes all reservoirs, wells, cisterns, aqueducts, watercourses, flood-gates, sluices, filters, troughs, dams, embankments, fences, machinery, service-pipes, and other works, of whatsoever kind, which are from time to time necessary or used for effecting the purposes of this Act.

Power to Enter on Land, Take Materials, Construct a Reservoir Lay Pipes, and Break-up Streets.

Power to make waterworks on the bed and banks of Camp Creek and on Crown lands without making payment in respect thereof.

3 It shall be lawful for the Council from time to time to enter upon part of the bed and banks of Camp Creek, or immediately adjacent thereto, and to divert and to appropriate such a quantity of the water of the said stream as shall be required for the purposes of this Act, and to erect One or more dams for conserving the said water, and to lay pipes upon or under the soil of the streets and roads from thence, and to excavate and make a reservoir if required, and to lay pipes upon or under the soil of the piece of Crown land adjacent to the said stream, and to make use of any earth, stone, or other materials taken from any excavation or trenches made or dug in laying pipes under the soil of the said Crown land, or for any purpose in connection with the waterworks authorised by this Act, and to carry pipes, stones, mortar, and other materials required for any purpose in connection with the waterworks over the said piece of Crown land without making any payment to the Crown, but doing as little damage as possible to the said Crown land, and reinstating the soil and surface of the said piece of Crown land as far as can be reasonably done, if required so to do, by any person authorised by the Crown in that behalf.

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 to 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.

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5 Prior to the first entry on any land, for the purposes of this Act, not less than Seven days' notice of the intention of the Council shall be given to the owner and occupier, if any, but no further notice shall be necessary to any subsequent entry upon such land, and the Council shall have the same power for obtaining and removing materials for the construction of any part of the waterworks, as the council of a municipality now has under "The Local Government Act, 1906," for the construction of public works within a municipality.

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The Council may enter upon land after due notice, and remove materials.

6 Any person claiming compensation in respect of injury done to, or timber cut down, or 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 compensation, the same and the application thereof shall be determined by arbitration in the manner provided for by "The Lands Clauses Act" in cases of disputes respecting compensation.

Provisions as to compensations.

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, remove, or re-lay such pipes or service-pipes, and to do any other acts which it may from time to time deem necessary for the purpose of supplying water.

Council may open soil of streets to lay pipes, and of gardens, &c., to lay down service-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 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 by Council may enter buildings, &c., for purposes of inspection.

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 Council.

9 The Council may from time to time, at the request of Two-thirds of the electors within such area so proposed to be added, declare that any area within the Municipality of Table Cape shall be added to the Water District; and every owner or occupier of 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.

Adding areas to Water District.

10 The Council may in its absolute discretion enter into agreements with the head of any department of the State or Commonwealth, 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

Agreements for supply of water to Crown properties or properties not within Water District.

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District, or being within the Water District does not appear upon the assessment roll for the municipality, for the supply of water to any property belonging to or occupied by the Crown or any department of the State or Commonwealth, 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.

The Council may provide drinking-troughs.

11 The Council may, if it shall think fit so to do, erect in any street or public place in the Water District troughs for supplying horses and other animals with water, and may provide water for flushing sewers and drains, and may also supply to private persons, as agreed upon, water for manufacturing purposes or motive power.

All Waterworks to be the Property of the Municipal Corporation.

Waterworks to be property of Corporation.

12 All waterworks, whether the same are situate in the streets or roads of the Municipality of Table Cape, 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 Table Cape.

Provisions as to Rating.

Council may levy a rate not exceeding 2s. 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 properties 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. Provided that—

Minimum rate for properties supplied, 15s. per annum.

For properties not supplied, not more than One-quarter of such rate.

- i. The water rate payable in respect of any property supplied with water shall in no case be less than Fifteen Shillings per annum :
- ii. The water rate payable in respect of any property within the Water District and not supplied with water shall not be payable in a greater proportion than One-fourth of such rate, except that when such One-fourth does not exceed One Shilling and Sixpence the sum payable shall be One Shilling and Sixpence.

If rate not paid supply of water may be cut off.

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.

*Wynyard Water.**Provisions as to Borrowing Money.*

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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 Nine 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 the Municipality of Table Cape 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 by the Engineer-in-Chief thereon, as provided by Section Two of the said Act; but before any part of the said sum of Nine 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.

The Council may borrow money not exceeding £9000.

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 Table Cape who are owners or occupiers of property within the Water District, for the purpose of determining whether the Council shall borrow the money.

Poll to be taken before any money borrowed.

If at the taking of such poll a less number than Two-thirds of the votes recorded shall be in favour of the Council 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 such subsequent poll Two-thirds of the votes recorded shall be in favour of the Council borrowing, the Council may proceed to borrow.

Two-thirds of votes recorded required in favour.

Provision for subsequent poll.

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 Once in the "Government Gazette" not less than Five days before the taking of such poll, and Three times in a daily newspaper circulating in the Municipality of Table Cape, the First of such notices in the daily newspaper to be published not less than Seven days before the taking of such poll.

Notice of poll to be published.

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

Notice to state day, hours, and polling-place.

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

Form of ballot-paper.

Wynyard Water.

A.D. 1912.

Voting and proceedings to be same as at an election of councillors.

Expense of poll defrayed out of general rate.

By-laws may be made.

Offences.

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.

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

By-laws.

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

- 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 or repeal.

Offences.

23 Any person—

- i. Who wilfully and maliciously damages or destroys any of the waterworks or any part thereof, or who wilfully or maliciously does any act calculated to render the water in the waterworks, or supplying the same, unwholesome or offensive, shall be guilty of a misdemeanour, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding Three years :
- ii. Who permits or suffers the drainage from any yard, pig-sty, 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 :
- iii. 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 :
- iv. Who wilfully or through his negligence wastes water supplied by the Council, or permits water so supplied to be wasted :
- v. Who wilfully supplies water to any other person not residing on the property supplied with water, or permits such other 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 pipe by which it is supplied with water is, without any default on his part, out of repair :

Wynyard Water.

VI. Who without authority takes water from any of the water-works : or A.D. 1912.

VII. Who bathes in any reservoir, dam, or waterworks of the Council, or who causes to enter therein any dog or other animal, whether alive or dead—

shall be liable for every such offence to a penalty not exceeding Ten Pounds.

Miscellaneous Provisions.

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. All things done under this Act to be deemed to have been done under any law relating to municipal councils.

25 All offences against this Act shall be heard and determined, and all penalties or other moneys payable be recovered, in a summary way by and before any One justice of the peace in the mode prescribed by "The Magistrates Summary Procedure Act." Recovery of penalties.

26 It shall be lawful for the Council, if it should consider it desirable to do so, to purchase, take over, and acquire any rights which may have been conferred upon any person, and to compensate any such person for or in respect of any damage or injury which the water-supply authorised by this Act may cause at any time. Council may purchase or acquire rights.

SCHEDULE.**BALLOT-PAPER.**

FOR.

AGAINST.

If you are in favour of the Council borrowing money for the purpose of supplying Wynyard with water, you are to strike out the word "AGAINST." If you are opposed to it borrowing money, you are to strike out the word "FOR."

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