

## TASMANIA.

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 THE WYNYARD WATER AMENDMENT  
 ACT, 1927.
 

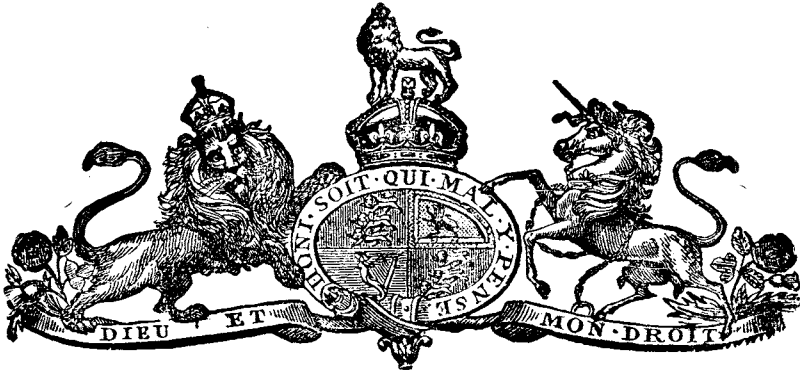
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## ANALYSIS.

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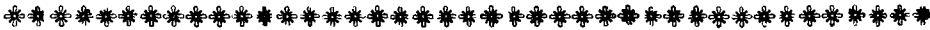


1927.

ANNO OCTAVO DECIMO

GEORGII V. REGIS.

No. 30.



AN ACT to amend the Wynyard Water Act, 1912. [21 October, 1927.]

A.D. 1927.

WHEREAS it is expedient to amend the Wynyard Water Act, 1912, in the manner hereafter appearing: 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 Amendment Act, 1927," and shall be incorporated and read as one with "The Wynyard Water Act, 1912," in this Act referred to as "the Principal Act." Short title.

2 In this Act, unless the context otherwise determines:— Interpretation. "The Corporation" means the Warden, Councillors, and Electors of the Municipality of Table Cape:

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“ Land ” includes any estate or interest (legal or equitable) in land, and any assessment, right, power, or privilege over, in, or in connection with land.

Repeal of part  
of Sect. 2 of  
3 Geo. V. No. 4.

**3** Section Two of the Principal Act is hereby amended by omitting therefrom the words contained in lines thirteen to sixteen inclusive, namely:—“ 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.”

Repeal of Sects.  
9 to 26 of  
3 Geo. V. No. 4.

**4** Sections Nine to Twenty-six both inclusive, of the Principal Act are hereby repealed, but such repeal shall not affect anything done, or any liability or duty incurred, or any supply of water furnished, or any charges or sums of money payable before the commencement of this Act under or in pursuance of such sections or any of them save and except that every supply of water furnished before the commencement of this Act shall hereafter be deemed to have been furnished under the provisions of the sections which are by this Act substituted in place of the said sections hereby repealed.

Supply of water  
for domestic  
use within the  
district.

**5** The Council shall, at the request of the owner or occupier of any land, house, building, or other premises situated within the Water District, the outer boundary of which is within One hundred feet of any main or other pipe laid down by the Council, furnish to such person by means of communication pipes and other necessary and proper apparatus to be provided, laid down, and maintained by the Council 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 other than  
domestic use.

**6** The Corporation may, if it see fit, furnish to any person in the Water District, or in any other place at which the Council has entered, the necessary works for supplying water under the provisions of this Act, a supply of water 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, syphons, or ornamental purposes, or for irrigation purposes, or for any trade, manufacture, or business, whether carried on in any dwelling-house or 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 the Council shall from time to time prescribe in any by-law made for that purpose as hereinafter provided; and in the absence of any such by-law, then at such charges and upon such terms and conditions as may be agreed upon between the Council and the person desiring the same: 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

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extent of supply. The supply of water for any of the purposes mentioned in this section shall not be deemed to be a supply of water for domestic purposes.

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**7** 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 District, or being within the Water District but not appearing 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 power 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 for supply of water to Crown properties or properties not within the district.

**8** 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 or drains.

Council may erect water troughs.

**9** The description of pipes and other apparatus by means of which water is laid on, distributed, or supplied, shall be such as the Council shall determine, either generally, or in classes of cases, or in any particular case; and the Council 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 Council 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.

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

**10** The Council may supply any person within the Water District with water for other than domestic purposes by measure or otherwise, at such charge and subject to such conditions as the Council may prescribe; but such charge shall not exceed the sum of Two Shillings for every One thousand gallons of water so supplied.

Council may supply water by measure.

**11** The Council may, whenever it sees fit so to do, attach a meter to the pipe supplying water 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 Council, besides the amount of any water rate or charge for water supplied to such person, such sum or sums of money as rent for the use of such meter, and at such time or times as may be prescribed.

Council may attach meters at any time.

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Council may let  
meters.

**12** The Council may let or 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 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 the rates due to the Council for water. Any meter let for hire as aforesaid shall be attached and affixed to the pipe to which the same is intended to be attached and affixed by or under the superintendence of such officer or servant of the Council as it shall appoint for such purpose, and not otherwise.

Officers of the  
Council may  
inspect meters.

**13** Any person acting under the authority of the Council may at all reasonable times enter any house, buildings, or lands to, through, or into which water is supplied by the Council by measure, in order to inspect the meters, for the purpose of ascertaining the quantity of water supplied or consumed, and may from time to time enter any house, buildings, or lands for the purpose of removing any meter or apparatus the property of the Council; and if anyone hinders such person from entering or making such inspection, or effecting such removal, or if anyone not being an officer or in the employ of the Council, in any manner injures or interferes with any meter placed for the purpose herein named, he shall for every such offence be liable to a penalty not exceeding Five Pounds, in addition to the amount of damage or injury done.

Council's meters  
not distrainable.

**14** Such meters, instruments, or other apparatus shall not be subject to distress for rent of the premises where the same are used, and shall not be attached or taken into execution under any process of any court; and no person shall acquire any interest or property therein under or in pursuance of any adjudication or order in bankruptcy or other legal proceedings against or affecting the consumer of water or the occupier of the premises or other person in whose possession the meters, pipes, instruments, or other apparatus may be.

Notice of  
removal of or  
change in meter.

**15** Every person requiring to remove or alter the position of any meter shall give Two days' notice in writing to that effect to the Council, which 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 except by or under the direction of an officer of the Council, nor until the permission of the Council has been obtained.

Right of  
Council to  
contract with  
private person.

**16** It shall be lawful for the Council from time to time to agree with any person for the construction, working, and maintenance of the works, or such part thereof as the Council may think proper, for a period not exceeding Twenty-one years.

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**17** The Council shall not enter into such agreement as is mentioned in the last preceding section hereof until after a poll has been taken in the prescribed manner of the electors within the Water District, for the purpose of ascertaining whether the Council shall be permitted to make such agreement.

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Poll necessary.

**18** At least One week before and until after the closing of such poll the terms of the agreement proposed to be entered into shall be available for inspection at the office of the Council, and any such elector may inspect the same and make copies of or extracts therefrom free of charge.

Agreement to be open for inspection.

**19** Whenever by this Act authority is given to the Council to enter upon any land or to break up streets, or to do any act for the purposes of this Act in or relating to the construction, maintenance, or repair of the works or any part thereof, or the cutting off any supply of water, the same authority shall extend to and may be used by any person acting by direction of the Council, or under the authority of any such agreement as hereinbefore mentioned, and to all necessary agents, assistant servants, workmen, means, and appliances of the Council, or such person as aforesaid.

Council's authority to extend to agents, &amp;c.

**20—(1)** The Council may, once or oftener in every year, make and levy a water rate or water rates upon the annual value of all properties within the Water District, as shown by the assessment roll in force for the time being, or by a fixed sum as hereinafter provided for the purpose of providing for the payment of interest and any moneys required for a sinking fund in respect of any moneys borrowed under this Act, and also for the purpose of raising the necessary funds for carrying out the objects of this Act: Provided that such rate so to be made and levied shall not in any case exceed in any one year the sum of Two Shillings in the Pound upon the annual value of the properties within the Water District.

Council to fix water rate.

Provided also that the Council in addition to or substitution for making and levying a water rate or water rates upon the annual value of all properties within the Water District as aforesaid may make and levy a water rate of such sum in respect of each and every property within the Water District as to the said Council may appear advisable.

Any such water rate shall be made upon and be payable by the persons who would be liable to be rated in respect of the properties included in the Water District if such rate were a general rate under the Local Government Act, 1906, and shall be made and recoverable in the same manner as any such general rate.

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(2) No occupier or owner of any premises shall be liable to the payment of the said water rate in a greater proportion than one-half part only of the assessment of rate thereon, unless such premises are actually supplied with water for domestic or other purposes, or unless the mains or other pipes of the Corporation are laid down and properly supplied with water within One hundred feet from the outer boundary of such premises.

The rate in regard to any one separate property the outer boundary of which is within One hundred feet of any main or other pipe laid down by the Council, shall in no case be less than Seven Shillings and Sixpence per annum.

In regard to any other separate property the outer boundary of which is more than One hundred feet from any main or other pipe laid down by the Council, the rate shall in no case be less than Five Shillings per annum.

If rate in arrear,  
supply of water  
may be stopped.

**21**—(1) If any person liable to pay any amount of water rate neglects to pay the same within due time after the same has been lawfully demanded, the Warden may, after Twenty-four hours' notice, stop the supply of water to the premises in respect of which such rate is payable by cutting off the pipes to the said premises, or by such other means as he may think fit, and the expense of cutting off the water may be recovered in the same manner as the water rate is recoverable.

No imprison-  
ment for  
non-payment.

(2) No person shall be liable to be imprisoned for non-payment of any water rate or charge for water, or any expenses of cutting off the water-supply.

Recovery of  
charges for  
water

**22** The like proceedings may be had for recovering and enforcing the payment of any charges payable by any person to the Corporation for water supplied by the Council in accordance with any of the provisions of this Act, as may be had for recovering and enforcing the payment of any rate payable under this Act.

Service pipes to  
be kept in  
repair.

**23** In case any person, when required by the Council, neglects to keep the pipes and other apparatus by means of which his premises are supplied with water in good repair, the Council 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.

**24** 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 the Council by the person so allowing the same to be out of repair, and may be recovered by the Council from such person in a summary way.

Cisterns, &c., to  
be so con-  
structed as to  
prevent waste.

**25** Every cistern or other receptacle for water which the Council may permit to be used, and every closet, soil-pan, and private bath supplied with water by the Council, shall be con-



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

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**26** The Superintendent of the Waterworks, or any other person acting under authority of the Council, may at any time, by night or by day, enter into any house or premises supplied with water under the authority of this Act in order to examine if there is any waste or misuse of such water, and the condition or state of repair of the pipes or works by which such water is supplied to such house or premises, and may for the latter purpose break the surface of the ground under which the surface-pipes are laid; and if such superintendent or other person is at any time refused admittance into such house or premises for the purpose aforesaid, or is prevented from making such examination as aforesaid, the Council may turn off the water from such house or premises.

Penalty for obstructing Council.

**27** 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 Council, shall, for every such offence, incur a penalty of not less than Two Pounds nor more than Fifty Pounds.

Obstructing Council from performing work.

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

Injuring waterworks

- I. Destroys or injures any of the waterworks:
- II. Removes or injures or destroys any survey-peg or land-mark inserted or made in connection with any work constructed under the authority of this Act:
- III. In any manner prevents or obstructs the flow of water in or through any waterwork:
- IV. Otherwise injures or obstructs the passage of the water in a pure and wholesome state through any waterwork.

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Fouling water.

**29** Any person who commits any of the offences next following shall, for every such offence, incur a penalty not exceeding Ten Pounds:—

- I. Every person who bathes in any reservoir or other waterwork, 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 creek, rivulet, or stream from which the Council is empowered to divert water, and above any reservoir or waterwork, or into any reservoir or other waterwork, 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 creek, rivulet, or stream above any reservoir or waterwork, or into any reservoir 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 lastmentioned 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.

Injuring water-works or fouling water a misdemeanour.

**30** 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 misdemeanour, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding Three years.

Certain offenders may be apprehended.

**31** Any person found committing any 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.

Proper users not to allow other persons to use water.

**32** 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, or service, 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.

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- 33** 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.
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Taking water without authority.
- 34** Every 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.
- Attaching service pipe without authority.
- 35** 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, so that the water supplied to him by the Corporation is wasted, shall for every such offence incur a penalty not exceeding Five Pounds.
- Suffering service pipe to be out of repair.
- 36** Every person who wilfully or carelessly breaks, injures, or opens any lock, cock, valve, work, or engine belonging to the Corporation, or flushes or draws off the water from the reservoirs or other 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.
- Destroying valves, &c.
- 37** Whenever the water supplied by the Council is fouled by the gas of any person making or supplying gas, such person 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.
- Fouling water by gas.
- 38** 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 offence liable as principals.
- 39** All penalties for offences against this Act shall be applied to the use of the Council, and shall be paid to the Treasurer of the Council, and shall be carried to the credit of the Water Account.
- Appropriation of penalties.
- 40** Every person convicted of any of the offences hereinbefore mentioned may be ordered to pay, in addition to the penalty attached to the offence, a sum equal to the value of the property damaged or destroyed by him in the act of committing the offence.
- Persons convicted of offence may be ordered to pay sum of money equal to value of property.

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By-laws.

**41**—(1) The Council shall have power from time to time to make, alter, modify, amend, or repeal by-laws for all or any of the following purposes:—

- I. For regulating the charges, terms, and conditions upon which water shall be supplied under the authority of this Act:
  - II. For regulating the form, material, dimensions, description, and construction and arrangement of pipes, service, and other apparatus by means of which water may be distributed or supplied by the Council, and for prohibiting the use of any other:
  - III. As to any matter in connection with which the expression "prescribed" is used in this Act, or in respect to any purpose for which by-laws are contemplated by this Act:
  - IV. For prescribing and regulating all other matters and things which may be found to be necessary or convenient in connection with the supply of water under this Act:
  - V. For preventing waste or misuse of water:
  - VI. For preventing injury to any of the works or machinery or apparatus erected by or belonging to the Council for the distribution and supply of water:
  - VII. Generally 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 service 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.

(2) Subject to the provisions of this Act the provisions of Division I. of Part XIV. of the Local Government Act, 1906, relating to by-laws, shall be applicable to by-laws under this Act.