

WATERWORKS CLAUSES.

No. 54 of 1963.

AN ACT to amend the *Waterworks Clauses Act 1952.* [1 November 1963.]

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—(1) This Act may be cited as the *Waterworks Clauses Act 1963.* Short title and citation.

(2) The *Waterworks Clauses Act 1952*, as subsequently amended, is in this Act referred to as the Principal Act.

2 After section eight of the Principal Act the following section is inserted:—

“8A For the purposes of the special Act the undertakers may buy water in bulk from any water authority or other person.” Purchase of water.

3 After section fourteen of the Principal Act the following section is inserted:—

“14A For the purposes of the special Act the undertakers may, after giving the owner and occupier of the land affected three days’ notice in writing signed by their warden, town clerk, secretary, or similar officer of the intended entry, enter upon any private land within the limits of the special Act and there open and break up the soil and lay down and place pipes, conduits, service-pipes, and other works and engines, and repair, alter, or remove them.” Works on private land. 11 Geo. VI No. 78, s. 204 (3) iii.

4 Section twenty of the Principal Act is repealed and the following section is substituted therefor:—

“20—(1) The undertakers’ liability under section nineteen may be limited by by-laws made under this Act or the special Act providing that the undertakers may refuse to supply water for— Power to limit domestic supply.

- (a) gardens generally, or gardens of any particular kind;
- (b) domestic machinery, but not flushing systems for water closets unless the Minister administering the *Public Health Act 1935* has first approved;

- (c) domestic industries;
- (d) swimming baths, fishponds, fountains, and artificial streams and pools;
- (e) washing vehicles; or
- (f) any other use specified in the by-law which is different from the uses of water commonly made in the dining-room, kitchen, bathroom, or laundry of a dwelling-house, in which uses the washing of floors is deemed to be included.

“(2) Instead of providing for refusal to supply water under subsection (1) of this section the undertakers may by such by-laws provide—

- (a) for a limited use of water for the purposes set forth in that subsection by a limitation in respect of time, manner, or purpose; and
- (b) that any additional use be subject to section twenty-five.”.

5 Section twenty-five of the Principal Act is repealed and the following section is substituted therefor:—

Supply of water for purposes other than domestic purposes.

“25—(1) The undertakers may furnish to any person a supply of water for such purposes other than domestic purposes, including purposes for which a supply is refused or limited under section twenty, as they may determine, and at such charges and upon such terms and conditions as may be agreed upon between the undertakers and that person or as may be prescribed.

“(2) The charge for supplying water under subsection (1) of this section shall be the same to all persons in the same circumstances and requiring the same extent of supply.

“(3) Water supplied under section nineteen and under this section may be supplied by the same pipe and if that is done the charges, including rates, for the several purposes shall be apportioned as prescribed.

“(4) This section extends to the supply of water in bulk for reticulation to consumers which shall be deemed to be a purpose other than domestic purposes notwithstanding that the consumers use all or some of the water supplied for domestic purposes.”.

Shortage of water.

6—(1) Section thirty-one of the Principal Act, as enacted by section forty-six of the *Local Government (Consequential Amendments) Act 1962*, is amended by inserting, at the end of subsection (1), the words “, wholly or at such times as they think fit”.

(2) This section commences on the day on which the *Local Government Act 1962* commences.

Supply may be cut off for repairs.

7 Section thirty-two of the Principal Act is amended by inserting, after subsection (2), the following subsection:—

“(2A) Where notice has to be given under this section to persons more in number than thirty or not all to be found within a circle of twenty chains’ radius, it may be given by wireless broadcast.”.

8 Section thirty-six of the Principal Act is amended by omitting the words “a fire-plug or pillar hydrant as near as conveniently may be to the factory, timber yard, or store” and substituting therefor the words—

Fire-plugs
near
factories, &c.,
at request
of owners.

“(a) a fire-plug or pillar hydrant as near as conveniently may be to the factory, timber yard, or store; and

(b) such pipes as are necessary to connect the existing pipes of the undertakers to the fire-plug or pillar hydrant.”.

9 After section thirty-six of the Principal Act the following section is inserted:—

“36A—(1) The undertakers may lay special mains solely for fire-fighting purposes, and may recover the costs of their installation (including design) and maintenance from the persons rated for the lands served thereby in proportion to the benefit received by those lands as certified by the relevant fire brigade board.

Special
mains for
fire-fighting.

“(2) The undertakers may, at the request and expense of the owner or occupier of any land, lay a main in his land, extend it into and within a building, put therein or connect thereto fire-plugs, pillar hydrants, and connections for fire-hoses, and maintain the whole installation in effective order.

“(3) In this section ‘main’ includes branches from a main.”.

10 Section seventy-one of the Principal Act is amended—

Offences.

(a) by omitting from subsection (2) the word “or” from the end of paragraph (b);

(b) by inserting in that subsection after paragraph (c) the following paragraphs:—

“(d) waste water supplied by the undertakers; or

“(e) use water contrary to a prohibition under section thirty-one.”; and

(c) by inserting after subsection (3) the following subsection:—

“(3A) Where the undertakers supply water in a separate pipe for a special purpose, a person who draws, or by making a pipe to communicate with that pipe attempts or prepares to draw, water from that pipe for some other purpose is liable to a penalty of—

(a) fifty pounds; or

(b) if water is supplied free for the special purpose, one hundred pounds,

but judgment for a penalty under this subsection is a bar to an indictment for stealing or attempting to steal water by means of the same opening in that pipe.”.

Amendments consequential on the *Local Government Act 1962*.

11 On the commencement of the *Local Government Act 1962* this Act is amended as set forth in the schedule.

THE SCHEDULE.

(Section 11.)

| Section. | How amended. |
|----------|---|
| 2 | In the definition of “the special Act”— (a) by omitting “1906” and substituting therefor “1962”; and (b) by omitting “Part XV” and substituting therefor “Division XXIV of Part XVI”. |
| 20 | In paragraph (b) of subsection (1) by omitting “1935” and substituting therefor “1962”. |
| 53 | By omitting “1906”, twice occurring, and substituting therefor, in either case, “1962”. |
| 55 | In subsection (2) by omitting “1906” and substituting therefor “1962”. |
| 56 | In subsection (2) by omitting “subject to section two hundred and thirty-six of the <i>Local Government Act 1906</i> ” and substituting therefor “charged on land under section seven hundred and sixty-five of the <i>Local Government Act 1962</i> ”. |

STATE SAVINGS BANK TRANSFER AGREEMENT.

No. 55 of 1963.

AN ACT to approve an agreement entered into between the Commonwealth Savings Bank of Australia and the State and to make provision for matters incidental thereto.

[1 November 1963.]

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:—

Short title.

1 This Act may be cited as the *State Savings Bank Transfer Agreement Act 1963*.