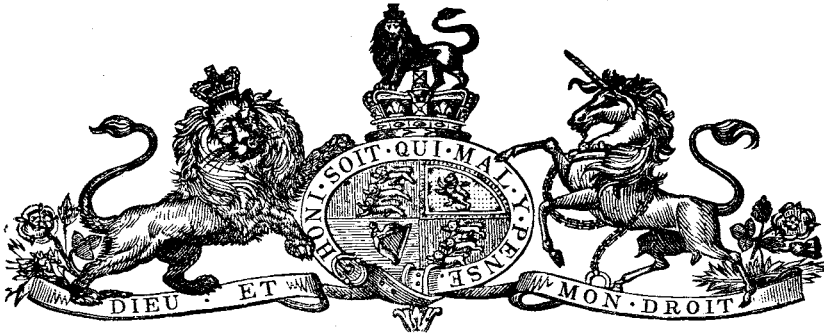


T A S M A N I A.



1890.

ANNO QUINQUAGESIMO-QUARTO

VICTORIÆ REGINÆ,

No. 53.

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AN ACT for the Supply of Water to the Town of *Longford* for the benefit of the Inhabitants thereof. [28 November, 1890.]

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 In this Act, unless the context otherwise determines—

Interpretation.

“ District ” means “ The *Longford* Water District ” as herein-after defined :

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

“ Assessment Roll ” means so much of the Assesment Roll made by the Municipal Council of *Longford* as comprises the properties situate in the District :

“ Property ” shall mean 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, tunnels, feeders, drains, channels, cuts, floodgates, sluices, conduits, filters, troughs, dams, embankments, pumps, culverts, pipes, pipe-breaks, engines,

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buildings, and other works of what kind soever which are from time to time necessary or used for effecting the purposes of this Act.

District defined.

**2** The Town of *Longford* as proclaimed on the Eighth day of *April*, One thousand eight hundred and sixty-seven, shall be a District for the purposes of this Act, and shall be called "The *Longford Water District*."

Trustees.

**3** The Municipal Council of *Longford* shall be the Trustees of the District for the purposes of this Act.

Power to erect  
works and divert  
water of the  
*South Esk River*.

**4** It shall be lawful for the Council to enter from time to time upon the *South Esk River* and the bed and banks thereof, and to cause such works to be erected or established in the bed of the said river and on the banks thereof as shall be necessary from time to time to divert the waters of the same, and to divert and appropriate such quantity of the water of the said river as shall be required for the purposes of this Act.

Purchase of land.

**5** The Trustees are hereby empowered to purchase any land which they may consider to be necessary for the purposes of this Act, and which they may think proper to purchase; and for the purpose of facilitating and effectuating any such purchase *The Lands Clauses Act* shall be incorporated with this Act.

21 Vict. No. 11.

Entry on land.

**6** 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.

Council to give  
notice prior to  
first entry upon  
land.

**7** 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.

Construction of  
works.

**8** It shall be lawful for the Trustees from time to time to make, construct, lay down, maintain, alter, or discontinue such water-works upon any land as the Trustees think necessary for the purposes of this Act.

Breaking up  
streets.

**9** The Trustees may from time to time open and break up the soil and pavement of any streets or roads within the District or other road through which it may be expedient to convey water for the purposes of this Act; and may open and break up any sewers, drains, or tunnels within or under any such street or road, and lay down and place therein or thereunder pipes, service pipes, and other works and engines, and from time to time repair, alter, or remove the same, and do all other acts which the Trustees from time to time deem necessary for supplying water to the inhabitants of the District and any part beyond the District whereunto the Trustees may be required to bring the same.

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**10** For the purpose of raising the necessary funds for carrying out the several objects of this Act, it shall be lawful for the Trustees, at yearly, half-yearly, or such other periods as they may see fit, to make and levy a Rate upon the occupiers of all property within the District.

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Trustees may  
make and levy  
Rate.

Provided, that such Rate shall not in any one year exceed Two Shillings in the Pound upon the annual value of such property as ascertained by the Assessment Roll in force for the time being in the District, or One Penny One Farthing in the Pound on the capital value of such property as ascertained by the Assessment Book in force for the time being in the District.

**11** Upon the making of any such Rate, a notice signed by not less than Four Trustees, specifying the amount in the Pound of the Rate, the period for which the same is made, and at what times the same is payable, shall be published in the *Gazette*; and upon any such notice being so published the rate therein mentioned shall be payable and paid at the times specified in such notice by the persons liable to pay the same, according to the annual value of all properties within the District as shown by the Assessment Roll in force; and it shall not be necessary in any such notice to set forth the names of the persons liable to the payment of the Rate, or the sums which, according to such Rate, such persons are liable to pay, or any other particulars than are hereinbefore in that behalf mentioned.

Upon making  
Rate notice of  
same to be given.

**12** The provisions of Part III. of "The Roads Act, 1884," relating to *Road Rate* shall be applicable for the purposes of this Act, and shall be incorporated herewith.

Certain provisions of  
48 Vict. No. 28  
applicable.

**13** It shall be lawful for the Trustees, for the purposes of this Act, to borrow on Mortgage under "The Local Bodies Loans Act," and every Amendment thereof, any sum or sums of money not exceeding Three thousand Pounds, and to make and grant mortgages of the Rates to be levied and paid under the authority of this Act in security of the payment of the moneys so borrowed and interest thereon: and if after having borrowed the said sum or sums, or any part thereof, the Trustees pay off the same, it shall be lawful for the Trustees again to borrow the amount so paid off, and so from time to time.

Power to borrow  
money.  
45 Vict. No. 16.

**14** In order to facilitate the borrowing by the Trustees of any sum of money which the Trustees are authorised to borrow, it shall be lawful for the Governor in Council to guarantee the payment of interest upon the same, or any part thereof, to the lenders: Provided always, that in every such case, and so far as the Treasurer of the Colony, in consequence of such guarantee, advances and pays out of the Consolidated Revenue Fund any sum of money to any such lender, all moneys so paid shall be, and the same are hereby declared to be, a first or primary charge upon the rates and charges to be received by the Trustees under the authority of this Act; and the said Treasurer, for the purposes of recovering or compelling repayment of the money so advanced and paid with interest thereon at the rate of Five Pounds per centum per annum, shall be deemed to be the holder of the Debenture or Debentures in respect of which such money shall have been paid, and shall, to the extent of the amount so advanced and paid, and so long as any part thereof shall remain unpaid, have all the powers of such holder under "The Local

Governor in  
Council may  
guarantee interest  
on loan.

45 Vict. No. 16.

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Bodies Loans Act” and every Amendment thereof; and all moneys recovered by or repaid to the said Treasurer and all interest thereon shall be paid into and form part of the Consolidated Revenue Fund.

Savings Banks  
may invest in  
such loans.

45 Vict. No. 16.

**15** It shall be lawful for the Trustees for the time being of any Bank for Savings in *Tasmania*, now established or hereafter to be established, to advance and lend to the Trustees under this Act, upon the security of the Debentures to be issued by the Trustees under “The Local Bodies Loans Act” or any Amendment thereof, the whole or any part of the sum which such Trustees are authorised to borrow under this Act, anything in the Act of Council of the 12th *Victoria*, No. 1, to the contrary notwithstanding.

Trustees may  
invest in such  
loans.

**16** Any Trustees having trust money in their hands which it is their duty to invest at interest, shall be at liberty, at their discretion, to invest the same, or any part thereof, upon the security of the Debentures to be issued by the Trustees as aforesaid, anything in the instrument creating the trust to the contrary notwithstanding.

Supply of water.

**17** The Trustees shall, at the request of the owner or occupier of any house situate within the District, the outer boundary of which property is within Fifty feet of any main or other pipe, furnish to such person within such house by means of communication by pipes and other necessary appliances, 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 private water-closet or fixed bath.

Supply beyond  
the boundary of  
Water District.

**18** The Trustees may cause pipes to be laid down and water brought to any part beyond the boundary of the District whereunto the Trustees are required by the owners or occupiers of houses in any such part, on payment of the expense of providing and laying down such pipes: Provided that no such requisition shall be binding on the Trustees unless such owner or occupier shall execute an agreement binding himself to take such supply of water for Three successive years at least, and on such terms for the payment of the same as may be agreed on.

Other than  
domestic purposes.

**19** The Trustees may, if they see fit, furnish to any person a supply of water for steam engines, or working machines or apparatus, or for horses or cattle, or washing carriages, or for gardens, or for flushing sewers or drains, or for any trade, manufacture, or business, or for any other purpose not domestic; such supplies to be so furnished at such charges and upon such conditions as may be agreed upon between the Trustees and the person desiring the same: Provided that the charge for the same, as far as possible, shall be uniform to all persons in the same circumstances and requiring the same extent of supply.

Power to appoint  
Officers.

**20** The Trustees shall, from time to time, appoint a Treasurer and Collector of Rates who may be one or more of the Trustees, and may, from time to time, appoint and employ such Surveyors 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

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Act, pay such salaries and allowances to the said Officers respectively as the Trustees think reasonable: Provided, that 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; and all the provisions of Part III. of "The Roads Act, 1884," relating to *Officers and their Accountability* shall be applicable to such Treasurer, Collector, and other officers, and shall be incorporated with this Act.

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48 Vict. No 28.

**21** 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 landholder, or any holder of any Debenture issued by the Trustees under "The Local Bodies Loans Act" or any Amendment thereof, or any mortgagee or transferee in security of any Rate or Special Rate, or other 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 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.

Trustees to keep accounts of receipts and disbursements.

**22** All moneys received by the Treasurer of the Trustees shall be paid by him monthly into some one of the public banks of this Colony to the account of the Trustees of the District; and no part of such moneys shall be drawn out of such bank except by cheque signed by the Treasurer and countersigned by one of the Trustees.

Moneys received to be paid into bank.

**23** The Trustees shall, before the end of the second week in the month of *March* in each year, cause the accounts of the Trustees up to and including the last day of *February* 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.

**24** The accounts of the Trustees mentioned in the Twenty-first and Twenty-third Sections of this Act shall be subject and liable to all the provisions of "The Audit Act, 1888," 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 Twenty-third Section of this Act shall be forwarded to the Auditor-General during the month of *March* in every year; and such statement and account, 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.

52 Vict. No. 43.

**25** 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.

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Wasting water.

**26** If any person neglects to keep the pipes and other apparatus by means of which his premises are supplied with water in good repair, or by neglect in any way allows water to run to waste, or uses water laid on only for domestic purposes in other ways without special arrangements, every such person shall be liable to a penalty not exceeding Five Pounds.

Obstructing  
Trustees.

**27** If any person wilfully obstructs, hinders, or interrupts, or causes or procures to be obstructed, hindered, or interrupted, the Trustees, or any person duly employed or authorised by the Trustees, or in the exercise of any power or authority vested in the Trustees or any of the persons aforesaid by this Act, or threatens, or assaults, or uses improper or abusive language to any of the persons aforesaid whilst in the performance or execution of his duty under this Act, every such person shall for any such offence, if not otherwise specially provided for, incur a penalty not exceeding Twenty Pounds: Provided, that no proceeding for the recovery of any such penalty, nor the payment thereof, shall be a bar to any action at Law by any of the persons aforesaid for or in respect of any such assaults as aforesaid, but every such action may be commenced and proceeded with as if this Act had not been passed, any Law or usage to the contrary notwithstanding.

*By-laws.*

By-laws.

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

For regulating the charges, terms, and conditions upon which water shall be supplied in the cases provided for by Section Nineteen 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:

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 matter 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, as the Trustees think proper.

Subject to the provisions of this Act, the provisions of Section One hundred of *The Rural Municipalities Act*, 1865, shall be applicable to the By-laws made under this Act.

Offences to be  
dealt with  
summarily.  
19 Vict. No. 8.

**29** 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 any person convicted of any offence against this Act may appeal against the conviction in the mode prescribed by *The Appeals Regulation Act*.

19 Vict. No. 10.

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**30** All penalties received by virtue of this Act shall be paid to the Treasurer of the Trustees, and shall form part of the moneys at the disposal of the Trustees for the purposes of this Act.

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Appropriation of penalties.

**31** No action shall lie against any person for anything done in pursuance of this Act unless notice in writing of such action, and of the cause thereof, is given to the defendant One month at least before the commencement of the action, and such action is commenced within Three months after the cause of action has accrued; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence; and no plaintiff shall recover in any such action if tender of sufficient amends has been made before such action brought, or if a sufficient sum of money has been paid into Court by or on behalf of the defendant after such action brought, together with the costs incurred up to that time; and if a verdict passes for the defendant, or if the plaintiff becomes nonsuit or discontinues such action, or if upon demurrer or otherwise judgment is given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for recovering the same as any defendant has by Law in other cases; and though a verdict is given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Judge before whom the case is tried certifies his approbation of the action and the verdict obtained thereupon.

Persons acting under Act entitled to notice of action.

