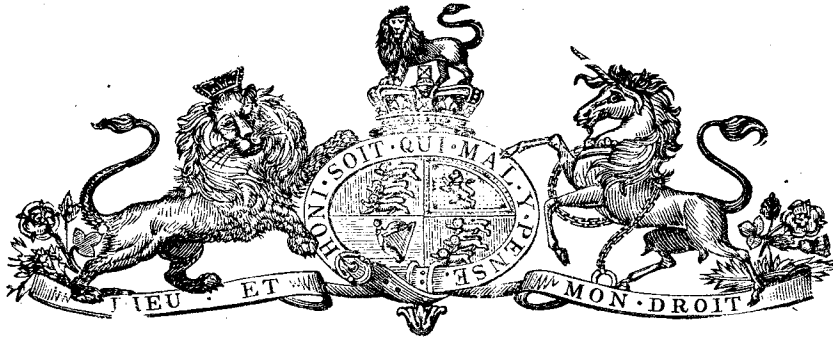


T A S M A N I A.



1901.

ANNO PRIMO

EDWARDI VII. REGIS,

No. 45.

AN ACT to secure a Supply of pure Water A.D. 1901.
for the Town and Port of *Burnie* and the
contiguous Districts. [30 December, 1901.]

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

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 fol-
lows :—

Short Title.

1 This Act may be cited for all purposes as “ The *Burnie* Water Short title.
Act, 1901.”

Preliminary.

2 In this Act—

“ The Town Board ” and “ Board ” mean the Board of the Interpretation.
Town of *Burnie* :

1s. 6d.]

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“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, 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, footway, bridge, square, court, passage, alley, thoroughfare, and public way and place :

“Person” includes Corporation.

Board empowered to divert water of River *Emu* and *Romaine* Creek, &c., and to erect waterworks.

3 Subject to the provisions hereinafter contained, the Board is hereby empowered and authorised from time to time to take, divert, and appropriate such quantity of the waters of the River *Emu*, *Romaine* Creek, and *Guide* and *Pet* Rivers as shall be required by the Board for any of the purposes hereinafter mentioned ; and from time to time to enter upon the said river and creek, 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 creek 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 creek as aforesaid : Provided that nothing herein contained shall abrogate any existing rights vested in any person or persons to take, divert, and appropriate any water from the said rivers or either of them.

Purposes for which water so taken may be used.

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

I. To supply the inhabitants of the Town of *Burnie* and the contiguous Districts with water for domestic and manufacturing purposes, and for motive power, and for irrigation :

II. To supply any ships in the Port of *Burnie* with water :

III. To work any machinery that may be erected by the Board for the purpose of exercising or executing any of the powers, functions, duties, or authorities which now are or which may hereafter be vested in or imposed by Law upon the Board.

Construction of Works.

Purchase of land.

5 The Board is hereby empowered to purchase any Land which the Board may consider to be necessary for the purposes of this Act, and which the Board 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 upon land.

6 For the purposes of this Act it shall be lawful for the Board to enter upon any land, and to take levels of the same, and to set out such parts of such land as the Board thinks necessary, and to dig,

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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. A.D. 1901.

7 It shall be lawful for the Board, from time to time, to make, construct, lay down, maintain, alter, or discontinue such waterworks upon any land as the Board thinks necessary for the purposes of this Act. Construction of waterworks.

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

9 In the exercise of the powers conferred by this Act, the Board shall do as little damage as can be, 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 Board. Board to do as little damage as may be.

10 The Board shall make compensation, in manner hereinafter provided, to all parties lawfully claiming any right to the use of any water taken or diverted or appropriated by the Board under the authority of this Act, or lawfully interested in any land, other than land purchased by the Board, in or upon which any waterworks may hereafter be constructed, or which may be injuriously affected by the construction and maintenance of the waterworks under this Act, or otherwise by the execution by the Board of the powers hereby conferred, for all damage sustained by reason of the exercise as to such land or water of the powers vested in the Board by this Act. Board to make compensation for damage done by execution of works.

11 Any person claiming such compensation shall prefer his claim by notice in writing addressed to the Board, and served upon the Chairman or Secretary thereof, 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 land in respect of which the claim is preferred; and if any such person and the Board do not agree as to the amount of such compensation, the same, and the application thereof, shall, except in the cases hereinafter mentioned, be determined by arbitration in the manner provided by *The Lands Clauses Act* in cases of disputed compensation. Persons damaged to make claim for compensation.

12 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. Compensation how to be ascertained. Regard to be had to any benefit which may accrue.

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Persons not making claim when required to be barred.

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

Dissatisfied party may appeal to a Judge of the Supreme Court.

14 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 Board, the dissatisfied party, when the amount of compensation awarded by the arbitrators or the umpire exceeds One hundred 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.

Procedure upon appeal.

15 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 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: Provided that 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.

6 Vict. No. 19.

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

16 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

17 Where any claim for compensation involves damage alleged to have been sustained by reason of the taking or diversion or appro-

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priation of any water and the right of the claimant in or to such water is disputed by the Board, if the Board within Fourteen days after the service of the notice of the claim gives 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 Board for damages or upon an issue agreed to between the claimant and the Board.

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be ascertained by action in the Supreme Court.

18 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.

Action to be commenced within Three months.

19 The Board shall 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 Board under this Act.

Compensation for damage done by failure of the works.

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

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

Breaking up of Streets.

21 The Board may, from time to time, open and break up the soil and pavement of any streets or roads within the Town of *Burnie* or any Road District or other Town through which it may be expedient to convey water from the said river or creek for the purposes of this Act, and may open and break up any sewers, drains, or tunnels within or under such streets or roads, 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, for the purposes aforesaid, remove and use all earth and materials in and under such streets and roads, and do all other acts which the Board from time to time deems necessary for supplying water to the inhabitants of the said Town and contiguous districts, and ships at the said Port of *Burnie*, doing as little damage as can be in the execution of the powers hereby granted.

Power to break up streets, &c., and to open drains.

22 The Board shall, before opening or breaking up any street without the Town, give to the persons, if any, under whose control or management the same may be, or to their clerk, surveyor, or other officer, notice in writing of the intention of the Board to open or break up the same not less than Three clear days before beginning such work, except in cases of emergency arising from defects in any

Notice to be served on persons, if any, having control of streets, without the Town.

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of the pipes or other works, and then and soon as possible after the beginning of the work or the necessity for the same has arisen.

Streets not to be broken up except under superintendence of person having control of same.

23 No street without the Town shall, except in the cases of emergency aforesaid, be opened or broken up except under the superintendence of the persons, if any, having the control or management thereof, or of their officer, and according to such plan as is approved of by such persons or their officer, or in case of any difference respecting such plan, then according to such plan as may be determined by Two Justices: provided, that if the persons having such control or management as aforesaid and their officer fail to attend at the time fixed for the opening of any such street after having had such notice of the intention of the Board as aforesaid, or do not propose any plan for breaking up or opening the same, or refuse or neglect to superintend the operation, the Board may perform the work specified in such notice without the superintendence of such persons or their officer.

Streets, &c., broken up to be reinstated without delay.

24 When the Board opens or breaks up any street, sewer, drain, or tunnel, it shall with all convenient speed complete the work for which the same was broken up, and fill in the ground, and reinstate and make good the street, sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby; and shall at all times whilst any such street is so opened or broken up cause the same to be fenced and guarded, and a light sufficient for the warning of passengers to be set up and kept against the same every night.

Supply of Water.

Supply of water for domestic use within the Town.

25 The Board shall, at the request of the owner or occupier of any house or part of a house occupied as a separate dwelling situated within the Town, the outer boundary of which is within Fifty feet of any main or other pipe of the Board, furnish to such person within such dwelling-house, by means of communication pipes and other necessary and proper apparatus, to be provided, laid down, and maintained by the Board at the cost of such person, a sufficient supply of water for his domestic purposes, including a supply for any private water-closet and fixed bath in such dwelling-house.

Supply of water to districts beyond the Town.

26 The Board may cause pipes to be laid down and water to be brought to such places and districts beyond the Town as the Board sees fit upon the application of any owners or occupiers of houses, buildings, or other premises, in any such place or district; and the Board shall, by notice under the hand of the Chairman and published in the *Gazette* and in One newspaper circulating in the District, specify the places or districts to and in which the Board propose to lay down pipes for the purpose aforesaid.

Supply of water for other purposes than domestic use.

27 The Board may, if it sees fit, furnish to any person 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

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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 Board 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 extent of supply.

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28 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 Board determines, either generally, or in classes of cases or in any particular case, and the Board shall not be bound to supply water in any case in which the required description of pipes, or other apparatus, is not provided, and 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, or until any defect therein is remedied.

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

29 It shall be lawful for the Board to supply and distribute water at such places as it thinks proper for the use of the shipping in and frequenting the Port of *Burnie*, and to charge for the same any sum not exceeding One Shilling for every One hundred gallons; and the Board is hereby empowered to demand and receive payment in advance for all water so to be supplied, according to the quantity of water required to be supplied.

Charge for water supplied to shipping.

Fouling the Water by Gas.

30 For the purpose of ascertaining whether the water supplied by the Board is fouled by the gas of any persons making or supplying gas, the Board may dig up the ground and examine the pipes and works of the persons making or supplying gas: Provided that, before proceeding so to dig and examine, the Board shall give Twenty-four hours' notice in writing to the persons so making or supplying gas of the time at which such digging and examination is intended to take place.

Power to examine gas-pipes to ascertain whether water is fouled.

31 If upon such examination it appears that such water has been fouled by gas belonging to such persons, the expenses of the digging, examination, and repair of the street or place disturbed in any such examination shall be paid by the persons making or supplying the gas; but if upon such examination it appears that the water has not been fouled by the gas of such persons, then the Board shall pay all the expenses of the examination and repair, and also make good to the said persons any injury which may be occasioned to those works by such examination.

The expenses to abide the result of the examination.

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How expenses to be ascertained.

32 The amount of the expenses of every such examination and repair, and any injury done to the Board shall, in case of any dispute about the same, together with the costs of ascertaining and recovering the same, be ascertained and recovered in a summary way by and before any Two or more Justices of the Peace.

Waste or Misuse of Water.

Service pipes to be kept in repair.

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

Board may repair service pipes.

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

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

35 Every cistern or other receptacle for water which the Board may permit to be used, and every closet, soil-pan, and private bath supplied with water by the Board, shall be so constructed and used in such manner as may be prescribed by regulations to be made by the Board, 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 Board, or into any pipes connected or communicating therewith; and the Board 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 as aforesaid, until such cistern or other receptacle for water, or such closet, soil-pan, or private bath is constructed and used as prescribed as aforesaid.

Power to enter premises to inspect.

36 The Superintendent of Waterworks, or any other person acting under the authority of the Board, may at any time by night or by day 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 Superintendent of Waterworks 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 Board may turn off the water from such house or premises.

Rating.

Board to fix Water Rate in respect of buildings within the Town.

37 The Board shall once in every year make and levy, in accordance with the provisions of "The Town Boards Act, 1896," a Rate to be paid by the respective owners or occupiers of all lands, houses, and buildings within the Town for the purposes of this Act. And

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such Rate shall be called a Water Rate, and may be of an amount not exceeding the sum of Ten Pounds per centum per annum on the assessed annual value, or One Penny One Farthing in the Pound on the capital value of all lands, houses, and buildings owned or occupied as aforesaid according to the Assessment Roll in force for the time being. A.D. 1901.

38 The Board may, for the purposes of this Act, assess the annual or capital value of all lands and buildings in such places and districts beyond the Town as to the Board seems meet; and all the provisions contained in any law enabling the Board to assess the annual or capital value of lands and buildings within the Town shall extend and apply to the assessment of the value of lands and buildings beyond the Town for the purposes aforesaid, but not further or otherwise: Provided that any person affected by any such assessment may appeal therefrom in the same manner in all respects as any person may appeal from any assessment of any property within the Town. Board may assess value of property beyond the Town.

39 No person shall be liable to the payment of the said Water Rate in a greater proportion than upon One-fourth part only of such annual or capital value of any land or houses or buildings occupied by such person unless the same are actually supplied with water for domestic purposes, or unless the mains or other pipes of the Board are laid down and properly supplied with water within Fifty feet from the outer boundary of such lands or houses or buildings. One-fourth only of Rate to be levied unless premises are supplied with water.

40 Upon the making of any Water Rate under this Act, a notice signed by the Chairman and not less than Two other Members of the Board, 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 or capital value of such property as ascertained and determined by the Assessment Roll then in force for the Town; 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 hereinbefore in that behalf mentioned. Upon making Rate notice of same to be given.

41 When several buildings are supplied by one common pipe, the several owners or 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. Where several premises supplied by one pipe, each to pay.

42 If any person liable as herein provided to pay any amount of Water Rate neglects to pay the same within due time after the same Rate, how to be recovered.

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A.D 1901. has been lawfully demanded, the Board 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 Board thinks fit, and may recover the amount due from such person, with the expense of cutting off the water, in the same manner as any Town Rate is recoverable.

Charges for water how to be recovered. **43** 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 Board, and also of any charge for the supply of water by the Board under this Act, other than Water Rate, as in the case of any Water Rate.

No imprisonment for non-payment of rate or charges. **44** No person shall be liable to be imprisoned for non-payment of any expenses of Water Rate or charge for water supplied under the provisions of this Act.

Applies provisions of 60 Vict. No. 31, relating to rates. **45** Subject to the provisions of this Act, so much of "The Town Boards Act, 1896," as relates to Rates shall be applicable to all Rates to be made and levied under this Act.

Borrowing Money.

Power to borrow. **46** It shall and may be lawful for the Town Board to borrow, and take up at interest, not exceeding Five Pounds per centum per annum, of any person or persons willing to advance and lend the same, such sum or sums of money, not exceeding the sum of Twenty 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 works, or the payment of any such compensation as aforesaid, or any other expense incident to the effectuating the objects of this Act; and it shall be lawful for the Town Board to provide for the repayment of any sum or sums of money so borrowed and the interest thereon by securing the same upon the Rates and other moneys to be received by or on behalf of the said Board under the authority of this Act; and such moneys so to be borrowed, and the interest to accrue due thereon, shall and may be so secured by Debentures as hereinafter mentioned.

How Debentures to be signed. **47** Every Debenture issued by the Board for the purpose of securing the repayment of any sum or sums of money borrowed by the Board under the authority of this Act, shall be signed and sealed by the Chairman and Two other Members of the Board and countersigned by the Secretary to such Board, and shall bear date the day it is signed by the Chairman.

Power to re-borrow. **48** If after having borrowed any sum or sums of money as aforesaid, the Board shall pay off the same or any part thereof, it shall be lawful for the Board again to borrow under the provisions of this Act the amount so paid off, and so from time to time.

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49 Except as it is herein otherwise provided, the power to borrow money hereinbefore conferred upon the Board shall be exercised in accordance with and subject to the provisions of "The Local Bodies Loans Act," and wherever in that Act the terms "Local Body," or "Municipal Council," or "Municipality" are used, the same shall, for the purposes of this Act, be deemed to mean the Board of the Town of *Burnie*; and the terms "Warden" and "Council Clerk" shall, for the purposes of this Act, respectively be deemed to mean the Chairman of the Board and the Secretary to the said Board; and for the purposes of any poll under the said Act, the term "Rate-payers" shall mean the electors of the Town of *Burnie*.

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

50 Notwithstanding anything to the contrary in Section Twenty-eight of "The Local Bodies Loans Act," the Board 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 Charge shall be, as near as may be, sufficient to pay the interest upon any money borrowed by the Board for the purposes of this Act, together with the costs of managing and conducting the waterworks, and to produce such further sum that will amount to not less than One Pound per centum per annum on the amount or amounts borrowed for the purposes of this Act to be set apart by the Board as a Sinking Fund for the redemption of such Debentures as may from time to time be issued by the Board under the authority of this Act; and if in any year the amount received is more than sufficient for all the purposes aforesaid, the Board is 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: Provided that it shall not be incumbent on the Board to make any reduction in such rates and charges as aforesaid so long as the sum available by the Board for setting apart as such Sinking Fund as aforesaid does not exceed Two Pounds per centum per annum on the amount or amounts borrowed as aforesaid.

Rate and Charges
for water to be so
regulated as not
to exceed annual
expenditure.

51 It shall be lawful for the Governor from time to time, subject to the provisions of this Act, to grant to the Board of the Town of *Burnie* as a loan or loans for carrying out the objects of this Act, any sum or sums of money not exceeding in the whole Twenty thousand Pounds, and upon the Governor granting to the Board such loan or loans, the power given to the said Board in Section Forty-six of the said Act to borrow money shall cease and determine: Provided, that before any loan is granted to the said Board as aforesaid, a general plan showing the locality of the source of the water supply and the route along which it is intended to carry such water supply, together with a Report by the Engineer-in-Chief upon the feasibility of the proposed works and the amount for which such works can be completed, shall be supplied to the Governor.

Governor in
Council may
grant loans.

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Loans paid out of
moneys raised by
Debentures.

52 The Treasurer of the State is hereby authorised to issue to the said Board any such sum or sums of money as aforesaid out of moneys raised by the Governor by the issue and sale of Debentures under any Act passed for the purpose of raising money to be advanced under the provisions of this Act. Provided, that the Treasurer shall, within Fourteen days of the assembling of Parliament, make a Return of all Debentures issued under this Act.

Interest payable
on loans.

53 There shall be payable and paid by the said Board to the said Treasurer upon any sum or sums of money advanced as a loan as aforesaid interest at the rate of Five Pounds per centum per annum, chargeable upon the revenues of the said Board.

Until such loan is completely liquidated as hereinafter provided such interest shall be payable on the First day of *January* and the First day of *July* in each year.

Treasurer to form
sinking Fund.

54 The said Treasurer shall in every year cause a sum of money equal to One per centum per annum on such loan as aforesaid, out of moneys received from the said Board as interest on such loan, to be set apart as a Sinking Fund, until the Auditor-General shall certify that such loan has been completely liquidated.

Auditor's certi-
ficate discharge
for loan and
interest.

55 Upon the Auditor-General certifying as aforesaid the said Board shall be thereupon freed and discharged from all payments of principal or interest to the said Treasurer in respect of such loan.

Sinking Fund to
be invested.

56 All moneys set apart by the Treasurer as a Sinking Fund hereunder to liquidate any such loan as aforesaid shall be placed in the books of the Treasury, in the names of the said Treasurer and the said Board, to an Account intituled "The *Burnie Water* Sinking Fund," and the Treasurer shall, on the Thirty-first day of *December* in every year, credit such Account with interest at the rate of Four Pounds per centum per annum on the amount of such Account.

All interest credited to such Account shall bear interest in like manner as the moneys set apart by the Treasurer aforesaid.

If interest in
arrear Governor
may appoint
Receiver.

57 If at any time the interest payable by the said Board upon any loan advanced under this Act remains unpaid for a period of Three months after the same becomes due, the Governor shall from time to time appoint a Receiver of the revenues of such Board.

Any Receiver appointed under this Act shall be entitled to receive all the revenues payable to such Board, and from time to time to make and levy all such rates for the purpose of paying such interest as such Board is then by Law empowered to make and levy, and for the purposes aforesaid such Receiver shall be deemed to be such Board, and may exercise all the powers and functions thereof in respect of making, levying, or collecting any such rate.

Such Receiver shall, out of any revenues as aforesaid received by him from time to time, pay to the Treasurer such sum or sums of money as may be payable as interest on any such loan as aforesaid,

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and, after payment of the costs and expenses incurred by such Receiver, together with such remuneration as the Governor may deem reasonable, the Treasurer shall pay the balance, if any, to the said Board. A.D. 1901.

58 Every Receiver appointed under this Act shall, before entering on his office, give such security for the faithful execution thereof as the Governor shall direct. Receiver to give security.

59 Every such Receiver shall, in the receipt or disbursement of moneys or other property, be amenable to all the provisions of "The Audit Act, 1888," in the same manner and in all respects as if such Receiver had been an Officer in the Public Service. Receiver amenable to provisions of 52 Viet No: 43.

60 Notwithstanding anything hereinbefore contained, in the event of no demand for the submission of the proposal to borrow to the ratepayers having been made, and no poll taken under the provisions of "The Local Bodies Loans Act" in that behalf, the said Board shall not borrow any sum of money under the provisions of this Act until and after the electors of the Town of *Burnie* have, by a majority of votes at a poll to be taken for that purpose as hereinafter provided, consented to the Board borrowing such sum of money as aforesaid; and at the taking of such poll every elector who desires to vote shall be entitled to as many votes as the number of votes to which such elector appears by the Roll to be entitled to exercise at an election of Members of the Board for the Town of *Burnie*. Poll of electors to be taken.

61 When the Board shall decide to take a poll of the electors as aforesaid, they shall cause a notice of such poll to be inserted not less than Three times in a newspaper generally circulated in the Town of *Burnie*, and in one number of the *Gazette*; and such notice shall contain the following particulars:— Notice of poll to be published.

- I. The time and place of such election :
- II. The amount of money proposed to be borrowed, and the works proposed to be constructed or performed by the Board therewith :
- III. The estimated cost of such works.

62 Subject to the foregoing provisions, all proceedings upon the taking of any poll as aforesaid shall be had and taken as nearly as may be as upon an election of Members of the Board of the Town of *Burnie*, as the case may require. Proceedings to be had as upon election of Town Board.

63 The Board may combine with the Trustees of any Water District for the purpose of constructing and maintaining, for the joint benefit of the Town of *Burnie* and any such Water District, any works which the Board or such Trustees are by law authorised to construct and maintain; and the Board may borrow money for Board may combine with Trustees of any Water District for constructing works.

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the purpose of contributing to the cost of any such works in the same manner and to the same amount as if such money was borrowed for the construction or maintenance of any works undertaken solely by the Board.

How cost of
combined works
to be borne.

64 In the event of the Board combining with the Trustees of any Water District for the purpose of constructing and maintaining any such works as aforesaid, the Board and the Electors of the Town of *Burnie* and such Trustees shall each be liable for the cost of constructing or maintaining such works to such an amount as shall be agreed upon between the Board and such Trustees; and the proportion of such cost to which the Board and such Trustees shall respectively agree that the Board and Electors of the Town of *Burnie* and such Trustees shall be respectively liable shall be recoverable from the Board and the Electors of the Town of *Burnie* or such Trustees in the same manner as if it were a debt or liability incurred solely by the Board or such Trustees.

Water Account.

Water account
to be kept.

65 The Treasurer of the Board shall keep a separate and distinct account, to be called the "*Burnie Water Account*," of all moneys received and paid under the powers and provisions of this Act, and all rates and moneys received by the Board or the Treasurer under the provisions of this Act shall be carried to the credit of the said account, and shall be appropriated and applied to the purposes of this Act, including any purchase-money of land and compensation payable under this Act, and to no other purpose whatsoever.

Offences.

Penalty for ob-
structing Board.

66 Every person who wilfully obstructs, hinders, or interrupts the Board, or any person acting under the authority of the Board, in doing or performing any work by this Act authorised to be done or performed by the Board, or in the exercise of any power or authority by this Act conferred on the Board, shall for every such offence incur a penalty not exceeding Fifty Pounds.

Injuring Water-
works or prevent-
ing flow of water.

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

Destroys or injures any of the waterworks;

In any manner wilfully prevents or obstructs the flow of water in the River *Emu*, *Romaine* Creek, or *Guide* or *Pet* Rivers, or in or through any watercourse, tunnel, or other waterworks;

Otherwise injures or obstructs the passage of the water in a pure and wholesome state in the River *Emu*, *Romaine* Creek, or *Guide* or *Pet* Rivers, or through any watercourse, tunnel, or other waterwork.

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

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Fouling water.

- I. Every person who bathes in any part of the River *Emu*, *Romaine Creek*, or *Guide* or *Pet* Rivers within Three miles above any dam erected by the Board thereon. or in any reservoir, aqueduct, or other waterwork of the Board, 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 the said river or creek as aforesaid above the said dam, or into any such reservoir, aqueduct, or other waterwork as aforesaid, 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 the said river or creek above the said dam, or into any such reservoir, aqueduct, or other waterwork, or who does or permits any other act whereby the water of the waterworks or supplying the same is fouled :

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 Board.

69 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.

Maliciously injuring works or fouling water a Misdemeanor.

70 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.

Certain offenders may be apprehended.

71 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 Board 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.

Allowing persons not supplied to use the water.

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Taking water
without authority.

72 Every person who, without due authority, takes any water from any reservoir, watercourse, or conduit belonging to the Board, or any pipe leading to any such reservoir, watercourse, or conduit, or from any cistern or other like place containing water belonging to the Board, 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.

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

Suffering service
pipe to be out of
repair.

74 Every person supplied with water by the Board 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 Board is wasted, shall for every such offence incur a penalty not exceeding Five Pounds.

Destroying
valves, &c.

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

Fouling water by
gas.

76 Whenever the water supplied by the Board is fouled by the gas of any persons making or supplying gas, such persons 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.

Accessories to
offences liable as
principals.

77 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.

Appropriation of
penalties.

78 All penalties for offences against this Act shall be applied to the use of the Board, or, at the discretion of the convicting Justice or Justices, any portion not exceeding a moiety thereof shall be applied to the use of the informer or person prosecuting, and the remainder to the use of the Board; and all penalties or portions of penalties to be applied to the use of the Board shall be paid to the Treasurer of the Board, and shall be carried to the credit of the Water Account.

*Officers.*Appointment of
Officers.

79 The Board may from time to time appoint and employ a Superintendent of Waterworks and such other Officers and other persons as the Board thinks necessary and proper for the execution of the powers vested in the Board by this Act.

Burnie Water.

80 Wherever by this Act authority is conferred on the Board 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 Board, and to all necessary agents, assistants, servants, workmen, means and appliances whatsoever.

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Powers conferred on Board to extend to officers duly authorised.

By-laws.

81 The Board 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 Twenty-seven of this Act:

For regulating the charge, not exceeding the maximum charge hereinbefore in that behalf provided, for water supplied to the shipping in and frequenting the Port of *Burnie*:

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 Twenty Pounds, as the Board thinks proper.

By-laws.

Miscellaneous.

82 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 therewith, by reason only of his being a Ratepayer of the Town of *Burnie*, 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.

83 This Act shall come into operation and take effect on the First day of *January*, 1902.

Commencement of Act.

