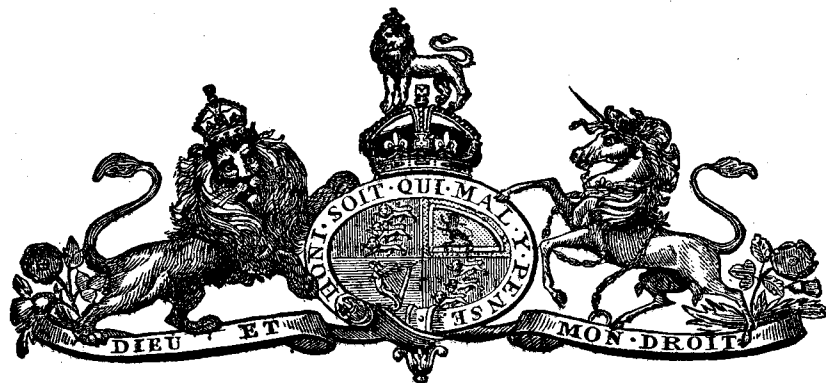


T A S M A N I A.



1906.

ANNO SEXTO

EDWARDI VII. REGIS,

No. 26.

AN ACT to make provision for a Supply of
Water for the Town of *Bothwell*.

A.D.
1906.

[22 November, 1906.]

WHEREAS it is expedient to make legislative provision to ensure a Supply of Water for the use of the inhabitants of the part of the Town of *Bothwell* hereinafter referred to as "the Water District :"
PREAMBLE.

And whereas *Alexander Arthur Reid*, Esquire, Miss *Marion Reid*, and Miss *Amy Reid*, the owners of the Estate of *Ratho*, in the Municipality of *Bothwell*, have given permission to the Municipal Council of *Bothwell* to erect pumps and windmills on the said estate, and pipes on or under the soil of the said estate, for the purpose of conveying water from the River *Clyde* to the Town of *Bothwell*, without requiring payment or compensation to be made to them therefor :

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 *Bothwell* Water Act, 1906."
8d.]

Short title.

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Interpretation.

‘ Water
District.’**2** In this Act—

“The Water District” means that part of the Town of *Bothwell* the description of which is as follows:—

Beginning at the intersection of *Barrock*-street and *Elizabeth*-street, thence bounded on the north by *Elizabeth*-street, thence by a straight line to *Michael*-street, thence along *Michael*-street southerly to *Franklin*-street, thence along *Franklin*-street westerly to the River *Clyde*, across the river, thence along *Hope*-street north-westerly to *Logan*-street, along *Logan*-street westerly to *Wentworth*-street, along *Wentworth*-street north-easterly to *Adelaide*-street, thence along *Adelaide*-street westerly to Mount *Adelaide* Reserve, thence in a northerly direction along *Reid*-street to *Frances*-street, thence along *Frances*-street easterly across the River *Clyde* in an easterly direction to the point of commencement at the intersection of *Barruck*-street and *Elizabeth*-street, and any additional area or areas which may from time to time be added to it as hereinafter provided:

“Property.”

“Property” includes land and buildings:

“The Council.”

“The Council” means the Warden and other Councillors of the Municipality of *Bothwell*:

“Waterworks.”

“Waterworks” means and includes all pumps, windmills, reservoirs, fences, pipes, service-pipes, troughs, and other works, of whatsoever kind, which may from time to time be used for effecting the purposes of this Act.

Power to enter on Land, take Materials, construct a Reservoir, lay Pipes, and break up Streets.

Power to make waterworks on the estate of *Ratho* and on Crown lands without making payment in respect thereof.

3 It shall be lawful for the Council from time to time to enter upon such part of the bed of the River *Clyde* as forms part of the estate of *Ratho*, or is immediately adjacent thereto, and to divert and appropriate such a quantity of the water of the said river as shall be required for the purposes of this Act, and to erect upon the said estate One or more windmills and One or more pumps for raising the said water, and to lay pipes upon or under the soil of the said estate, and to excavate and make a reservoir on a piece of Crown land, being part of the *Barrack Hill*, and to lay pipes upon or under the soil of the said piece of Crown land, and also upon or under the soil of another piece of Crown land on the left bank of the said river commonly known as the *Police Reserve*, and to make use of any earth, stone, or other materials taken from any excavation or trenches made or dug in laying pipes under the soil of the said estate or the said pieces of Crown land or either of them, or in making the said reservoir, for any purpose in connection with the waterworks authorised by this Act, and to carry pipes, stones, mortar, and other materials required for any purpose in connection with the waterworks over the said estate and the said pieces of Crown land without making any payment to the present or any future owners of the said estate or to the Crown, but doing as little damage as possible to the said estate or pieces of Crown land, and reinstating the

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soil and surface of the said estate and of the said pieces of Crown land as far as can reasonably be done, if required so to do by the owners of the said estate or by any person authorised by the Crown in that behalf. A.D. 1906.

4 It shall be lawful for the Council from time to time to enter upon the land of any other person, and to lay pipes upon or under the soil of such land and to repair such pipes, making compensation to such person for all damage sustained by reason of the exercise of the powers conferred upon the Council by this Section. Power to enter upon other land upon making compensation.

5 The Council shall have the same power to enter upon any land for cutting down and removing timber to be used in erection of a fence round the said reservoir, or for obtaining and removing materials for the construction of any part of the waterworks, as the trustees of a road district now have for purposes in connection with the making, repairing, or fencing off of roads within the road district, or as the council of a municipality may have under any law hereafter to be passed for the construction of public works within a municipality. The Council may cut down timber and remove materials.

6 Any person claiming compensation in respect of injury done to, or timber cut down or materials removed from, land owned or occupied by him shall prefer his claim by notice in writing, addressed to the Council and served upon the Council Clerk; and if such person and the Council do not agree as to the amount of such compensation, the same and the application thereof shall be determined by arbitration in the manner provided for by *The Lands Clauses Act* in cases of disputes respecting compensation. Provisions as to compensation.

7 The Council may from time to time open and break up the soil of any street or road in the Water District to lay pipes thereon or thereunder, and of gardens or other land to lay service pipes thereon or thereunder leading from any main pipe to any property, if requested so to do by the owner or occupier of such property, and at his expense, and repair, remove, or relay such pipes or service pipes, and do any other acts which it may from time to time deem necessary for the purpose of supplying water. The Council may open the soil of streets to lay pipes, and of gardens, &c., to lay down service-pipes.

8 Any person authorised by the Council may at all reasonable times enter any house or building supplied with water by the Council, and the land occupied therewith, in order to ascertain whether there is any waste of water, or whether the service pipes are in good repair, and may for the latter purpose break the surface of the ground under which the service pipes are laid. Persons authorised by the Council may enter buildings and land occupied therewith for purposes of inspection.

Power to add Areas to the Water District, and to make Agreements for the Supply of Water to properties not within the Water District, and other Powers of the Council.

9 The Council may from time to time declare that any area within the Municipality of *Bothwell*, whether within or without the Town of Adding areas to the Water District.

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Bothwell, shall be added to the Water District, and every owner or occupier of property within the area so added shall thenceforth be subject to the same liability to be rated as if the said area had originally formed part of the Water District.

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

10 The Council may, in its absolute discretion, enter into agreements with the head of any department of the State, 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, for the supply of water to any property belonging to or occupied by the Crown or any department of the State, or such owners or occupiers as aforesaid, upon such terms as shall be mutually agreed upon, and in the case where the property is not situate within the Water District the Council shall have the same powers of opening and breaking up streets, and of laying down pipes and service pipes for supplying such property with water, as if it were within the Water District.

The Council may provide drinking troughs.

11 The Council may, if it shall think fit so to do, erect in any street or public place in the Town of *Bothwell* any trough for supplying horses, and if it thinks fit other animals, with water.

All Waterworks to be the Property of the Municipal Corporation.

Waterworks to be the property of the Corporation.

12 All waterworks, whether the same are situate in the streets or roads of the Municipality of *Bothwell*, or in land belonging to the Crown, or to private owners, shall be deemed to be the property of the Warden, Councillors, and electors of *Bothwell*.

Provisions as to Rating.

The Council may levy a Rate not exceeding Two Shillings in the Pound.

13 It shall be lawful for the Council yearly, or at such other periods as shall to it seem desirable, to make and levy a rate (to be called a Water Rate) not exceeding the sum of Two Shillings in the Pound per annum, to be paid by the owners or occupiers of all property within the Water District, on the assessed annual value of the property within the Water District; and such rate shall be made, levied, and recovered in the same manner as other rates made by the Council.

If the Rate is not paid the supply of water may be cut off.

14 If any person liable to pay a Water Rate, shall neglect to pay the same, the Council may stop the water from flowing into the premises in respect of which such rate is payable by cutting off the pipe to such premises, and may recover the expense of cutting off the water in the same manner as the Water Rate is recoverable.

Provisions as to Borrowing Money.

The Council may borrow money not exceeding £1800.

15 It shall be lawful for the Council, on behalf of the Corporation of the Municipality, to borrow any sum or sums of money not exceeding in the whole One thousand eight hundred Pounds for the purposes of this Act; and it shall be lawful for the Governor in Council from

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time to time to lend to the Warden, Councillors, and electors of *Bothwell* such sum or sums under the provisions of "The Local Public Works Loans Act, 1890": Provided that it shall not be necessary to lay before either Houses of Parliament plans and specifications of the proposed works, nor a report by the Engineer-in-Chief thereon, as provided in Section Two of the said Act; but before any part of the said sum of One thousand eight hundred Pounds shall be advanced to the Council plans and specifications of the proposed works, together with a report by the Engineer-in-Chief upon the probable cost thereof, the suitability of the site proposed therefor, the sufficiency of the plans and specifications, and upon such other matters connected with the works as the Engineer-in-Chief may deem it desirable to refer to in his said report, and that the work can be completed for the amount proposed to be borrowed, shall be submitted to and approved of by the Governor in Council.

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16 The Council shall not proceed in the matter of borrowing any sum of money until a poll has been taken of the electors of the Municipality of *Bothwell* who are owners or occupiers of property within the Water District, for the purpose of determining whether the Council shall borrow the money. If at the taking of such poll a less number than Two-thirds of the votes recorded shall be in favour of the Council's proceeding to borrow, the Council shall not borrow, but the Council may nevertheless at any time after the expiration of Three months cause another poll of the electors to be taken; and if at any such subsequent poll Two-thirds of the votes recorded shall be in favour of the Council's borrowing, the Council may proceed to borrow.

Poll to be taken before any money is borrowed.

Two-thirds of the number of the votes recorded must be in favour of borrowing.

A poll may be taken subsequently.

17 When the Council shall have decided to take a poll as aforesaid it shall cause a notice that the poll will be taken to be published, not less than Fourteen days before the day fixed for the taking of the poll, not less than Three times in a daily newspaper circulating in the Municipality, and in Two consecutive numbers of the *Gazette*.

Notice of the day when, and the place where, the poll will be taken to be published.

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

What is to be stated on the notice.

19 The voting-paper to be used at the taking of the poll shall be in the form in the Schedule, or to the like effect.

Form of voting-paper.

20 The number of votes to which each elector is entitled shall be the same as that to which he is entitled at an election of Councillors, and the proceedings at the taking of the poll shall, with any necessary changes, be the same as those prescribed by law at an election of Councillors.

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

21 The expense of taking a poll shall be defrayed out of the General Rate.

Expense to be defrayed out of the General Rate.

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By-laws.

By-laws may be made.

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

For regulating the charges, terms, and conditions upon which water shall be supplied to the occupiers of property within the Water District, and the charges to be made for laying down or repairing service-pipes:

For preventing injury to the waterworks:

For regulating all matters connected with the supply of water by means of the waterworks, and for preventing the waste or misappropriation of water—

and generally for the better effectuating the purposes of this Act; and such By-laws from time to time to alter or repeal.

Offences.

What acts are to be punishable.

23 Any person—

i. Who wilfully obstructs any person acting under the authority of the Council when doing any act or work by this Act authorised to be done by the Council: or

ii. Who wilfully or through his negligence wastes water supplied by the Council, or permits water so supplied to be wasted: or

iii. Who wilfully supplies water to any other person not residing on the property supplied with water, or permits such other person to take water from the property so supplied, except for the purpose of extinguishing any fire, or unless such other person is a person whose property is supplied with water by the Council, and the pipe by which it is supplied with water is without any default on his part out of repair: or

iv. Who without authority takes water from any of the waterworks—

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

Miscellaneous Provisions.

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

24 All acts done by the Council under this Act, including the making of By-laws, shall for all purposes be deemed to have been done by the Council under the provisions of any law now or hereafter to be in force conferring powers to do acts upon the councils of municipalities, and all obligations imposed upon the Council by any law now or hereafter to be in force imposing obligations upon such councils shall be deemed to be obligations imposed upon the Council in respect of all acts done by it under this Act.

Powers of the Trustees under "The Clyde Water Act, 1898," not abridged.

25 Nothing contained in this Act shall be deemed to abridge the powers given by "The Clyde Water Act, 1898," to the Trustees under that Act, except as to the power thereby given to them to construct, repair, alter, and remove waterworks for supplying the inhabitants of *Bothwell* with water for domestic and other purposes.

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SCHEDULE.

VOTING PAPER.

FOR.

AGAINST.

If you are in favour of the Council's borrowing money for the purpose of supplying Bothwell with water, you are to strike out the word "Against." If you are opposed to its borrowing money, you are to strike out the word "For."

