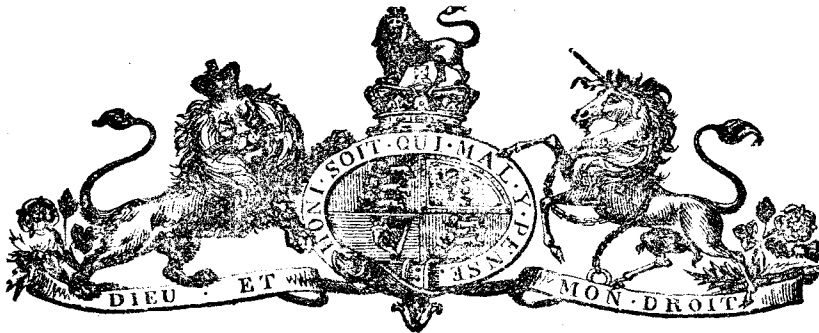


T A S M A N I A.



1900.

ANNO SEXAGESIMO-QUARTO

VICTORIÆ REGINÆ,

No. 64.

AN ACT to amend “The *Hobart Water Act*, 1893.” [15 *December*, 1900.] A.D. 1900.

WHEREAS it is expedient to amend “The *Hobart Water Act*, 1893,” in the manner hereinafter appearing : PREAMBLE.

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited for all purposes as “The *Hobart Water Act*, 1900.” Short title.

2 In the construction and for the purposes of this Act, unless the context otherwise determines— Interpretation.
57 Vict. No. 25.

The expression “the said Act” shall mean “The *Hobart Water Act*, 1893 :”

The expression “the Council” shall mean the Municipal Council of the City of *Hobart* :

The expression “the said river” shall mean the *North West Bay River*.

6d.]

Hobart Water.

A.D. 1900.

Substitution for
Sect. Fifty-seven,
57 Vict. No. 25.

Maximum
amount of Rates.

3 Section Fifty-seven of the said Act is hereby repealed, and in lieu thereof the following shall be and be deemed to be, and may be cited as Section Fifty-seven of the said Act ; that is to say :—

“ **57** The Rates to be made by the Council as aforesaid shall not exceed the amounts hereinafter set forth ; that is to say :—

In respect of all dwelling-houses, and shops and buildings used as dwelling-houses, together with any coach-house, stable, or other appurtenances occupied therewith, where the annual value thereof shall not exceed the sum of Ten Pounds, the Rate shall not exceed the sum of Twenty Shillings :

Where the annual value shall exceed the sum of Ten Pounds but shall not exceed the sum of Forty Pounds, the Rate shall not exceed the sum of One Shilling and Nine Pence for each and every Pound of such value :

Where the annual value shall exceed the sum of Forty Pounds, the Rate shall not exceed the sum of One Shilling and Threepence for each and every Pound of such value above the sum of Forty Pounds in addition to the Rate before mentioned :

In respect of all shops, warehouses, counting-houses, coach-houses, stables, workshops, mills, manufactories, or other buildings not used as dwellings, and of the several lands thereunto attached or belonging, where the annual value thereof shall not exceed the sum of Twelve Pounds, the Rate shall not exceed the sum of Twelve Shillings :

Where the annual value shall exceed the sum of Twelve Pounds but shall not exceed the sum of Thirty Pounds, the Rate shall not exceed the sum of Nine Pence of each and every Pound of such value :

Where the annual value shall exceed the sum of Thirty Pounds but shall not exceed the sum of One hundred Pounds, the Rate shall not exceed the sum of Sixpence for each and every Pound of such value in addition to the Rate before mentioned :

Where the annual value shall exceed the sum of One hundred Pounds, the Rate shall not exceed the sum of Threepence for each and every Pound of such value in addition to the Rate before mentioned.”

Alteration of
Section 66.

4 The words “ not exceeding by a greater proportion than Two Pence in the Pound in amount the Water Rates levied within the City ” are hereby inserted in Section Sixty-six of the said Act, after the word “ Rates,” in the third line of such Section.

This Section shall come into operation on the First day of *January*, One thousand nine hundred and one.

Supply of water
for other purposes
than domestic
use.

5 The Corporation 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 horses or cattle ; or for washing carriages ; or for gardens, fountains, syphons, or ornamental purposes ; or for flushing sewers other than house-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 the Council

Hobart Water.

shall from time to time prescribe in any By-law made for that purpose ; and in the absence of any such By-law then at such charges and upon such terms and conditions as may be agreed upon between the Council and the person desiring the same : Provided always that, as far as possible, the charge for such supply of water shall be uniform to all persons in the same circumstances, and requiring the same extent of supply.

A.D. 1900.

The supply of water for any of the purposes mentioned in this Section shall not be deemed to be a supply of water for domestic purposes ; and any water heretofore supplied for any of the purposes mentioned in this Section shall not, as from the date of the passing of the said Act, be deemed to have been supplied for domestic purposes.

6—(1.) The Corporation may, whenever it sees fit so to do, and shall, within Six months after receiving an application from any rate-payer, attach a meter to the pipe supplying water for all purposes to any person within the limits of this Act, and thereupon all water supplied to such person shall be drawn only through such meter ; and such supply shall be at such uniform charge and subject to such conditions as the Council may prescribe.

Corporation may supply water by measure.

(2.) The charge for all water supplied by measure for any of the purposes mentioned in this Section shall not exceed One Shilling and Three Pence for every One thousand gallons of water so supplied, and shall be payable at such time or times as may be prescribed. The quantity of and account for such water so supplied shall be adjusted annually.

Provided that the Council shall not charge more than One Shilling per One thousand gallons unless the Annual Rate mentioned in Section Fifty-seven of the said Act in respect of dwelling-houses and shops and buildings used as dwelling-houses, together with any coach-house, stable, or other appurtenances occupied therewith where the annual value thereof shall exceed the sum of Ten Pounds, is fixed at more than One Shilling and Threepence in the Pound of such value, except as to so much of any annual value as exceeds Forty Pounds, which may be fixed at not less than One Shilling for each and every Pound of such value above the sum of Forty Pounds, in addition to the before-mentioned rate on the sum of Forty Pounds.

Minimum Water Rate if charge increased beyond One Shilling per One thousand gallons.

(3.) The minimum amounts to be paid to the Corporation for water supplied, as in this Sub-section is mentioned, shall not be less than the amounts herein specified ; that is to say :—

Minimum charges.

- I. When water is supplied through a meter for any purpose or purposes, the minimum charge shall be Two Pounds per annum, unless it be more when calculated under the provisions of the next succeeding Clause :
- II. When water is supplied through a meter for domestic purposes alone, or for domestic purposes as well as for any purpose other than domestic, the minimum quantity to be charged for shall be the quantity which, at the price per One thousand gallons (not being more than One Shilling and Threepence per One thousand gallons), fixed by the Corporation for the period during which the water is supplied equals the amount of the assessed rate which would be payable for the premises so supplied if supplied otherwise than by measure :
- III. When water is supplied otherwise than through a meter for gardens or other irrigation purposes, whether it be in

Lowest minimum any meter supply.

Domestic and any other purpose.

Water for gardens or other irrigation purposes.

Hobart Water.

A.D. 1900.

connection with a domestic supply or not, the minimum charge shall be Twenty-five Shillings per annum, unless the consumer claims the option of having the charge based upon the scale next mentioned; that is to say:—If a tap or taps be used to water land not exceeding Two hundred square yards in area, a minimum of Ten Shillings per annum, with Five Shillings per annum for each One hundred square yards or portion of One hundred square yards in excess of Two hundred square yards. Provided, that in all cases coming under this Clause the Corporation may cause all water so supplied to pass through a meter.

(4.) Save as to Sub-section (3.) of this Section, this Section shall not come into operation until the First day of *January*, One thousand nine hundred and one, on which day the Thirty-seventh and Fifty-sixth Sections of the said Act shall be repealed.

Rent for meters.

7 There shall be payable to the Corporation by every person supplied with water by measure or through a meter, beside the amount of any water rate or charge for water supplied to such person, such sum or sums of money as rent for the use of such meter and at such time or times as may be prescribed, but such rent shall not exceed Ten per cent. on the net cost of the meter and fittings.

Differential charges may be made for water supplied to shipping.

8 Notwithstanding anything contained in the Forty-fourth Section of the said Act, the Council may, if it sees fit so to do, prescribe differential charges for water supplied to shipping, according to the nature of such shipping; and all charges for water supplied to shipping shall be payable in advance as provided for in the said Section, or at such time or times as may be prescribed; but such charge shall not exceed the sum of Ninepence per tun for any water supplied to any shipping trading solely within the jurisdiction of the Marine Board of *Hobart* nor One Shilling and Sixpence per One thousand gallons (in addition to meter rent) when such shipping is supplied at a special berth through fixed meters.

See Melb. Met. By-law.

Meter to be *prima facie* evidence.

9 If water is supplied to any person by measure through a meter or other instrument for measuring water, the register of the meter or other instrument shall be *prima facie* evidence of the quantity of water consumed and in respect of which any sum or sums of money is charged and sought to be recovered by the Council; and if the Council and the consumer differ with respect to the quantity consumed, such difference may be determined on the application of either party by Two Justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the Justices shall be final and binding on all parties.

Meters may be inspected.

10 Any person who is supplied with water by meter may inspect such meter at all reasonable times, and the Council shall, on application, afford such inspection at the applicant's expense but when the meter is fixed on private premises the owner shall have access thereto at all times, and shall be responsible for the safety of the meter.

Water may be diverted from *North-West Bay* River.

11 It shall be lawful for the Corporation for a period of Two years, commencing from the Thirty-first day of *January*, One thousand nine hundred and one to take, divert, and impound one half of the water flowing at any time during such Two years in the said river at

Hobart Water.

the point of such diversion, which point shall be a point not less than Two thousand feet above sea-level, and about Two miles and Fourteen chains distant from *St. Crispin's Well*, and to make, construct, lay down, maintain, alter, and discontinue such waterworks upon any land as the Council thinks necessary to carry such water to the waterworks authorised by the said Act.

A.D. 1900.

12 At the expiration of such period of Two years, as is set forth in the last preceding Section, the right of the Corporation to take, or divert, or impound any of the said water flowing in the said river shall absolutely cease and be determined.

Right to divert water to exist for Two years.

13 The Corporation shall make full compensation to all residents upon and near the *North West Bay River*, the waters of which said river and its tributaries were preserved to them in perpetuity by Act 62 *Victoria*, No. 12, for all damage or injury sustained by them or any of them by reason of the taking of any water or doing any act by the Corporation which may in any way diminish the quantity of water flowing into the *North West Bay River* after the passing of this Act; and it shall be lawful for the said residents upon and near the said river, or any of them, to at any time make a claim for compensation in respect of all damages sustained by reason of the exercise of any powers given to the said Corporation under this Act; and any such claim for compensation by the residents upon and near the said river may be made by an application to a Judge in Chambers of the Supreme Court, who shall have full power to hear such application and the evidence tendered in respect thereof, and generally to give directions, award damages, and make and enforce any Order made in respect of such application in the same manner as a Judge's Order may be enforced. The provisions of the said Act relating to compensation and compensation works, and the mode and time of recovery of such compensation, shall not apply to claims arising by reason of the execution of the powers conferred on the Corporation by this Act; but all claims for compensation under this Act shall be made before the expiration of Six months after the Corporation have permanently ceased to take the water from the said river.

Compensation for taking water, &c.

14 Subject to the provisions of this Act, the said river shall constitute one of the sources of the supply of water for the purposes of the said Act, and the works authorised by this Act shall be deemed to be included in the expression waterworks used in the said Act.

River to be a source of supply.

15—(1.) Every By-law made under this Act or the said Act shall be published in the *Gazette*, and shall take effect on and from the publication in the *Gazette*, unless otherwise provided in such By-law.

By-laws.

(2.) Every such By-law shall be laid before both Houses of Parliament within Fourteen days of the making thereof, if Parliament is then in Session, and if not, then within Fourteen days after the commencement of the next Session.

To be laid before Parliament.

(3.) Any charge prescribed by any such By-law made before the Thirty-first day of *March* in any year may be made so as to apply to water supplied on and from the First day of *January* immediately preceding.

Charges may date from beginning of year.

(4.) Any duly made charge prescribed by any such By-law may be made so as to be an annually recurring charge without being further

May be made annually recurring.

Hobart Water.

A.D. 1900

prescribed until the same is altered or repealed under the powers of this Act or of the said Act.

Provisions of
57 Vict. No. 11
save as altered
to apply.

(5.) Subject to the alterations or modification contained in the said Act or in this Act, the provisions of "The *Hobart* Corporation Act, 1893," relating to By-laws, shall apply to all By-laws made under the said Act or this Act.

Amendment of
Sect. 88 of
57 Vict. No. 25

16 The words "the said" in the fifteenth line of the Eighty-eighth Section of the said Act, are hereby expunged, and in lieu thereof the word "this" is hereby inserted in the said fifteenth line of the said Section.

Acts to be read
together.

17 This Act and the said Act shall be read and construed together as one Act.