

TASMANIA.

THE HOBART WATER ACT, 1925.

ANALYSIS.

PART I.—PRELIMINARY.

1. Short title and incorporation.
2. Division of Act.
3. Repeal.
- Schedule (1).
4. Interpretation.
 - "Land."
 - "Limits of this Act."
 - "Streams."
 - "Street."
 - "The said Act."
 - "Waterworks."
5. Existing waterworks, &c., to remain vested in the Corporation.
6. Lands to remain vested in Corporation.
 - Schedules (2) and (3).
7. Lands to remain vested in the Crown.
 - Schedule (4).
8. Certain water reserves to be inalienable.
9. Hobart Rivulet not to be used for human consumption.
10. 8 W. IV., No. 6 not to apply to the waterworks under this Act.

PART II.—GENERAL POWERS.

11. Council to execute Act.
12. Sources of supply.
 - Schedule (2).
13. Property in the waterworks vested in the Corporation.
14. General powers of Corporation.
15. Council to give notice prior to first entry upon land.
16. Corporation to do as little damage as may be.
17. Corporation to make compensation for damage done by execution of works.

PART III.—SUPPLY OF WATER.

18. To whom water may be supplied.
19. Supply subject to payment of rates, &c.
20. Supply of water for domestic use within the city.
21. Service pipes without private property to be laid down by Council.
22. Council may determine the description of service pipes to be used.
23. Power to break up streets, &c., and to open up drains.

24. Notice to be served on persons, if any, having control of streets.
25. Streets not to be broken up except under superintendence of persons having control of same.
26. Streets, &c. broken up to be reinstated without delay.
27. Streets opened up to be lighted.
28. Corporation may supply water by measure.
29. Rent for meters.
30. Meter to be *prima facie* evidence.
31. Notice of removal of or change in meter.
32. Meters may be inspected.
33. Repairs to meters.
34. Officers of the Council may inspect meters, &c.
35. Meters not distrainable.
36. Corporation to affix fire-plugs in mains.
37. Council to keep fire-plugs in repair.
38. Fire-plugs to be placed near buildings at request of owners.
39. Pipes to be kept charged.
 - Water may be taken to extinguish fires without charge.
40. Pipes and apparatus on private property to be kept in repair.
41. Council may repair pipes and apparatus on private property.
42. Cisterns, &c., to be constructed so as to prevent waste or impurity.
43. Power to enter premises to inspect.
44. Power to examine gas-pipes to ascertain whether water is fouled.
45. The expenses to abide the result of the examination.
46. How expenses to be ascertained.
47. Power to cut off water for non-payment.
48. Water may be cut off from offending consumer.

PART IV.—ACQUISITION OF LAND AND COMPENSATION.

49. How lands may be acquired.
50. Persons damaged to make claim for compensation.
 - Compensation how to be ascertained.
51. Regard to be had to any benefit which may accrue.

- 52. Compensation for diverting water to be ascertained by action in the Supreme Court.
- 53. Such actions to be commenced within three months.
- 54. Compensation works may be provided instead of making compensation.
- 55. Sufficiency of compensation works how to be ascertained.
- 56. Water may be supplied from the waterworks instead of making compensation.
- 60. Fouling water by gas.
- 61. Penalty for erecting buildings, &c., on water reserve.
- 62. Fouling water.
- 63. Suffering service pipe to be out of repair.
- 64. Accessories to offences liable as principals.
- 65. Appropriation of penalties.

PART V.—OFFENCES.

- 57. Penalty for illegally diverting the sources of supply.
- 58. Obstructing construction of works.
Injuring works.
Damaging waterworks.
- 59. Allowing persons not supplied to use the water.
Taking water without authority.
Attaching service pipe without authority.
Destroying valves, &c.

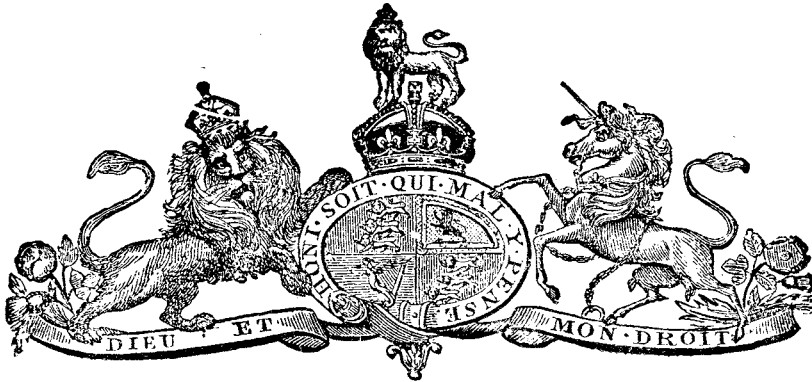
PART VI.—BY-LAWS.

- 66. By-laws.

PART VII.—MISCELLANEOUS.

- 67. Supply of water not compulsory.
- 68. Powers conferred on Corporation to extend to officers duly authorised.
- 69. Notices to be given by Council how to be signed.
- 70. Service of notices.
- 71. Interest in execution of Act not to be a disqualification.

TASMANIA.



1925.

ANNO SEXTO DECIMO

GEORGII V. REGIS.

No. 49.



AN ACT to consolidate and amend the Laws relating to the Supply of Water to the City and Port of Hobart and the places adjacent thereto.

A.D. 1925.

[16 December, 1925.]

WHEREAS it is expedient to consolidate and amend the laws relating to the supply of water to the City and Port of Hobart and the places adjacent thereto:

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:—

PART I.

PRELIMINARY.

1—(1) This Act may be cited as "The Hobart Water Act, 1925."
(2) This Act is incorporated with, and shall be read as part of, the Hobart Corporation Acts, 1893 to 1925, and shall be construed as though it were embodied in such Acts. All terms, words, and phrases interpreted or defined in such Acts shall have in this Act the respective meanings given or assigned to such term, word, or phrase in such Acts.

Short title and incorporation.

Hobart Water.

A.D. 1925.
Division of Act.

- 2** This Act is divided into parts as follows:—
 Part I.—Preliminary.
 Part II.—General Powers.
 Part III.—Supply of Water.
 Division (1).—How water to be supplied.
 Division (2).—Breaking up of streets.
 Division (3).—Water by measure.
 Division (4).—Fire-plugs.
 Division (5).—Waste or misuse of water.
 Division (6).—Power to examine gas-pipes.
 Division (7).—Power to cut off supply.
 Part IV.—Acquisition of Land and Compensation.
 Part V.—Offences.
 Part VI.—By-laws.
 Part VII.—Miscellaneous.
 Schedules.

Repeal.
Schedule (1).

- 3** The Acts specified in Schedule (1) to this Act are hereby repealed to the extent specified in the third column of that schedule.

Interpretation.

Interpretation.

- 4** In this Act, and in all proceedings under this Act, unless the contrary intention appears—

“Land.”

“Land” includes land and any easement, covenant, right, or privilege, in, over, or affecting any land:

“Limits of this Act.”

“Limits of this Act” comprises and includes the City of Hobart and suburbs thereof, and districts and places adjacent thereto:

“Streams.”

“Streams” extends to and includes springs, brooks, rivers, and other running waters:

“Street.”

“Street” extends to and includes any public and common highway, road, lane, footway, bridge, square, court, passage, alley, thoroughfare, and public way or place:

“The said Acts.”

“The said Acts” means the Hobart Corporation Acts, 1893 to 1925:

“Waterworks.”

“Waterworks” extends to and includes all reservoirs, wells, cisterns, tanks, aqueducts, tunnels, feeders, drains, channels, 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; and extends to and includes compensation reservoirs and all works incident thereto.

Existing water-works, &c., to remain vested in the Corporation.

- 5** All waterworks and all property, real or personal, and all rights, privileges, easements, matters, and things transferred to, acquired by, vested in, or possessed by the Corporation at the commencement of this Act, under the authority of or for the purposes of any Act hereby repealed or of any previous Act, shall devolve upon and continue to be vested in and to be the property of the Corporation for the purposes of this Act.

Hobart Water.

- 6** The land described in Schedule (2) and in Schedule (3) of this Act shall remain vested in the Corporation for the purposes of the water-supply of the City of Hobart and its suburbs. A.D. 1925.
Land to remain vested in Corporation. Schedules (2) and (3).
- 7** The land described in Schedule (4) hereto shall remain vested in the Crown and be reserved as a national park freed from any title or right of the Corporation thereover as a water reserve. Land to remain vested in the Crown. Schedule (4).
- 8** No part of the land reserved as a water reserve by the proclamation of His Excellency the Governor, dated the thirteenth day of December, one thousand nine hundred and one, shall be alienated without the consent of Parliament. Certain water reserves to be inalienable.
- 9** The Corporation shall not supply water drawn from the Hobart Rivulet to any person for human consumption. Hobart Rivulet not to be used for human consumption.
- 10** The provisions of the Act of Council of the 8th William the 4th, No. 6, shall not apply to the waterworks and other works of the Corporation under this Act. 8 W. IV., No. 6 not to apply to the waterworks under this Act.

PART II

GENERAL POWERS.

- 11** The Corporation is hereby empowered to carry this Act into execution and to exercise the several powers hereby conferred upon it through the Council. Council to execute Act.
- 12** The following shall constitute the sources of the supply of water for the purposes of this Act— Sources of supply.
- i. So much of the waters of the following streams as flow from Mount Wellington towards the Huon Road and as rise or flow above or at the intakes or pipe lines of the Corporation constructed or laid before the passing of this Act :
 - (a) The Bower Creek :
 - (b) All streams flowing between the Bower Creek and the North West Bay River (excepting a stream known as Millhouse's or Falls Creek) :
 - ii. The North West Bay River : Provided that the Corporation shall be entitled to take, divert, or impound one-half, and no more, of the waters naturally flowing down the main channel of the said river at the point of intake upon such main channel ; but the Corporation may take and divert from the said river, in addition to such one-half of the waters, a quantity of water equal to any quantity which it

Hobart Water.

A.D. 1925.

may divert into the said river from any other river or stream, and a further quantity equal to any quantity which it may conserve and afterwards discharge into the said river, subject to the condition that the Corporation shall not impound and divert at the same time a quantity in the whole greater than one-half of the water naturally flowing in the said river :

Schedule (2).

iii. All streams arising in or flowing through the area described in the Schedule (2) of this Act :

iv. All other streams which by any Act to be hereafter passed shall be constituted a source of the supply of water for the purposes of this Act.

Property in the waterworks vested in the Corporation.

13 All waterworks, and all property, real and personal, and all rights, privileges, easements, matters, and things made, acquired, or constructed, repaired, or maintained under this Act (excepting communication pipes and other appliances within the outer boundary of any premises), and all materials, tools, implements, and things furnished and provided by the Council, under the authority or for any of the purposes of this Act, shall be the property of the Corporation.

General powers of Corporation.

14 For the purposes of this Act the Corporation, subject to the provisions and restrictions herein contained, may exercise any of the following powers (that is to say):—

i. It may enter upon any lands and take the levels of the same and set out such parts thereof as the Council thinks necessary, and dig, cut, and break up the soil of such lands and trench the same, and remove or use all earth, stones, trees, or other things dug or obtained out of the same, and use such materials in the construction or maintenance of any work authorised by this Act :

ii. It may enter upon, take, and hold such land as it from time to time thinks necessary for the construction or improvement of the waterworks under this Act, or for securing or improving the water to be supplied or the quality or purity thereof :

iii. It may, either by agreement or compulsorily, purchase or acquire any land, or any right or easement in or over any land, which the Council may think necessary for the purposes of this Act :

iv. It may use any waterworks and any property, real or personal, rights, privileges, matters, and things for the time being vested in, or the property of, the Corporation :

v. It may from time to time sink such wells or shafts, and make, construct, lay down, maintain, alter, or discontinue any waterworks and other works, and erect such buildings upon any lands and upon the streams constituting the sources of supply under this Act as the Council may think proper :

Hobart Water.

- vi. It may from time to time take, divert, and impound the water from any of such streams as the Council deems necessary, and alter the course of any such streams, and also take such water as is found under or on the lands acquired by, or vested in, or the property of, the Corporation : A.D. 1925.
- vii. It may enter upon any lands or any public or private streets, and lay and place thereon any pipe, and may repair, alter, cut off, or remove any pipe so laid, and may in like manner enter upon any such lands or streets for the purpose of repairing waterworks and other works, the property of the Corporation connected with the water supply :
- viii. It may construct and maintain such waterworks upon the lands described in Schedule (2) and Schedule (3), or any part thereof, as the Council may think proper :
- ix. It may fence off or adopt such other means for securing the purity of the water flowing through the last mentioned lands or constituting the sources of supply for the purposes of this Act as the Council may deem expedient.

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

16 In the exercise of the powers conferred by this Act the Corporation 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 Corporation. Corporation to do as little damage as may be.

17—(1) The Corporation shall make compensation, in manner hereinafter provided, to all parties lawfully interested in the water of any stream taken or used under the authority of this Act, or in any land other than land purchased by the Corporation, in or upon which any waterworks may be constructed, or which may be injuriously affected by the construction and maintenance of the waterworks under this Act other than any now existing waterworks, or otherwise by the exercise by the Council of the powers hereby conferred, for all damages sustained by reason of the exercise as to such stream or land of the powers vested in the Corporation by this Act. Corporation to make compensation for damage done by execution of works.

(2) If the Council, 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 Corporation 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.

Hobart Water.

A.D 1925.

PART III.

SUPPLY OF WATER.

Division (1).—*How Water to be Supplied.*To whom water
may be supplied.

18 It shall be lawful for the Council to use all or any portion of the water drawn or taken from any of the aforesaid sources of supply for any of the purposes hereinafter specified, namely:—

- i. To supply the inhabitants within the limits of this Act with water for domestic purposes :
- ii. To supply water for gardens or irrigation purposes :
- iii. To 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 other apparatus ; or for motive or power purposes ; or for horses or cattle ; or for washing carriages and other vehicles ; or for livery or carriers' stables ; or for motor garages ; or for fountains, syphons, or ornamental purposes ; or for flushing sewers other than house-drains ; or for building purposes ; 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 :
- iv. To supply the shipping in the Port of Hobart with water :
- v. To supply water to any State or Commonwealth building, department, or institution :
- vi. To supply water at or by means of public fountains, pumps, or other waterworks now erected or hereafter to be erected within the limits of this Act :
- vii. To supply water for drainage, sewerage, or health purposes, and for public baths and wash-houses :
- viii. To enable the Corporation or Council to carry on any of the functions, businesses, activities, or purposes which may be undertaken or imposed upon the Corporation or Council :
- ix. To supply any other municipal council or local authority with water :
- x. To supply water to any person for any purpose that such person may require.

For the purposes of this or any other Act dealing with the supply of water by the Corporation or the charges to be made therefor, the expression "domestic purposes" shall not include any of the purposes referred to in Sub-paragraphs ii. to x., both inclusive, of this section.

Supply subject to
payment of
rates, &c.

19 The supply of water shall be subject to the payment of such rates, charges, and fees, and to such terms, conditions, and restrictions as may be imposed, provided, or prescribed by the said Acts or this Act or by any by-laws made under any of such Acts and in force for the time being.

Hobart Water.

20 The Corporation shall, at the request of the owner or occupier of any house or part of a house occupied as a separate dwelling and situated on any land within the limits of this Act, the outer boundary of which is within fifty feet of any main or other pipe of the Corporation, 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 as to such part thereof as is within the outer boundary of the premises at the cost of such person, a sufficient supply of water for his domestic purposes.

A.D. 1925.

Supply of water for domestic use within the city

21 The communication pipe between the main or other pipe of the Corporation, and the outer boundary of any premises, shall be provided, laid down, and maintained by and at the expense of the Corporation, and shall be the property of the Corporation.

Service pipes without private property to be laid down by Council.

22 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 Council determines, either generally, or in classes or cases, or in any particular case, and the Corporation 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.

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

Division (2).—Breaking up of Streets.

23 The Corporation may open and break up the soil and pavement of any streets within the limits of this Act, and may open and break up any sewers, drains, or tunnels within or under such streets, and lay down and place pipes, service pipes, and other works and fittings, and from time to time repair, alter, or remove the same; and, for the purposes aforesaid, may remove and use all earth and materials in and under such streets, and do all other acts which the Council from time to time deems necessary for supplying water to the inhabitants within the said limits, doing as little damage as can be in the execution of the powers hereby granted.

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

24 Before the Corporation shall open or break up any street without the city, the Council shall 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 Corporation 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 of the pipes or other works or fittings, and then so soon as is possible after the beginning of the work or the necessity for the same has arisen.

Notice to be served on persons, if any, having control of streets.

Hobart Water.

A.D. 1925.

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

25 No street without the city 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 Corporation as aforesaid, or do not propose any plan for breaking up or opening the same, or refuse or neglect to superintend the operation, the Council 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.

26 When the Corporation opens or breaks up the soil or pavement of any street or any 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 or the sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby.

Streets opened up to be lighted.

27 The Council 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 there throughout every night during which such street continues open or broken up.

Division (3).—Water by Measure.

Corporation may supply water by measure.

28 The Corporation may, whenever it sees fit so to do, and shall, within six months after receiving an application from any ratepayer, 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 charges and subject to such conditions as may be provided in any Act or as the Council may prescribe.

Rent for meters.

29 There shall be payable to the Corporation by every person supplied with water by measure or through a meter, beside the amount of any 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.

Meter to be *prima facie* evidence.

30—(1) 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.

Hobart Water.

(2) 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. A.D. 1925.

31 Every person desiring to have the position of any meter removed or altered shall give six days' notice in writing to that effect to the City Engineer, who will cause a registration of the quantity of water used to be taken, and such removal or alteration to be made; and the expense of so doing shall be paid by such person; and no alteration shall be made but by or under the direction of an officer of the Council, nor until the permission of the City Engineer has been obtained. Notice of removal of or change in meter.

32 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. Meters may be inspected.

33 If any repairs to the meter are required, such person shall immediately give notice to the Council. Such repairs shall be effected only by or under the direction of an officer of the Council. Before any repairs are effected, a registration of the quantity of water used shall be taken by an officer of the Council. Repairs to meters.

34—(1) The City Engineer, or other officer acting under the authority of the Council, may enter any house, building, or lands to, through, or into which water is supplied by the Corporation by measure, in order to inspect the meters, instruments, pipes, and apparatus for the measuring, conveyance, reception, or storage of water, or for the purpose of ascertaining the quantity of water supplied or consumed, and also for the purpose of removing any meter, instrument, pipe, or apparatus, the property of the Corporation. Officers of the Council may inspect meters, &c.

(2) If any person hinders any such officer from entering or making such inspection, or effecting such removal, or if any person, not being an officer of the Council, in any manner injures or interferes with any meter placed for the purpose herein named, he shall for every such offence be liable to a penalty not exceeding Twenty Pounds, in addition to the amount of damage or injury done.

(3) Except with the consent of a justice, the power of entry given by this section shall be exercised only between the hours of nine in the forenoon and four in the afternoon.

35 Such meters, pipes, instruments, or other apparatus shall not be subject to distress for rent of the premises where the same are used, or to be attached or taken in execution under any process of any Court, or under or in pursuance of any adjudication, sequestration, or order in Meters not distrainable

Hobart Water.

A.D. 1925.

bankruptcy or other legal proceeding against or affecting the consumer of the water, or the occupier or owner of the premises, or other person in whose possession the meters, pipes, instruments, or other apparatus may be.

Division (4).—*Fire-plugs.*

Corporation to affix fire-plugs in mains.

36 The Corporation shall fix proper fire-plugs in the main and other pipes, at such convenient distances, not being more than one hundred yards from each other, and at such places as may be most proper and convenient for the supply of water for extinguishing fires.

Council to keep fire-plugs in repair.

37 The Corporation shall, from time to time, renew and keep in effective order every such fire-plug ; and as soon as any such fire-plug is completed the Council shall put up a public notice in some conspicuous place in each street in which such fire-plug is situated showing its situation, which notice the Council may put up on any house, building, fence, or wall in such street.

Fire-plugs to be placed near buildings at request of owners.

38 The Corporation shall, at the request and expense of the owner or occupier of any building situated in any street in which there is a pipe, place and maintain in effective order a fire-plug, as near as conveniently may be to such building, to be used only for extinguishing fires.

Pipes to be kept charged.

Water may be taken to extinguish fires without charge.

39 The Corporation shall at all times keep charged with water all its pipes to which fire-plugs are fixed, unless prevented by unusual drought or other unavoidable cause or accident or during necessary repairs ; and shall allow all persons at all times to take and use such water for extinguishing fire without making compensation for the same.

Division (5).—*Waste or Misuse of Water.*

Pipes and apparatus on private property to be kept in repair.

40 If any person neglects to keep the pipes and other apparatus by means of which his premises are supplied with water in good repair, the City Engineer or other officer appointed by him may cut off the pipe or turn off the water from such premises until such pipes and other apparatus are sufficiently repaired.

Council may repair pipes and apparatus on private property.

41 The Council may repair any such pipe or other apparatus so as to prevent any waste of water, and the expenses of such repair shall be repaid to them by the person so allowing the same to be out of repair, and may be recovered by the Corporation from such person or from the owners of such premises in the same manner as any rate made and levied under the authority of the said Acts may be recovered.

Hobart Water.

42 Every cistern or other receptacle for water which the Council may permit to be used, and every closet, soil-pan, and private bath supplied with water by the Corporation, shall be constructed and used in such manner as may be prescribed 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 Corporation, or into any pipes connecting or communicating therewith; and the Council 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, until such cistern or other receptacle for water, or such closet, soil-pan, or private bath is constructed and used as prescribed.

A.D. 1925.

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

43—(1) The City Engineer, or any officer acting under the authority of the Council, may enter into and examine any house, building, or premises supplied with water by the Corporation, for the purpose of ascertaining whether there is any waste or misuse of such water, or whether any water is being illegally used.

Power to enter premises to inspect.

(2) If the City Engineer or such other officer as aforesaid is at any time refused admittance into such premises, or is prevented from making such examination as he may deem necessary for the purposes aforesaid, the City Engineer or such other officer may turn off the water from such premises.

(3) The power of entry and examination given by this section shall be exerciseable only between the hours of nine in the forenoon and four in the afternoon in the case of any dwelling-house, and at any time in the case of any land, building, or premises other than a dwelling-house.

Division (6).—Power to Examine Gas Pipes.

44 For the purpose of ascertaining whether the water supplied by the Corporation is fouled by the gas of any person making or supplying gas, the Council may dig up the ground and examine the pipes and works of the person making or supplying gas; but before proceeding so to dig up and examine, the Council shall give twenty-four hours' notice in writing to the person 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.

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

The expenses to abide the result of the examination.

Hobart Water.

A.D. 1925.

How expenses to be ascertained.

46 The amount of expenses of every such examination and repair, and any injury done to the Corporation, 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.

Division (7).—*Power to Cut Off Supply.*

Power to cut off water for non-payment.

47—(1) If any person who is supplied with water by the Council refuses or neglects to pay on demand any rate, charge, or sum due to the Council under any Act, the Council may close or cut off any of the pipes or means by or through which water is supplied by the Corporation to such person or for his use, and may cease to supply him with water so long as any such rate, charge, or sum remains unpaid, and neither such closing or cutting off of pipes or means, nor the cessation of such water supply as aforesaid, shall relieve any person of his liability to pay any rates or charges during such period of cessation.

(2) The powers conferred by this section are ancillary to, and shall not lessen, any powers for the recovery of rates, charges, or sums under the provisions of any Act.

Water may be cut off from offending consumer.

48 If any person supplied with water by the Council wrongfully does, or causes or permits to be done, anything in contravention of any of the provisions of this Act, or wrongfully fails to do anything which, under any of such provisions, ought to be done for the prevention of waste, misuse, undue consumption, or contamination of the water of the Corporation, the Council may (without prejudice to any other remedy against him in respect thereof) close or cut off any of the pipes by or through which water is supplied by the Council to him or for his use, and may cease to supply him with water so long as the cause of injury remains, or is not remedied.

PART IV.

ACQUISITION OF LAND AND COMPENSATION.

How lands may be acquired.

49 Any land, right, or easement which the Corporation or Council is empowered by this Act to purchase, acquire, or resume may be purchased, acquired, or resumed in any manner authorised by the said Acts for the purchase, acquisition, or resumption of lands or easements by the Corporation or Council.

Persons damaged to make claim for compensation.

50 Any person claiming compensation under Section Seventeen of this Act shall prefer his claim by notice in writing addressed to the Council, and served upon the Town Clerk, 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 water or land in respect of which the claim is preferred;

Hobart Water.

and if any such person and the Council 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.

A D. 1925.

Compensation how to be ascertained.

51 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.

Regard to be had to any benefit which may accrue.

52 Where any claim for compensation involves damage alleged to have been sustained by reason of the taking or diversion of any water, and the right of the claimant in or to such water is disputed by the Council, if the Council 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 Corporation for damages, or upon an issue agreed to between the claimant and the Corporation.

Compensation for diverting water to be ascertained by action in the Supreme Court.

53 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.

Such actions to be commenced within three months.

54 In any case in which the Corporation is able to make good the interruption which would be caused by the taking or diversion of any water under this Act, by means of compensation reservoirs or other works, it shall be lawful for the Corporation, instead of making pecuniary compensation to any person having a right to the use of such water, to construct such compensation reservoirs or other works, and thereby to secure to such person a supply of water equal in quantity and quality to the supply which he would have enjoyed had this Act not passed; and in such case the compensation reservoir or other works shall be completed and filled with water before the water is taken or diverted for the purposes of this Act.

Compensation works may be provided instead of making compensation.

55 If any difference should arise between the Corporation and any such persons respecting the construction of any such compensation reservoir or other works, or the kind or sufficiency thereof, or respecting the maintenance thereof, the same shall be determined by arbitration in the mode prescribed by the Lands Clauses Act in cases of disputed compensation.

Sufficiency of compensation works how to be ascertained.

56 Wherever the owners or occupiers of land, through or by which any streams flow, the water of which has been taken, diverted, or impounded by the Corporation under the authority of this Act, have now by law the right of using such water for any purpose, and water in lieu of that which may be thereby taken away can be supplied from the waterworks, it shall be lawful for the Corporation, instead of making

Water may be supplied from the waterworks instead of making compensation.

Hobart Water.

A.D. 1925.

pecuniary compensation to the owners or occupiers for the time being of such lands, to afford a reasonable supply of water for such purpose from the waterworks free of charge other than the water rates for the time being made and in force under this Act ; and in case the Council and any such owner or occupier do not agree as to the quantity to be so supplied, or as to the mode of supply, the same shall be determined by arbitration in the mode prescribed by the Lands Clauses Act in cases of disputed compensation.

PART V.

OFFENCES.

Penalty for
illegally diverting
the sources of
supply.

57 After any of the streams constituting the sources of supply for the purposes of this Act have been taken, diverted, or impounded by the Corporation for such purposes, every person who illegally diverts or takes any such stream so taken, diverted, or impounded, or the water supplying or flowing into any stream so taken, diverted, or impounded, or any part thereof, or who does any unlawful act whereby the said streams may be drawn off or diminished in quantity, and who does not immediately repair the injury done by him on being required so to do by the Council, so as to restore the said waters to the state in which they were before such act, shall incur a penalty not exceeding Five Pounds for every day during which the said supply of water is diverted or diminished by reason of any such act ; and the payment of any such penalty so incurred shall not bar or affect the right of the Corporation to bring an action at law against such person for the damage so committed.

Obstructing
construction of
works.
Injuring works.

58 Any person who—

- i. Wilfully obstructs, hinders, or interrupts the Council, or any person acting under the authority of the Council, in doing or performing any work by this Act authorised to be done or performed by the Corporation or the Council, or in the exercise of any power or authority by this Act conferred on the Corporation or the Council: or
- ii. Pulls up or removes any pole or stake driven into the ground for the purpose of setting out the line of any waterworks of the Corporation, or defaces or destroys any work made for the same purpose : or
- iii. Damages or destroys any of the waterworks of the Corporation or any part thereof—

Damaging
waterworks.

shall be guilty of an offence against this Act,

Penalty : Fifty Pounds,

*Hobart Water.***59** Any person who—

A.D. 1925.

- i. Being the owner or occupier of any premises supplied with water under this Act, 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 Corporation from the water-works, and the pipes belonging to him are, without his default, out of repair: or
- ii. Without due authority, takes any water from any reservoir, watercourse, or conduit belonging to the Corporation, or any pipe leading to any such reservoir, watercourse, or conduit, or from any cistern or other like place containing water belonging to the Corporation, other than such as may have been provided for the gratuitous use of the public: or
- iii. Makes any pipe to communicate with any waterwork or pipe of the Corporation without the authority of the Council in that behalf: or
- iv. Wilfully or carelessly breaks, injures, or opens any lock, cock, valve, pipe, fitting, work, or engine belonging to the Corporation, or flushes or draws off the water from the reservoirs or other waterworks of the Corporation, or does any other wilful act whereby such water is wasted—

Allowing persons not supplied to use the water.

Taking water without authority.

Attaching service pipe without authority.

Destroying valves, &c.

shall be guilty of an offence against this Act.

Penalty: Twenty Pounds.

60 Whenever the water supplied by the Corporation is fouled by the gas of any person making or supplying gas, such person 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.

Fouling water by gas.

61 Every person who, without the sanction in writing of the Minister of Lands and Works, and the Corporation, erects any stable, building, hut, tent, or other structure for any purpose on any portion of any Crown land reserved for the purposes of a water-supply for the City of Hobart, either by proclamation or otherwise, shall be guilty of an offence against this Act.

Penalty for erecting buildings, &c., on water reserve.

Penalty: Twenty Pounds.

Every such person shall incur a further penalty not exceeding Two Pounds for each day during which such 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 Minister of Lands and Works or the Corporation.

Hobart Water.

A.D. 1925.

Fouling water.

62 Any person who—

- i. Bathes in any of the streams constituting the sources of supply for the purposes of this Act, or in any reservoir, aqueduct, or other waterwork of the Corporation, or washes, throws, or causes to enter therein any dog or other animal, alive or dead : or
- ii. Throws any rubbish, dirt, filth, or other noisome thing into any such stream, 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 : or
- iii. 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 any such stream or reservoir, aqueduct, or other waterwork, or who does or permits any other act whereby the water of the waterworks for supplying the same is fouled—

shall be guilty of an offence against this Act.

Penalty : Ten Pounds.

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 Council.

Suffering service pipe to be out of repair.

63 Every person who—

- i. Not being an officer of the Corporation, shall enter upon any part of the lands described in Schedule (2) or Schedule (3) without the consent of the Council or the City Engineer : or
- ii. Being supplied with water by the Corporation, suffers any pipe or other apparatus by means of which his premises are supplied with water to be out of repair, or wilfully permits water to run to waste so that the water supplied to him by the Council is wasted—

shall be guilty of an offence against this Act.

Penalty : Five Pounds.

Accessories to offences liable as principals

64 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.

65 All penalties for offences against this Act shall be applied to the use of the Corporation, and shall be paid to the Treasurer of the Corporation, and shall be carried to the credit of the Municipal Fund.

Hobart Water.

PART VI.

A.D. 1925.

BY-LAWS.

66 The Council shall have power, from time to time, to make **By-laws.**
by-laws—

For regulating the terms and conditions upon which water shall be supplied within the limits of this Act :

For fixing the rent to be paid for the use of meters used for measuring water supplied by measure :

For regulating the form, material, dimensions, description, construction, and arrangement of pipes and other apparatus by means of which water may be laid on, distributed, or supplied for any purposes from the waterworks of the Corporation in or on premises within the limits of the said Act, and for prohibiting the use of any other :

For preventing injury to the waterworks :

For regulating the disposition, custody, and inspection of meters :

For preventing the waste and misuse of water :

For preventing and removing nuisances on lands and works vested in or under the control and management of the Corporation or Council :

For regulating all or any matters and things whatsoever connected with the water to be supplied within the limits of this Act 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 Council thinks proper.

PART VII.

MISCELLANEOUS.

67 Notwithstanding anything contained in this or any other Act or in any agreement, it shall not be compulsory on the Council to supply or to continue to supply any water to any person whatsoever, and the Council shall not be liable to any penalty or damages for not supplying water to any person if the want of such supply arises from unusual drought or other unavoidable cause or accident. **Supply of water not compulsory.**

68 Wherever by this Act authority is conferred on the Corporation 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 Council, and to all necessary agents, assistants, servants, workmen, means, and appliances whatsoever. **Powers conferred on Corporation to extend to officers duly authorised.**

Hobart Water.

A.D. 1925.

Notices to be
given by Council
how to be signed

69 Any notice required to be given to any person by the Council by virtue of the provisions of this Act, or of any other Act incorporated with this Act, shall be sufficient if signed by the Mayor or by the Town Clerk, or by any officer of the Corporation duly authorised by the Town Clerk in that behalf.

Service of
notices.

70 Any notice required to be given to any person by the Council by virtue of the provisions of this Act may either be served personally on the person to be served, or be left at his last usual place of abode if any such can, after diligent inquiry, be found, or may be served by post.

Interest in
execution of Act
not to be a
disqualification.

71 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 citizen of the City of Hobart, or an inhabitant within the limits of this Act, 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.

Section 3.

SCHEDULES.

(1)

Date and Number of Act.	Title of Act.	Extent of Repeal.
57 Vict. No. 25	The Hobart Water Act, 1893	Sections 3 to 51 inclusive Sections 70 to 87 inclusive Sections 90 to 92 inclusive
62 Vict. No. 12	An Act to Secure the Rights of the Riparian Proprietors upon the North-West Bay River	The whole Act
64 Vict. No. 64	The Hobart Water Act, 1900	Sections 7, 9, and 10.
2 Edw. VII. No. 50	The Hobart Water Act, 1902	The whole Act
3 Edw. VII. No. 33	The Hobart Water Act, 1903	The whole Act
5 Edw. VII. No. 16	The Hobart Water Act, 1905	Sections 2 to 9 inclusive Section 11

Hobart Water.

(2)

A.D. 1925.

DESCRIPTION OF LAND FOR A FURTHER SOURCE OF SUPPLY
IN CONNECTION WITH THE WATER-SUPPLY FOR THE CITY
OF HOBART.Sections 6, 12, and
63.

Commencing at ten chains below the intake on the North-West Bay River, constructed under 64 Victoria, Number 64, 1900; thence in a straight line south forty-two degrees west for a distance of about twenty-eight chains to the top of the "Thumbs"; thence in a straight line north forty-two degrees west for a distance of about sixty-eight chains to the top of Mount Montagu; thence in a straight line north-westerly to the north-eastern corner of Lot ninety acres—Charles Oates; thence along the northern boundary of that lot to its north-western corner; thence in a straight line south-westerly to the north-eastern corner of Lot ninety-six acres two roods—Charles Oates, Senior; thence along the northern and western boundaries of this lot and Lot fifty-four acres—Charles Oates—Lot _____, unoccupied, Lot forty-nine acres three roods nine perches—Charles Oates, Junior; thence from the south-west corner of the last-mentioned land by a straight line south-westerly to the north-east corner of Lot forty-nine acres twenty perches, unoccupied; thence along the eastern and southern boundaries of this land and Lot forty-nine acres two roods twenty-seven perches, unoccupied; thence in a south-westerly direction by a straight line to the north-west corner of Lot forty-nine acres three roods twenty-three perches—W. Oates; thence along the western boundary of the said land to the northern boundary of Lot 2823, one hundred and ninety-eight acres—W. T. Short; thence along the northern boundary of the said land to its north-western corner; thence in a westerly direction by a straight line to the north-east corner of Lot fifty acres one rood seven perches, unoccupied; thence along the northern boundary of the said land to its north-west corner; thence in a north-westerly direction by a straight line to the south-east corner of Lot forty-five acres three roods thirty-eight perches—Henry Harris; thence along the eastern and southern boundaries of this land, and the eastern boundary of Lot forty-nine acres two roods twenty-three perches—Elizabeth Harris; thence along the southern, eastern, and northern boundaries of Lot twenty-four acres one rood nine perches—John Harris; thence westerly by a straight line to the north-eastern corner of Lot forty-seven acres one rood six perches—Eliza Harris's; thence in a northerly direction by a straight line to the south-eastern corner of Lot fifty acres—William Albury, Junior; thence along the eastern boundary of the said land to its north-eastern corner; thence northerly in a straight line for a distance of about two hundred and forty chains to meet the prolongation of the southern boundary-line of Lot 6051, fifty acres, unoccupied; thence easterly in a straight line along the said prolongation and the said southern boundary to the south-eastern corner of that land; thence along the eastern boundary to its north-eastern corner; thence in an easterly direction by a straight line to the south-west corner of Lot 5672, forty-nine acres, unoccupied; thence along the southern boundary to the south-eastern corner of the said land; thence in an easterly direction by a straight line for a distance of about five hundred and twenty chains to the New Town Creek, where it intercepts the north-western boundary of Lot two thousand six hundred and sixty acres—Joseph Allport and Thomas Young; thence along the north-western, western, and southern boundaries of the said lot to the intersection of the North-West Bay River; thence in a south-westerly and south-easterly direction along the eastern bank North West Bay River and including the bed and waters of the said river to the intake, the point of commencement.

Hobart Water.

A.D. 1925.

Sections 6 and 63.

(3)

DESCRIPTION OF AREA TO BE RESERVED IN CONNECTION
WITH THE WATER-SUPPLY OF THE CITY OF HOBART, BEING
PORTION OF 3750 ACRES RESERVED BY THE GOVERNOR IN
COUNCIL ON THE 25TH SEPTEMBER, 1871.

Commencing at the north-west angle of Lot 488, two hundred and fifty acres, purchased by Alfred Hall; thence along the western boundary of the said lot to the north-east corner of twenty-three acres one rood twenty perches, purchased by S. Kearney; thence westerly along the northern boundary of the said land, purchased by S. Kearney, to the north-west corner thereof; thence southerly along the western boundaries of lands purchased respectively by S. Kearney, R. Willicombe, E. W. Williams, and S. Fairs, to the north-east corner of fifteen acres, purchased by W. C. Piquenit; thence north-westerly along the northern boundary of the said fifteen acres to the north-western corner thereof; thence southerly along the western boundary of the said fifteen acres, and also forty acres, purchased by W. C. Piquenit, to the south-west corner of the said forty acres; thence south-easterly along the southern boundary of the said forty acres to its intersection with the western boundary of land purchased by John Watchorn, eighteen acres; thence southerly along the western boundaries of land aforesaid, purchased by John Watchorn, and land purchased by William Walker, fourteen acres, to the north-eastern corner of Lot 3876, fifty acres, purchased by J. Laughton; thence westerly along the northern boundary of the said Lot 3876 to the north-west corner thereof; thence southerly along the western boundary of the said Lot 3876 to the south-west corner thereof; thence easterly along the southern boundary of the said Lot 3876 to the north-west corner of forty acres purchased by E. Campbell; thence southerly and south-westerly along the western and north-western boundaries of the said forty acres to its intersection with the north-eastern boundary of Lot 4070, eighty acres, purchased by Richard Millhouse; thence north-westerly along the north-eastern boundary of the said Lot 4070 to the north-west corner thereof; thence south-westerly along the north-western boundary of the said Lot 4070 to the north-east corner of Lot 836, one hundred acres, purchased by William Cheverton; thence north-westerly along the north-eastern boundary of the said Lot 836 to the north corner thereof and its intersection with the south-eastern boundary of Lot 862, one hundred acres, purchased by Henry Nicholls; thence north-easterly along the south-eastern boundary of the said Lot 862 to the eastern corner thereof; thence in a north-westerly direction along the north-eastern boundary of the said Lot 862 to the northern corner thereof; thence in a south-westerly direction along the north-western boundary of the said Lot 862, and also along the north-western boundary of an allotment of fifty acres, purchased by F. Hensley, to the intersection of the lastmentioned boundary with the North-West Bay River; thence along the North-West Bay River in a north-westerly, westerly, north-westerly, and north-easterly direction to its intersection with the southern boundary of two thousand six hundred and sixty acres granted to Joseph Allport and Thomas Young; thence north-easterly along the southern boundary of the said two thousand six hundred and sixty acres for its whole remaining distance to the south-east angle of the said two thousand six hundred and sixty acres; thence north-easterly for a distance of thirty chains along the south-eastern boundary of the said two thousand six hundred and sixty acres; thence by a straight line in a south-easterly direction to the "Rocking Stone"; thence by a straight line in a south-easterly direction to the southern side of the shelter-shed at the "Springs;" thence by a straight line in a south-easterly direction to a point intersecting the prolongation of the western boundary of Lot 488, two hundred and fifty acres, purchased by Alfred Hall, such point on the prolongation being ten chains from the north-west corner of the said lot; thence by a straight line in a southerly direction along this prolongation to the north-west corner of the said lot, being the point of commencement.

Hobart Water.

A.D. 1925.

(4)

DESCRIPTION OF LAND KNOWN AS THE EASTERN FACE OF MOUNT WELLINGTON, TO BE RESERVED AS A NATIONAL PARK, AND BEING PORTION OF 3750 ACRES ORIGINALLY RESERVED IN CONNECTION WITH THE WATER-SUPPLY OF THE CITY OF HOBART BY THE GOVERNOR IN COUNCIL ON THE 25TH SEPTEMBER, 1871. Section 7.

Commencing at the north-west angle of Lot 488, two hundred and fifty acres, purchased by Alfred Hall; thence along the northern boundary of the said lot to its intersection with the Huon-road; thence in a north-easterly direction along the Huon-road to the intersection of the western boundary of forty-seven acres three roods ten perches, purchased by E. J. Baynton; thence in a northerly direction along the western boundary of the said land to its intersection with the Sandy Bay Rivulet; thence in a north-westerly direction along the Sandy Bay Rivulet to the south-west corner of two thousand acres granted to Peter Degraes; thence in a north-westerly direction along the south-western boundary of the said two thousand acres to its intersection with the boundary of two thousand six hundred and sixty acres granted to Joseph Allport and Thomas Young; thence in a south-westerly direction along the said boundary of the said two thousand six hundred and sixty acres to the angle formed by the two boundary-lines adjacent to the Mount Wellington Trigonometrical Station; thence in a south-westerly direction along the south-western boundary of the said two thousand six hundred and sixty acres for a distance of twenty-seven chains; thence by a straight line in a south-easterly direction to the "Rocking Stone"; thence by a straight line in a south-easterly direction to the southern side of the shelter-shed at the "Springs"; thence by a straight line in a south-easterly direction to a point intersecting the prolongation of the western boundary of Lot 488, two hundred and fifty acres, purchased by Alfred Hall, such point on the prolongation being ten chains from the north-west corner of the said lot; thence by a straight line in a southerly direction along this prolongation to the north-west corner of the said lot, being the point of commencement.

