

THE LOVETT WATER ACT, 1914.

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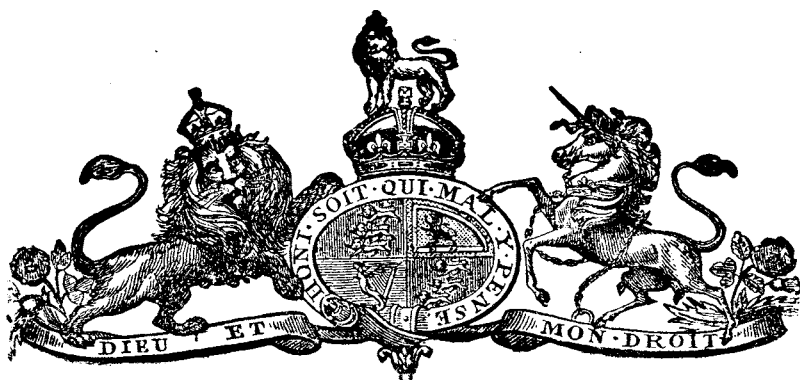
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TASMANIA.



1914.

ANNO QUINTO

GEORGII V. REGIS.

No. 5.

AN ACT to make provision for a Water-supply for a portion of the Municipality of Port Cygnet. [3 September, 1914.]

A.D.
1914.

WHEREAS the Warden, councillors, and electors of the Municipality of Port Cygnet are desirous of providing a water-supply for the Town of Lovett and a portion of that municipality adjacent thereto:

PREAMBLE.

And whereas a poll of electors in the proposed Water District was formally taken at Lovett on the Twentieth day of November, One thousand nine hundred and thirteen, to decide whether or not the Council should take the necessary steps to borrow a sum of Four thousand five hundred Pounds for the purpose of providing a water-supply for Port Cygnet, and the question was decided in the affirmative, the votes recorded being as follows, viz., Sixty-eight in favour and Two against:

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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 :—

Division of Act.

1 This Act is divided into Ten parts, as follows :—

Part I.—Preliminary.

Part II.—District.

Part III.—Power of Council in Construction of Works.

Part IV.—Compensation for Damage done in Execution of Works.

Part V.—Supply of Water.

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PART I.

PRELIMINARY.

Title and incorporation.

2 This Act may be cited as “The Lovett Water Act, 1914,” and shall be read as part of, and be deemed to be incorporated with, “The Local Government Act, 1906.”

Commencement of Act.

3 This Act shall commence and take effect on a day to be appointed by proclamation.

Interpretation.

4 In this Act, and in any by-laws made thereunder, unless the context otherwise determines—

“Assessment roll” means so much of the annual values assessment roll of the municipality of Port Cygnet for the time being in force as comprises all properties in the Water District, as hereunder defined :

“Council” means the Municipal Council of the Municipality of Port Cygnet :

“Elector” means every person being a natural-born or naturalised subject of His Majesty, and whether male or female, of or above the age of Twenty-one years, whose name as the owner or occupier of any property within the Water District appears on the assessment roll :

“District” means the Water District established by Section Five of this Act, and any additional area or areas which may from time to time be added to it, provided by that section :

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- “Land” includes any estate or interest (legal or equitable) in land, and any easement, right, power, or privilege over, in, or in connection with, land: A.D. 1914.
—
- “Street” extends to and includes any public and common highway, road, main road, lane, footway, bridge, square, court, passage, alley, thoroughfare, and public way and place in the Water District:
- “The Corporation” means the Warden, councillors, and electors of the Municipality of Port Cygnet:
- “Works” means and includes all reservoirs, wells, cisterns, tanks, aqueducts, tunnels, feeders, drains, channels, cuts, floodgates, sluices, conduits, filters, troughs, weirs, dams, embankments, pumps, culverts, pipes, pipe breaks, engines, buildings, piers, supports and all other works of what nature and kind soever which are from time to time necessary or used for effecting the purposes of this Act.

PART II.

DISTRICT.

5 The area of land shown in the plan in the schedule to this Act and in such plan surrounded by red boundary lines, shall be and form the Water District for the purposes of this Act; but the Council may from time to time, at the request of a Two-thirds majority of the electors within any area within the municipality of Port Cygnet proposed to be added, declare by special resolution that any such area shall be added to the Water District, and thereupon such area shall be included in and form part of 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. District.

PART III.

POWER OF COUNCIL IN CONSTRUCTION OF WORKS.

6 It shall be lawful for, and the Council is hereby authorised and empowered from time to time to take, divert, and appropriate from the Agnes Rivulet, situate near Lovett, in the Municipality of Port Cygnet, in Tasmania, at a point or points distant approximately Five chains from the south-western angle of a pensioner's block of land, containing Nine acres and Eleven perches, in the name of I. Riley, such quantity of the water of the said rivulet as shall be required for any of the purposes of this Act. Diversion of
water.

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—
General powers
for purposes of
diversion.

7 For the purpose of taking and diverting such waters as aforesaid, it shall be lawful for the Council from time to time to enter upon the said rivulet, and upon the banks and bed thereof, and on and in any portion of the said banks and bed, and from bank to bank, to construct and erect, and from time to time if necessary maintain, alter, and repair any dams, weirs, embankments, flumes, channels, races, works, accessories, and buildings for the purposes of such taking, diversion, and appropriation as aforesaid, and in order to give effect to the objects of this Act.

It shall be lawful for the Council to use for any of the purposes hereinafter specified all or any portion of water which the Council is hereby authorised to take, divert, and appropriate from the Agnes Rivulet—

- I. To supply the inhabitants of the Water District with water for domestic and other purposes or for motive power.
- II. To supply shipping with water.

Construction
of works.

8 The Council is hereby empowered to purchase, lease, or acquire, upon any terms or conditions it deems advisable, any land or any corporeal or incorporeal hereditaments, or any chattel or interest whatsoever which it deems advisable for the purposes of this Act, and which it may think proper to purchase, lease, or acquire, including any water-power and power-producing machinery and any rights and privileges accessory to the same; and the Council is also empowered to dispose of the same or any part thereof by sale, lease, or otherwise to any person or persons for any purpose whatsoever.

Purchase of land
and acquisition of
easements.

9 The Council is also hereby empowered to compulsorily purchase any land and to compulsorily acquire any rights and easements which it may consider necessary for the purposes of this Act; and for the purpose of facilitating and effectuating any such purchase of land or acquisition of rights or easements, "The Lands Clauses Act" shall be incorporated with this Act, except as varied by this Act, and except Sections Eight and Nine of that Act; and in the construction of this Act and "The Lands Clauses Act" this Act shall be deemed to be the special Act, and the Council shall be deemed to be the promoter of the undertaking.

Power to dispose
of land.

10 The Council is also empowered to dispose of any lands, rights, or easements compulsorily acquired, or any part thereof, by sale, lease, or otherwise, to any person or persons for any purpose whatever.

Entry upon land.

11 For the purposes of this Act it shall be lawful for the Council to enter upon any land, and to take levels of the same, and to set out such parts of such lands as the Council may think necessary,

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and to cut down trees, dig, cut, trench, and break up the soil of such land, and to remove all earth, stone, trees, or other things dug or obtained out of the same, and to use such materials in the construction and maintenance of the works authorised by this Act. A.D. 1914.

12 It shall be lawful for the Council from time to time to make, erect, construct, lay down, maintain, alter, or discontinue upon any land as the Council thinks necessary for the purposes of this Act, such works, and such buildings, machinery, apparatus, and appliances as the Council may think necessary for the purposes of this Act; and also to enter into any contract concerning the same that it may deem advisable; and also with the consent of the Governor to dispose of any such works by sale, lease, or otherwise, whenever it shall deem it advantageous so to do. Construction of works and buildings, &c.

13 Prior to the first entry upon any land by the Council for the purposes of this Act, not less than Seven days' notice of the intention of the Council 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 Council upon such land for the purposes of this Act. Council to give notice prior to first entry upon land.

14 Where the Council gives notice of its intention to take land, rights, or easements, for any of the purposes hereinbefore set forth, and the compensation in respect thereof is determined as in cases of disputed compensation, if the Council deems it inexpedient to pay the amount of compensation so determined, it may within Twenty-one days after notice of the amount of compensation so determined on, withdraw the firstmentioned notice on payment of all costs of reference and award, and shall after such withdrawal cease to be liable for the amount of compensation so determined. If compensation excessive, Council may give up land.

15 The Council may from time to time open and break up the soil and pavement of any street within the Water District, and erect or lay down in and upon or under such streets, and maintain and use for the purpose of distributing and supplying water, and from time to time alter and discontinue such machinery, posts, pipes, piers, supports, buildings, apparatus, engines, and things, and all other works necessary and convenient for any of the purposes of this Act. Power to break up streets, &c., and to open drains.

16 Whenever the Council opens or breaks up any street, sewer, drain, or tunnel, under the authority of this Act, it shall with all convenient speed complete the work for which the same was broken up, and fill in the ground and reinstate and make good the street, sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby, and shall at all times whilst any such street is so opened or broken up cause the same to be fenced and guarded, and a light sufficient for the warning of passengers to be set up and kept against the same every night. Streets, &c., broken up to be reinstated without delay.

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PART IV.

COMPENSATION FOR DAMAGE DONE IN EXECUTION OF WORKS.

Council to do as little damage as possible.

17 In the exercise of the powers conferred by this Act, the Council shall do as little damage as can be, and in all cases where possible shall make good such damage.

Council to make compensation for damage done in execution of works.

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

Persons damaged to make claim for compensation.

19 Any person claiming such compensation shall prefer his claim by notice in writing addressed to the Council and served upon the Council Clerk thereof, in which notice shall be specified the place of abode of the claimant, the particular act occasioning the damage for which compensation is claimed, the nature and amount of such damage, and the nature of the title or interest of such claimant in or to the land or water in respect to which the claim is preferred, 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 case hereinafter mentioned, be determined by arbitration in the manner provided for by "The Lands Clauses Act" in cases of disputed compensation, or at the option of either the Council or claimant, by a judge of the Supreme Court, upon either party giving Seven days' notice to the other after the delivery of such claim, and the amount of such compensation to be paid in such case shall be ascertained by the judge in such manner as he deems advisable, and subject to such conditions as such judge sees fit to impose. And all costs of all proceedings taken under this Act before a judge shall be in his discretion as to the party by whom such costs shall be borne, and payment thereof may be enforced and recoverable by the party to whom such costs shall be payable, as in equity.

21 Vict. No. 11.

Compensation, how to be ascertained.

Regard to be had to any benefit which may accrue.

20 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.

Persons not making claim when required to be barred.

21 If the Council by notice in writing requires any person to make claim for compensation for any damage occasioned by the exercise of any of the powers conferred on the Council by this Act previously to the service of such notice, such person shall not be entitled to compensation for any damage sustained by reason of the

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exercise of any such powers unless he prefer his claim, in manner aforesaid, within Two months after service of such notice. A.D. 1914.

22 If either party is dissatisfied with the award of the arbitrators or the umpire appointed to determine the amount of compensation to be paid to the owner or occupier of any land taken or occupied under the authority of this Act, or with the decision of the arbitrator or umpire appointed to determine the amount of compensation to be paid to any person claiming the right to use any of the water diverted or appropriated by the Council, the dissatisfied party, when the amount of compensation awarded by the arbitrators or the umpire exceeds Fifty Pounds, may appeal from the award of the arbitrators or the umpire, as the case may be, to a judge of the Supreme Court, and may have the amount of compensation fixed by a judge of the said court in the manner hereinafter provided.

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

23 If the dissatisfied party desires to appeal from the award of the arbitrators or umpire as aforesaid, he shall, within Fourteen days after the delivery to him of such award or a copy thereof, give notice in writing to the other party of his intention to appeal, and shall, within One month after the service of such notice upon the opposite party, prosecute such appeal in accordance with the rules made by the judges for conducting appeals under "The Main Line Railway Amendment Act, No. 2," so far as such rules are applicable, and the amount of compensation to be paid in such cases shall be ascertained by a judge of the Supreme Court in such manner as he deems advisable, and subject to such conditions as such judge sees fit to impose; and the judge may also, in his discretion, make any order as to the party by whom the costs of the appeal, and also the arbitration appealed from, shall be borne: Provided that a judge of the Supreme Court may upon what he shall deem sufficient cause, allow an appeal under this Act to be prosecuted after the expiration of the time hereinbefore allowed for that purpose, but no appeal shall be allowed after the expiration of Three months after the service of notice of intention to appeal.

Notice of appeal to be given.

39 Vict. No. 19.

24 Where the dissatisfied party gives such notice of appeal as aforesaid, then the award given by the arbitrators or the umpire shall not be made a rule of court, nor shall any proceedings other than the appeal be taken thereon, until a judge of the Supreme Court, by an order in writing under his hand, determines the matter in dispute, or the time hereinbefore allowed for prosecuting the appeal has expired.

Award not to be made a rule of court unless judge determines matter in dispute.

25 No land acquired or held by the Council under the authority of this Act and used for the purposes of this Act shall, unless with the consent of the Governor, be subject to the operation of "The Lands Clauses Act," or any Act (except this Act) incorporating the whole or any portion of that Act.

Land acquired under this Act not subject to "The Lands Clauses Act."

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Before commencing work plans to be submitted for approval.

26 Before commencing or undertaking any of the works authorised by this Act, the Council shall lay before the Governor detailed plans, sections, and specifications of such works, and it shall be lawful for the Governor thereupon to refer such plans, sections, and specifications to the State Engineer-in-Chief, or other competent person, who is hereby required to examine and consider the same, and fully report thereupon to the Governor with reference to the probable expense, practicability, and nature of such works; and no such works shall be undertaken until the same have been approved by the Governor, and notice in writing of such approval received by the Council.

PART V.

SUPPLY OF WATER.

Supply of water inside area at such charges as may be agreed.

27 If after the Council shall have constructed and erected the necessary works for the supply and distribution of water in and to the Water District any owner or occupier of any house, building, or other premises in the said Water District within One hundred feet of any main or other pipe of the Council shall require a supply of water for domestic purposes, such supply shall in every case be furnished by the Council at such charges as shall from time to time be fixed by the Council in accordance with the provisions of this Act, or at a lump-sum price agreed upon by the occupier and Council.

Council may supply water for motive power, &c.

28 If the owner or occupier of any land or building in the said Water District, or in any other place at which the Council has erected the necessary works for supplying water under the provisions of this Act, shall require a supply of water for any purpose not domestic, the Council may, if it thinks fit, from time to time, furnish a supply of water to such owner or occupier at such charges and upon such terms and conditions as the Council shall from time to time prescribe.

Council may determine description of service pipes to be used, and contractor or workmen to be approved by Council.

29 The description of pipes and other apparatus by means of which water is laid in, supplied, or distributed shall be such as the Council determines, either generally or in classes of cases or in any particular case; and the Council shall not be bound to supply water in any case in which the required description of pipes or apparatus is not provided, and may cut off pipes or turn off water from any premises supplied with water until the required description of pipes or apparatus is provided; and only such contractors, builders, artisans, workmen, and other persons as are approved by the Council shall be employed by any person for the purpose of laying down the pipes and other apparatus necessary for supplying any premises with water.

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30 The Council may from time to time let for hire to any consumer of water supplied by measure, any meter or instrument for measuring the quantity of water supplied and consumed at such rent in money as shall from time to time be fixed by the Council, in accordance with the provisions of this Act.

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Council may provide meters.

31 Any person acting under the authority of the Council may at all reasonable times enter any house, buildings, or lands to, through, or into which water is supplied by the Council by measure, in order to inspect the meters, for the purpose of ascertaining the quantity of water supplied or consumed, and may from time to time enter any house, buildings, or lands for the purpose of removing any meter, or apparatus, the property of the Council; and if anyone hinders such person from entering or making such inspection, or effecting such removal, or if anyone not being an officer or in the employ 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 Five Pounds, in addition to the amount of damage or injury done.

Officers of the Council may inspect meters.

32 Every person requiring to remove or alter the position of any meter shall give Two days' notice, in writing, to that effect to the Council, 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 Council has been obtained.

Notice of removal or change in meter.

33 Such meters and apparatus shall not be subject to distress for rent of the premises where the same are used, and shall not be attached or taken in execution under any process of any court of law or equity, and no person shall acquire any interest or property therein, under, or in pursuance of any adjudication, sequestration, or order in bankruptcy, or other legal proceedings against or affecting the consumer of the water, or the occupier of the premises, or other person in whose possession the meters and apparatus may be.

Meters, &c., not liable to seizure.

34 The Council may, upon such terms and conditions as it thinks fit, cause a supply of water to be brought to such places and districts beyond the Water District as the Council sees fit. upon the application of any owners or occupiers of houses, buildings, or other premises in any such place or district.

Supply of water outside area boundaries.

35 It shall be lawful for the Council from time to time to agree with any person for the construction, working, and maintenance of the works, or such part thereof as the Council may think proper, for a period not exceeding Twenty-one years.

Right of Council to contract with private person.

36 The Council shall not enter into such agreement as is mentioned in the last preceding section hereof until after a poll has

Poll necessary,

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been taken in the prescribed manner of the electors within the Water District, for the purpose of ascertaining whether the Council shall be permitted to make such agreement.

Agreement to be open for inspection,

37 At least One week before and until after the closing of such poll the terms of the agreement proposed to be entered into shall be available for inspection at the office of the Council, and any such elector may inspect the same and make copies of or extracts therefrom free of charge.

Council's authority to extend to agents, &c.

38 Wherever by this Act authority is given to the Council to enter upon any land or to break up streets or to do any act for the purposes of this Act in or relating to the construction, maintenance, or repair of the works or any part thereof, or the cutting off any supply of water, the same authority shall extend to and may be used by any person acting by direction of the Council, or under the authority of any such agreement as hereinbefore mentioned, and to all necessary agents, assistant servants, workmen, means, and appliances of the Council, or such person as aforesaid.

PART VI.

POWER TO BORROW.

Power to borrow money.

39 Provided the Council shall have previously passed a special resolution for the purpose (whether before or after the commencement of this Act), it shall be lawful for the Council, on behalf of the Corporation, to borrow, under the provisions of "The Local Public Works Loans Act, 1890," upon the security of its revenues, any sum or sums of money not exceeding in the whole Four thousand five hundred Pounds, for the purpose of defraying the cost and expense of obtaining this Act and of or connected with the construction and carrying out of the works authorised by this Act, or the payment of any such compensation as aforesaid.

Governor may grant loan to Council.

40 Subject to the passing of such special resolution as aforesaid, it shall be lawful for the Governor to grant, in accordance with the provisions of "The Local Public Works Loans Act, 1890," any sum or sums of money not exceeding in the whole the sum of Four thousand five hundred Pounds, as a loan or loans to the Council upon the security of all its revenues, for the purpose of defraying the costs and expenses mentioned in the immediately preceding section, and any such sum or sums of money shall be defrayed out of moneys to be provided by Parliament for that purpose: Provided that it shall not be necessary to lay before either House of Parliament plans and specifications of any such proposed works, nor the report of the Engineer-in-Chief thereon as provided in Section

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Two of the lastmentioned Act, but before any part of the said sum of Four thousand five 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 necessity of such works, and probable cost thereof, 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 the said report, and that the works can be completed for the amount proposed to be borrowed, shall be submitted to and approved by the Governor. A.D. 1914.

PART VII.

WATER RATE.

41 The Council may, once or oftener in every year, make and levy a water rate or water rates upon the annual value of all properties within the Water District, as shown by the assessment roll in force for the time being, for the purpose of providing for the payment of interest and any moneys required for a sinking fund in respect of any moneys borrowed under this Act, and also for the purpose of raising the necessary funds for carrying out the objects of this Act: Provided that such rate so to be made and levied shall not in any case exceed in any one year the sum of Two Shillings in the Pound upon the annual value of the properties within the Water District. **Council to fix water rate.**

Any such water rate shall be made upon and be payable by the persons who would be liable to be rated in respect of the properties included in the Water District if such rate were a general rate under "The Local Government Act, 1906," and shall be made and recoverable in the same manner as any such general rate.

42—(1) If any person liable to pay any amount of water rate neglects to pay the same within due time after the same has been lawfully demanded, the Warden may after Twenty-four hours' notice stop the supply of water to the premises in respect of which such rate is payable by cutting off the pipes to said premises, or by such other means as he may think fit, and the expense of cutting off the water may be recovered in the same manner as the water rate is recoverable. **If rate in arrear, supply of water may be stopped.**

(2) No person shall be liable to be imprisoned for non-payment of any water rate or charge for water; or any expenses of cutting off the water-supply. **No imprisonment for non-payment.**

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PART VIII.

WASTE AND MISUSE OF WATER.

Water service
works to be kept
in repair.

43 If any person when required by the Council refuses to repair or neglects to keep in repair any of the works by which his premises are supplied with water under the authority of this Act, the Council may cut off the supply of water from such premises until such works are sufficiently repaired, and the Council may repair such works, and the cost of repairing the same shall be repaid to the Council by the person neglecting to repair the same, and may be recovered by the Council from such person in a summary way.

Power to enter
premises to
inspect.

44 The inspector or any other person acting under the authority of the Council may at any time, by night or by day, enter into any house or premises supplied with water under the authority of this Act, in order to examine if there is any waste or misuse of such water, and the condition or state of repair of the works, by which such water is supplied to such house or premises, and if such inspector or other person is at any such time refused admittance into such house or premises for any of the purposes aforesaid, the Council may cut off the supply of water from such house or premises.

PART IX.

OFFENCES.

Penalty for
obstructing
Council.

45 Every person who 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 Council or in the exercise of any power or authority by this Act conferred on the Council, shall for every such offence incur a penalty of not more than Fifty Pounds.

Allowing persons
not supplied to
use the water.

46 Every owner or occupier of any premises supplied with water under this Act, who supplies to any other person, or wilfully permits him to take any of such water from any pipe or service, in or on such premises, unless for the purpose of extinguishing any fire or unless he is a person supplied with water by the Council, and the pipes belonging to him are without his default out of repair, shall for every such offence incur a penalty not exceeding Twenty Pounds.

Taking water,
&c., without
authority.

47 Every person who without due authority takes any water from any dam, pipe, or service, or other work belonging to the Council, shall for every such offence incur a penalty not exceeding Twenty Pounds.

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- 48** Any person who makes any pipe or service to communicate with any pipe or service or other work belonging to the Council without the authority of the Council in that behalf, shall incur a penalty not exceeding Twenty Pounds. A.D. 1914.
Attaching any pipe, &c., without authority.
- 49** Any person who carelessly or accidentally breaks, throws down, injures, or damages any pipe or service or any engine, apparatus, or work whatsoever belonging to the Council or under its control, shall forfeit and pay to the Council for the damage so done, by way of satisfaction, such sum of money as will compensate the Council therefor, which may be recovered by action in any court of competent jurisdiction. Persons damaging any pipe or service, &c., to pay compensation.
- 50** Any person who breaks, throws down, injures, or damages any pipe or service or any engine, apparatus, or works whatsoever belonging to the Council or under its control, and fails to forthwith report the same to the Council Clerk, shall be liable to forfeit and pay to the Council a sum not exceeding Ten Pounds in addition to the amount of damage, and such amount shall be recoverable in the same action as the claim for such damages. Persons failing to report damage.
- 51** If any person wilfully or maliciously destroys, injures, or damages, or attempts to destroy, injure, or damage, any conduit, pipe, or apparatus, or any work constructed or erected under the authority of this Act, or wilfully or maliciously does any act calculated to render any part or parts of the machinery, or works of the Council unworkable or defective, or whereby any water is or may be lost, wasted, misused, or interrupted in any way, he shall for every such offence, upon conviction, either forfeit and pay such sum of money, not exceeding Twenty Pounds, as to the adjudicating magistrate or justices shall seem meet, and also such further sum of money as shall appear to the magistrate or justices to be a reasonable compensation for any destruction, damage, or injury so done, or shall at the discretion of the adjudicating magistrate or justices be imprisoned for any term not exceeding Six months. Penalty for destroying or injuring works wilfully or maliciously.
- 52** 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. Accessories to offences liable as principals.
- 53** All penalties for offences against this Act shall be applied to the use of the Council, and shall be paid to the Treasurer of the Council, and shall be carried to the credit of the Water Account. Appropriation of penalties.
- 54** Where no other mode is provided in this Act all fines and penalties under this Act, or under any by-law made in pursuance of this Act, may be recovered and enforced before any police magistrate, or before any Two or more justices, in the manner prescribed by "The Magistrates Summary Procedure Act." Recovery of fines, penalties, &c.

Lovett Water.

A.D. 1914.

Appeal.

55 Any person who thinks himself aggrieved by any penalty imposed under the authority of this Act, or any Act incorporated herewith, or any by-law as aforesaid, which is recoverable in a summary way, may appeal against the same in the mode prescribed by "The Appeals Regulation Act."

Persons convicted of offence may be ordered to pay sum of money equal to value of property.

56 Every person convicted of any of the offences hereinbefore mentioned may be ordered to pay, in addition to the penalty attached to the offence, a sum equal to the value of the property damaged or destroyed by him in the act of committing the offence.

PART X.

BY-LAWS.

By-laws.

57—(1) The Council shall have power from time to time to make, alter, modify, amend, or repeal by-laws for all or any of the following purposes:—

- I. For regulating the charges, terms, and conditions upon which water shall be supplied under the authority of this Act:
- II. For regulating the form, material, dimensions, description and construction and arrangement of pipes, service, and other apparatus by means of which water may be distributed or supplied by the Council, and for prohibiting the use of any other:
- III. As to any matter in connection with which the expression "prescribed" is used in this Act, or in respect to any purpose for which regulations are contemplated by this Act:
- IV. For prescribing and regulating all other matters and things which may be found to be necessary or convenient in connection with the supply of water under this Act:
- V. For preventing waste or misuse of water.
- VI. For preventing injury to any of the works or machinery, or apparatus erected by or belonging to the Council for the distribution and supply of water:
- VII. Generally 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 of the pipe or service 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.

(2) Subject to the provisions of this Act the provisions of Division I. of Part XIV. of "The Local Government Act, 1906," relating to by-laws, shall be applicable to by-laws under this Act.

