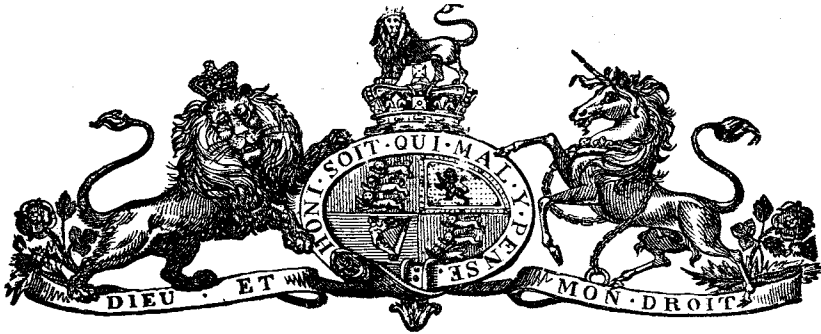


T A S M A N I A



1894.

ANNO QUINQUAGESIMO-OCTAVO

VICTORIÆ REGINÆ,

No. 31.

*Sec 58 vic No 40
Schedule 1.
Amend' 59 No 52 S. 11.
see 2 saw 1894 No 24
Am. 6/1/94-21*

AN ACT to make better provision for the A.D. 1894.
Supply of Water and Light to the City of —
Launceston and other Places.
[25 August, 1894.]

WHEREAS it is desirable and expedient that the Laws relating to PREAMBLE.
the supply of Water and Light to the City of *Launceston* should be
consolidated and amended:

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

- | | |
|---|------------------|
| 1 This Act is divided into Seventeen Parts, as follows:— | Division of Act. |
| Part I.—Preliminary. | |
| Part II.—Power to take Water. | |
| Part III.—Construction of Works. | |
| Part IV.—Compensation for damage done by execution of Works. | |
| Part V.—Supply of Water and Electricity. | |
| Part VI.—Protection of Public Electric Telegraph and Telephone Lines. | |
| Part VII.—Water Rate. | |
| Part VIII.—Lighting Rate. | |
| Part IX.—Suburban Water Rate. | |
| Part X.—Power to borrow Money. | |
| Part XI.—Water and Light Accounts. | |

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- Part XII.—Power to examine Gas Pipes.
 Part XIII.—Waste or Misuse of Water or Electricity.
 Part XIV.—Offences.
 Part XV.—Officers.
 Part XVI.—By-Laws.
 Part XVII.—Miscellaneous.

PART I.

PRELIMINARY.

- Short title. **2** This Act may be cited as “The *Launceston* Water and Light Act, 1895.”
- Commencement of Act. **3** This Act shall commence and take effect on the First day of *January*, 1895.
- Repeal of Acts mentioned in the Schedule. **4** Subject to the provisions of this Act, on and after the day on which this Act commences and takes effect the Acts of Council and of the Parliament of *Tasmania* set forth in the Schedule shall be hereby repealed :
 Provided that such repeal shall not affect—
 i. Anything duly done before this Act commences and takes effect :
 ii. Any liability accruing before this Act commences and takes effect :
 iii. Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence committed before this Act commences and takes effect :
 iv. The institution of any legal proceeding, or any other remedy for enforcing or recovering any such liability, penalty, forfeiture, or punishment as aforesaid :
 v. Any appointment duly made under any enactment hereby repealed, and subsisting at the time when this Act commences and takes effect ; and the same shall be deemed to have been made under this Act, and shall be subject to such provisions of this Act as are applicable thereto respectively.
- Interpretation. **5** In this Act, unless the context otherwise determines :—
 “City” or “the said City” means the City of *Launceston* :
 “Council” means the Municipal Council of the City of *Launceston* :
 “The Corporation” means the Corporation of the Mayor, Aldermen, and Citizens of the City of *Launceston* :
 “Street” extends to and includes any public and common highway, road, footway, bridge, square, court, passage, alley, thoroughfare, and public way and place :
 “Persons” includes Corporations :
 “Waterworks” extends to and includes all reservoirs, wells, cisterns, tanks, aqueducts, tunnels, feeders, drains, channels, cuts, floodgates, sluices, conduits, filters, troughs, dams, embankments, pumps, culverts, pipes, pipe-breaks, engines, buildings, and other works of what kind soever which are

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from time to time necessary or used for effecting the purposes of this Act: A.D. 1894.

“Works,” when used in reference to the generation, transmission, or supply of Electricity, shall mean and include all wires, lamps, posts, piers, supports, generators, conductors, communicators, accumulators, distributors, and all other machinery and apparatus which the Council shall from time to time use or deem to be necessary for the generation, transmission, and supply of electricity in accordance with the provisions of this Act:

“Local Authority,” when used in reference to any Municipality, or Town, or Road District adjoining the City of *Launceston*, shall mean the Municipal Council or Board or Trustees of such Municipality or Town or Road District:

“Person” shall include bodies corporate.

6 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. Provisions of the Act of Council 8 Wm. 4, No. 6, not to apply.

7 The supply of water for the use of the inhabitants of the City of *Launceston*, and of the shipping in the Port of *Launceston*, shall be under the control, management, and direction of the Council of the said City; and the Corporation is hereby empowered to carry this Act into execution and to exercise the several powers hereby conferred upon it through the Council. Supply of water to *Launceston* to be under control of the Municipal Council.

8 All waterworks and other works made, erected, built, or laid under any Act hereby repealed, and all property, rights, matters, and things which by virtue of any previous Act were transferred to, or vested in, or declared to be the property of the Corporation, shall continue to be vested in and to be the property of the Corporation in the same manner as if this Act had not been passed. Powers under former Acts transferred to Council.

9 All waterworks and other works made, constructed, repaired, or maintained under this Act, and all appliances and appurtenances thereto respectively belonging, and the materials of which the same consist, excepting communication pipes and their 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 any Act hereby repealed, or this Act, shall be the property of the Corporation. Property in the waterworks vested in the Corporation.

PART II.

POWER TO TAKE WATER.

10 It shall be lawful for the Corporation to enter from time to time upon the *Saint Patrick's* River, and the bed and banks thereof, and to cause such works to be erected or established in the bed of the said river, and on the banks thereof, as shall be necessary from time to time to divert the waters of the same, and to divert and appropriate such quantity of the water of the said river as shall be required for the purposes of this Act. Power to erect works and divert water of *Saint Patrick's* River.

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Council
empowered to
divert water of
South Esk River
and to erect
waterworks.

11 The Corporation is hereby empowered and authorised from time to time to take, divert, and appropriate such quantity of the water of the *South Esk* River, at a point not exceeding Five miles from the present *South Esk* Bridge, not exceeding Two-thirds of the quantity or volume of water flowing at such time, as shall be required by the Council for any of the purposes hereinafter mentioned; and from time to time to enter upon the said river, and upon the banks and bed thereof, and to construct and erect on and in any portion of the banks and bed of the said river such works as shall be necessary for the purposes of such taking and diversion and appropriation of so much of the said water of the said river as aforesaid: Provided that nothing herein contained shall abrogate any existing rights vested in any person or persons to take, divert, and appropriate any water from the said river.

Purposes for
which water may
be taken from the
Saint Patrick's
River.

12 It shall be lawful for the Corporation to use, for the purposes following, or either of them, all or any portion of water which the Corporation is authorised by this Act to divert and appropriate from the *Saint Patrick's River* hereinbefore mentioned; viz. :—

- (1.) To supply the inhabitants of the City of *Launceston* and other places with water for domestic and other purposes or for motive power.
- (2.) To supply the shipping in the Port of *Launceston* with water.

Purposes for
which water
may be taken
from both rivers.

13 It shall be lawful for the Corporation to use, for any of the purposes hereinafter specified, all or any portion of water which the Corporation is authorised by this Act to divert and appropriate from the two rivers hereinbefore mentioned or either of them; viz. :—

- (1.) To work any machinery that may be erected by the Corporation for generating and transmitting electricity for the purpose of lighting the City of *Launceston* and other places and the buildings therein with Electric Light.
- (2.) To work any machinery that may be erected by the Corporation for generating and transmitting electricity for the purpose of supplying the inhabitants of the City of *Launceston* and other places with electricity, for producing light, or for motive power, or for any other purpose.
- (3.) To work any machinery that may be erected by the Corporation for drawing or propelling tramways in and upon and along the streets of the City of *Launceston* and other places.
- (4.) To work any machinery that may be erected by the Corporation for the purpose of exercising or executing any of the powers, functions, duties, or authorities now or that may at any time hereafter be vested in or imposed by Law upon the Council.

PART III.

CONSTRUCTION OF WORKS.

Purchase of land
and acquisition of
easements.

14 The Corporation is hereby empowered to compulsorily purchase any Land and to compulsorily acquire any easements which the Council may consider to be necessary for the purposes of this Act; and for the purpose of facilitating and effectuating any such purchase of land or acquisition of easements *The Lands Clauses Act* shall be incorporated with this Act.

"Except as hereby varied, and except
Sections Eight and Nine of that Act"
59 vic. No. 52 S. 11

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- 15** For the purposes of this Act it shall be lawful for the Corporation to enter upon any land, and to take levels of the same, and to set out such parts of such land as the Council thinks necessary, 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. 1894.
Entry upon land.
- 16** It shall be lawful for the Corporation, from time to time, to make, erect, construct, lay down, maintain, alter, or discontinue upon any land purchased by the Corporation under the provisions of this Act, or upon any land now vested in the Corporation, such waterworks and such buildings, machinery, and other works, apparatus, and appliances as the Council may think necessary for the purposes of this Act. Construction of waterworks and buildings, &c.
- 17** Prior to the first entry upon any land by the Corporation for the purposes of this Act, not less than Seven 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 Council upon such land for the purposes of this Act. Council to give notice prior to first entry upon land.
- 18** The Corporation is hereby empowered to maintain, alter, or discontinue for the purposes of this Act any existing waterworks or other works now under the control and management of the Council, as the Council may from time to time think proper, in the same manner as any waterworks or other works constructed under the authority of this Act; and all the powers and provisions of this Act relating to waterworks shall equally apply to such existing waterworks or other works. Provisions of Act to apply to existing waterworks.
- 19** The Corporation may, from time to time, open and break up the soil and pavement of any streets within the City of *Launceston* and the suburbs thereof, and may open and break up any sewers, drains, or tunnels within or under such streets, and erect or lay down in and upon or under such streets, and may maintain and from time to time alter and discontinue such pipes, machinery, lamps, posts, piers, wires, supports, conductors, communicators, distributors, electric lines, buildings, apparatus, engines and things, and all other works necessary and convenient for any of the purposes of this Act: Provided, that every such wire, conductor, communicator, distributor, electric line, or other electric apparatus shall be erected with the consent in writing of the Postmaster-General and not otherwise; and if the said Postmaster-General is of opinion that any telegraph or telephone wire is or may be injuriously affected by such wire, conductor, communicator, distributor, electric line, or other apparatus, or that the same is likely to become dangerous to the public safety or a public nuisance, the said Postmaster-General may, by notice in writing, require the Council to remove such wire, conductor, communicator, distributor, electric line, or other apparatus or any portion thereof; and if the Council do not within Ten days after service on them of such written notice remove the same, the said Postmaster-General may remove the same, and recover the expense of such removal from the Corporation in a summary manner. Power to break up streets, &c., and to open drains.

Consent of Postmaster-General to be obtained.
- 20** The Corporation shall, before opening or breaking up any street without the City, give to the persons, if any, under whose control or management the same may be, or to their clerk, surveyor, or other Notice to be served on persons, if any, having control of streets without the City.

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

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

21 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 Corporation may perform the work specified in such notice without the superintendence of such persons or their officer.

Streets not to be
broken up except
under superin-
tendence of
persons having
control of same.

22 Whenever the Corporation 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.

PART IV.

COMPENSATION FOR DAMAGE DONE BY EXECUTION OF WORKS.

Corporation to do
as little damage as
may be.

23 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
make compensa-
tion for damage
done by execution
of works.

24 The Corporation 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 Corporation under the authority of this Act, or lawfully interested in any land, other than land purchased by the Corporation, in or upon which any waterworks may hereafter be constructed, or which may be injuriously affected by the construction and maintenance of the waterworks under this Act, or otherwise by the execution by the Corporation 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 Corporation by this Act.

Persons damaged
to make claim
for compensation.

25 Any person claiming such compensation shall prefer his claim by notice in writing addressed to the Council, and served upon the Town

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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: 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.

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Compensation
how to be ascer-
tained.

26 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.

27 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 Corporation 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 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.

Persons not
making claim
when required to
be barred.

28 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 Corporation, the dissatisfied party, when the amount of compensation awarded by the arbitrators or the umpire exceeds One hundred Pounds, may appeal from the award of the arbitrators or the umpire, as the case may be, to a Judge of the Supreme Court, and may have the amount of compensation fixed by a Judge of the said Court, in the manner hereinafter provided.

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

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

Procedure upon
appeal.

36 Vict. No. 19.

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

30 Where the dissatisfied party gives such notice of appeal as aforesaid, then the award given by the arbitrators or the umpire shall not be made a Rule of Court until a Judge of the Supreme Court, by an Order in writing under his hand, determines the matter in dispute, or the time hereinbefore allowed for prosecuting the appeal has expired.

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

31 Where any claim for compensation involves damage alleged to have been sustained by reason of the taking or diversion or appropriation 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.

Action to be commenced within Three months.

32 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.

Compensation for damage done by failure of the works.

33 The Corporation may from time to time and at all times hereafter pay and make good to the owners and occupiers of all lands and buildings, and to every person whomsoever, all loss, costs, and charges, sums of money, damages, and expenses whatsoever, and for all injury of what nature or kind soever, as well immediate as consequential, which such owners or occupiers or other persons may suffer, incur, pay, expend, or be put to by reason or in consequence of the failure or giving way of any of the waterworks of the Corporation under this Act.

PART V.

SUPPLY OF WATER AND ELECTRICITY.

(1.) *Supply of Water.*

Supply of water for domestic use within the City.

34 The Corporation shall, at the request of the owner or occupier of any house or part of a house occupied as a separate dwelling situated within the City, 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 by the Corporation at the cost of such person, a sufficient supply of water for his domestic purposes, including a supply for any private water-closet and fixed bath in such dwelling-house.

Supply of water for domestic use beyond the City.

35 The Corporation may, if practicable, cause pipes to be laid down and water to be brought to every part of the places and districts beyond the City, whereunto the Corporation is required by the owners or occupiers of houses in any place or district beyond the City, on payment of the expense of providing and laying down such pipes: Provided always that no such requisition shall be binding on the Corporation unless such owners or occupiers shall severally execute an

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Agreement binding themselves to take such supply of water for three successive years at least, and on such terms as to payment for the same as may be agreed upon. A.D. 1894.

36 The Corporation may, if it sees fit, furnish to any person a supply of water for steam-engines, or for warming any dwelling-house or other premises, or for working any machine or apparatus, or for horses or cattle, or for washing carriages, or for gardens, fountains, syphons, or ornamental purposes, or for flushing sewers or drains, or for any trade, manufacture, or business, whether carried on in any dwelling-house or in other premises, or for any other purpose not domestic, such respective supplies being so furnished at such charges, and upon such terms and conditions, as the Council shall from time to time prescribe in any By-law made for that purpose as hereinafter provided, and in the absence of any such By-law then at such charges and upon such terms and conditions as may be agreed upon between the Council and the person desiring the same: Provided always, that, as far as possible, the charge for such supply of water shall be uniform to all persons in the same circumstances, and requiring the same extent of supply.

Supply of water for other purposes than domestic use.

37 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 of 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; and only such contractors, builders, artisans, and workmen 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.

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

(2.) *Supply of Water to Districts beyond the City.*

38 The Corporation may cause pipes to be laid down and water to be brought to such places and districts beyond the City of *Launceston* as the Council sees fit upon the application of any Board or any constituted authority, or of any owners or occupiers of houses, buildings, or other premises, in any such place or district, on such terms and conditions as may be agreed upon; and the Council shall, by notice under the hand of the Mayor and published in the *Gazette*, specify the places or districts to and in which the Council propose to lay down pipes for the purpose aforesaid.

Supply of water to districts beyond the City.

(3.) *Supply of Electricity.*

39 If after the Corporation shall have constructed and erected the necessary works for the generation and transmission of electricity for lighting the City of *Launceston*, any owner or occupier of any house, building, or other premises in the said City shall require a supply of electricity for producing light, such supply shall in every case be furnished by the Corporation at such charges as shall from time to time be fixed by the Council in accordance with the provisions of this Act.

Supply of Electric Light inside City at such charges as may be agreed.

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Council may supply electricity for motive power, &c.

40 If the owner or occupier of any land or building in the said City, or in any other place at which the Corporation have erected the necessary works for supplying electricity under the provisions of this Act, shall require a supply of electricity for motive power or for any purpose other than the production of light, the Council may from time to time as it thinks fit furnish such supply of electricity 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 make a rebate-ment of charges.

41 It shall be lawful for the Council from time to time to make such a rebate-ment as the Council shall think fit upon all moneys due and owing to the Corporation for electricity supplied under the provisions of this Act, and which shall be paid to the Council not later than Fourteen days after demand has been made for payment thereof.

Provision for testing.

42 The Corporation shall, before supplying any person with electricity, put up and erect suitable apparatus at some testing-place for the purpose of testing the normal strength and electro-motive force of the electricity supplied to him ; the said apparatus and the position of the said testing-place to be approved by the Superintendent of Telegraphs, or any other person appointed by the Governor in Council.

No form of lamp or burner to be prescribed, but contractor or workman to be approved by Council.

43 It shall not be lawful for the Council to prescribe any special form of lamp or burner to be used by any person to whom the Council shall supply electricity for lighting purposes, but 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 erecting or repairing any machinery, lamps, wires, conductors, apparatus, or appliance whatsoever to be used in supplying or producing light from electricity supplied by the Council.

Where several premises supplied by one conductor each to pay.

44 Where several buildings are supplied with Electricity by one common conductor, the respective owners or occupiers of such buildings shall be severally liable to the payment of the same charges for the supply of Electric Light as they would have been liable to if each of such several buildings had been supplied with Electricity by a separate conductor.

(4.) *Supply of Electricity to Districts beyond the City.*

Supply of electricity to places beyond the City.

45—(1.) The Corporation may, at the request of the local authority of any Municipality, or Town, or Road District adjoining the City of *Launceston*, erect in such Municipality, or Town, or Road District such works and machinery as may be necessary for supplying the inhabitants thereof with electricity for producing light or for other purposes ; and if the Corporation shall at any time, at such request as aforesaid, construct and erect the necessary works for supplying electricity to any place outside the City of *Launceston*, and the owner or occupier of any house, or building, or other premises in such other place as aforesaid shall require a supply of electricity for producing light, such supply shall in every case be furnished by the Corporation at such charges as shall from time to time be fixed by the Council in accordance with the provisions of this Act.

(2.) The Corporation may from time to time make and enter into contracts with the local authority of any Municipality, or Town, or

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Road District for erecting and maintaining electric lamps in such Municipality, or Town, or Road District, and supplying the same with light at such rate per lamp, and upon such other terms and conditions as may be mutually agreed upon. A.D. 1894.

(3.) Any Municipality, or Town, or Road District adjoining a Municipality, or Town, or Road District in which the Corporation shall erect works for supplying electricity to the inhabitants thereof under the provisions of this Act shall be deemed to be a Municipality, or Town, or Road District adjoining the City of *Launceston* within the meaning of this Act.

PART VI.

PROTECTION OF PUBLIC ELECTRIC TELEGRAPH AND TELEPHONE LINES.

46 The Corporation shall not in the exercise of any of the powers conferred by this Act lay down any electric line or do any other work for the supply of electricity whereby any telegraphic or telephonic line belonging to or under the control of the Government is or may be injuriously affected. Corporation not to injure any Government line of telegraphic or telephonic communication.

47 Before any electric line is laid down or other work is done under the authority of this Act within Ten yards of any part of a telegraphic or telephonic line belonging to or under the control of the Government, excepting repairs and connexions with mains, in cases where the direction of the electric lines so laid down crosses the line belonging to or under the control of the Government at right angles at the point of shortest distance and continues the same for a distance of Six feet on each side of such point, and where the connecting wires so crossing are not within Three feet of any telegraphic wire, the Corporation or their agents shall, not more than Twenty-eight nor less than Seven clear days before commencing such work, give written notice to the Postmaster-General specifying the course and nature of the work, including the gauge of any electric lines, and the Corporation and their agents shall conform with such reasonable requirements either general or special as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphs of the Postmaster-General from being injuriously affected by the said work. Notice to be given to the Postmaster-General.

48 The Postmaster-General may require the Corporation to erect their wires, conductors, communicators, distributors, electric lines, or other apparatus in accordance with the rules and regulations applying to electric light and power wires as issued by the London Board of Trade, or such modification thereof as may be approved and sanctioned by the Governor in Council. Wires, &c. to be erected in accordance with Rules of Board of Trade.

49 In the event of any contravention of or wilful non-compliance by the Corporation or their agents with any of the provisions of this part of this Act, the Corporation shall be liable on conviction to a penalty not exceeding Ten Pounds for every day during which such contravention or non-compliance continues, or, if the telegraphic communication is wilfully interrupted, not exceeding Fifty Pounds for every day on which such interruption continues. Penalty.

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Penalty not to be incurred in certain cases.

50 Nothing in this part of this Act shall subject the Corporation or their agents to a penalty if they satisfy the Court having cognizance of the case that the immediate execution of the work was required to avoid an accident or otherwise was a work of emergency, and that they forthwith served on the postmaster or officer in charge of the post or telegraph office nearest to the place where the work was done a notice of the execution thereof stating the reason for executing the same without previous notice.

When line to be deemed to be injuriously affected.

51 For the purposes of this Act, a telegraphic or telephonic line belonging to or under the control of the Government shall be deemed to be injuriously affected by a work if telegraphic or telephonic communication by means of such line is, whether through induction or otherwise, in any manner affected by such work or by any use made of such work.

PART VII.**WATER RATE.**

Council to fix Water Rate in respect of buildings within the City.

52 The Council shall once in every year make and levy a Water Rate to be paid by the respective owners or occupiers of all lands, houses, buildings, or other premises within the City for the maintenance and management of the waterworks used or constructed by the Corporation for the supply of water to the inhabitants of the City under the provisions of this Act. Every such Rate shall be deemed to be a Municipal Rate and may be of an amount not exceeding the sum of One Shilling and Threepence for every Pound of the assessed annual value of every piece of land, house, building, or other premises owned or occupied as aforesaid according to the Assessment Roll in force for the time being. But no person who is the occupier or owner of any of the aforesaid description of premises shall be liable to the payment of the said Water Rate in a greater proportion than according to One-fourth part only of such annual value thereof unless such premises are actually supplied with water for domestic purposes, or unless the mains or other pipes of the Corporation are laid down and properly supplied with water within Fifty feet from the outer boundary of such premises.

One-fourth only of rate be levied unless premises are supplied with water.

Upon making Rate notice of same to be given.

53 Upon the making of any Water Rate under this Act, a notice signed by the Mayor and not less than Five Aldermen, specifying the amount in the pound of the rate, the period for which the same is made, and at what times the same is payable, shall be published in the *Gazette*; and upon any such notice being so published, the rate therein mentioned shall be payable and paid at the times specified in such notice by the persons liable to pay the same, according to the annual value of such property as ascertained and determined by the Assessment Roll then in force for the City; and it shall not be necessary in any such notice to set forth the names of the persons liable to the payment of the rate, or the sums which according to such rate such persons are liable to pay, or any other particulars than hereinbefore in that behalf mentioned.

Where several premises supplied by one pipe each to pay.

54 When several buildings are supplied by one common pipe, the several owners or occupiers of such buildings shall be liable to payment of the same Rate for the supply of water as they would have

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been liable to if each of such several buildings had been supplied with water from the waterworks by a separate pipe. A.D. 1894.

55 If any person liable as herein provided to pay any amount of Water Rate or charges neglects to pay the same within due time after the same has been lawfully demanded, the Mayor may, after giving Twenty-four hours' notice, stop the water from flowing into the premises in respect of which such rate is payable, by cutting off the pipe to such premises, or by such other means as he may think fit, and the amount of Water Rate due from such person, together with the expense of cutting off the water, may be recovered in the same manner as any Municipal Rate is recoverable. If Rate not paid Mayor may cut off water.

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

PART VIII.

LIGHTING RATE.

57 In order to provide for the payment of the interest from time to time accruing due upon any moneys borrowed under the authority of this Act, or of any Act hereby repealed, for the purpose of constructing any works or purchasing and erecting any machinery for generating and transmitting electricity in accordance with the provisions of this Act, the Council shall once in every year make and levy a Lighting Rate to be paid by the respective owners or occupiers of all houses, buildings, or other premises within the City. Council to fix Lighting Rate in respect of buildings within the City.

58 Every such Lighting Rate as aforesaid shall be deemed to be a Municipal Rate, and may be of an amount not exceeding the sum of Ten Pence for every Pound of the assessed annual value of every house, building, or other premises within the City according to the Assessment Roll in force for the time being. Rate not to exceed Ten Pence per Pound of the annual value.

59 Upon the making of any Lighting Rate under this Act, a notice signed by the Mayor and not less than Five Aldermen, specifying the amount in the pound of the rate, the period for which the same is made, and at what times the same is payable, shall be published in the *Gazette*; and upon any such notice being so published, the rate therein mentioned shall be payable and paid at the times specified in such notice by the persons liable to pay the same, according to the annual value of such property as ascertained and determined by the Assessment Roll then in force for the City; and it shall not be necessary in any such notice to set forth the names of the persons liable to the payment of the rate, or the sums which according to such rate such persons are liable to pay, or any other particulars than hereinbefore in that behalf mentioned. Upon making Rate notice of same to be given.

60 If any person liable as herein provided to pay any amount of Lighting Rate or charges neglects to pay the same within due time after the same has been lawfully demanded, the Mayor may, after If Rate not paid Mayor may stop current of electricity.

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Twenty-four hours' notice, stop the current of Electricity supplying the premises in respect of which such rate or charges is payable, by cutting off the wires to such premises, or by such other means as he may think fit, and the amount of Lighting Rate due from such person, together with the expense of cutting off the Electricity, may be recovered in the same manner as any Municipal Rate is recoverable.

No imprisonment
for non-payment
of rate or charges.

61 No person shall be liable to be imprisoned for non-payment of any expenses of Lighting Rate or charge for Electricity supplied under the provisions of this Act.

PART IX.**SUBURBAN WATER RATE.**

Suburban Water
Rates.

62 The Council is hereby empowered once in every year to make and levy and collect separate Suburban Water Rates upon and from the occupiers of all houses, buildings, and other premises in such places and districts beyond the City to and in which the Council have caused pipes to be laid down and water to be brought as hereinbefore mentioned according to the annual value of such houses, buildings, and premises, and of, upon, and from the occupiers of any land, not exceeding Ten acres, attached and belonging thereto respectively, as shown by the Assessment Roll made by the Council under this Act, and each such separate Suburban Water Rate shall be called the Suburban Water Rate for the place or district to which it relates, assigning to such place or district a distinctive name, and shall not exceed the sum of Two Shillings for every Pound of the assessed annual value of the houses, buildings, and lands in respect of which the Rate is levied: Provided that no occupier of any such house, building, or premises, or land shall be liable to the payment of any Suburban Water Rate unless the same is actually supplied with water for domestic or other purposes, or unless the main or other pipes of the Council are laid down and properly supplied with water within One hundred yards from the outer boundary of such house.

Every Suburban Water Rate made by the Council under this Act shall for all purposes be deemed to be a Water Rate made by the Council under this Act, and may be made, levied, recovered, and applied in the same manner as any Water Rate may be made, recovered, and applied under the provisions of this Act.

Council may
assess value of
property beyond
the City.

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

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64 Notwithstanding anything hereinbefore contained, the Council may supply water to the owners or occupiers of any lands, houses, or other buildings in any place outside of the City of *Launceston*, at such charges as shall from time to time be agreed upon and settled by and between the Council and the persons requiring the same.

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Supply of water outside City at such charges as may be agreed.

65 Nothing herein contained shall be construed to prevent any Town Board or other Local Authority outside the City of *Launceston* from procuring an independent supply of water for its Ratepayers; and when any Town Board or other Local Authority shall take steps to procure such an independent water supply, the water mains or pipes within its limits then vested in the Corporation shall be valued by Two Arbitrators, one to be appointed by the Corporation and the other by the Local Authority.

Reserving rights of Suburban Local Authorities.

PART X.

POWER TO BORROW MONEY.

66 All powers vested in the Corporation by any Act hereby repealed to borrow money for the purposes of purchasing land and constructing and maintaining and managing Waterworks for the supply of water under the provisions of such Act may be exercised in accordance with the provisions of such Act for the purposes of purchasing land and constructing and maintaining Waterworks under the provisions of this Act in the same manner as if this Act had not been passed.

Power to borrow money under former Acts saved.

67 It shall be lawful for the Corporation, for the purposes of diverting and appropriating water from the *South Esk* River, and purchasing land, and constructing, purchasing, erecting, and maintaining and managing waterworks, machinery, buildings, and appliances for the supply of electricity in accordance with the provisions of this Act, to borrow on mortgage any sums not exceeding Fifty thousand Pounds sterling, and to make and grant mortgages of the revenue arising from the Electric Light Rate levied under this Act in security of the payment of the money so borrowed and interest thereon.

Power to borrow money.

68 The provisions of *The Launceston Corporation Act* relating to mortgages of rates shall, subject to the provisions of this Act, be applicable to mortgages to be granted under the authority of this Act, and whenever the Municipal Council hereafter borrows upon mortgage any money authorised to be borrowed by any Act hereby repealed, the provisions of *The Launceston Corporation Act* relating to mortgage of rates shall, subject to the provisions of this Act, be applicable to such mortgages.

Part of 22 Vict. No. 12, to be applicable to mortgages under this Act.

69 All moneys borrowed by the Corporation by virtue of any Act hereby repealed shall be deemed to be secured upon the rates and charges payable under this Act, until such moneys with the interest due thereon shall be repaid.

Moneys borrowed under former Acts to be deemed to be borrowed under this Act until repaid.

70 All valid mortgages made by the Council under any Act hereby repealed, and subsisting upon the commencement of this

Subsisting mortgages under

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 former Acts to be
 valid notwith-
 standing repeal.

Act, shall be good, valid, and subsisting mortgages, notwithstanding such repeal; and all the provisions of *The Launceston Corporation Act* relating to mortgages of rates shall be applicable to such mortgages so far as the same can be applied thereto.

Power to borrow
 money after
 having paid
 previous loan.

71 If after having borrowed any sum of money which the Corporation is empowered to borrow under the authority of this Act, or any part thereof, the Corporation pays off the same, it shall be lawful for the Corporation again to borrow the amount so paid off, and so from time to time; and the provisions of *The Launceston Corporation Act* relating to mortgages of rates shall, subject to the provisions of this Act, be applicable to mortgages to be granted under the authority of this Act.

Governor in
 Council may
 guarantee interest
 on the loan.

72 In order to facilitate the borrowing by the Corporation of any sum of money which the Corporation is authorised to borrow as aforesaid, it shall be lawful for the Governor in Council to guarantee the payment of interest upon the same, or any part thereof, to the lenders: Provided always, that in every such case, and so far as the Governor in Council, in consequence of such guarantee, advances and pays any sum of money to any such lender, all moneys so paid shall be, and the same are hereby declared to be, a first or primary charge upon the rates and charges to be received by the Council under the authority of this Act.

Mortgages may
 be exchanged.

73 The holder of any valid subsisting mortgage issued under any Act hereby repealed may, if the Council approves, exchange the same for mortgages of equal amount to be issued under the authority of this Act upon such terms and conditions as may be agreed upon between the holders of such mortgage and the Council.

Where any mortgage is exchanged as aforesaid no Stamp Duty shall be payable upon the issue of such new mortgage, but the same shall be endorsed by a Collector of Stamp Duty as "not liable to Stamp Duty," if the Collector shall be satisfied that such new mortgage is not liable to Stamp Duty; and if such new mortgage is issued not being endorsed as aforesaid, or not being duly stamped, such mortgage shall be null and void.

Trustees may
 invest in such
 loans.

74 It shall be lawful for the Trustees for the time being of any Bank for Savings in *Tasmania*, now or hereafter to be established, and the Trustees of any "Certified Friendly Society" under "The Friendly Societies Act," to advance and lend to the Council, upon the security aforesaid, any sum of money which the Corporation is authorised to borrow as aforesaid, anything in any Act to the contrary notwithstanding.

Savings Banks
 may invest in
 such loans.

75 It shall be lawful for the Trustees for the time being of any Bank for Savings in *Tasmania* now established, or hereafter to be established, to advance and lend to the Council, upon the security aforesaid, any part of the sum, not exceeding Ten thousand Pounds sterling, which the Corporation is authorised to borrow under this Act, anything in the Act of Council of the 12th *Victoria*, No. 1, to the contrary notwithstanding.

Money may be
 borrowed under
 provisions of
 the "Local Bodies
 Loans Act."

76 Notwithstanding anything hereinbefore contained, the Corporation may borrow under the provisions of "The Local Public Works Loans Act, 1890," any sum or sums of money which the Corporation is by this Act authorised to borrow for any of the purposes of this Act; and

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~~the expression "Local Body" as used in "The Local Bodies Loans Act" shall, for the purposes of this Section, include the Municipal Council of the City of Launceston~~ A.D. 1894.

Rep'd 59 vic 10.52 5.10.

PART XI.

WATER AND LIGHT ACCOUNTS.

Launceston Water Account.

77 The Treasurer of the Corporation shall keep a separate and distinct account, to be called "The *Launceston Water Account*," of all moneys received and paid under the powers and provisions of this Act which relate to the supply of water to the inhabitants of the City of *Launceston* and the suburbs thereof, and to the supply of water to the shipping in the Port of *Launceston*; and all moneys received by the Council or the Treasurer under the powers and provisions lastly aforesaid shall be carried to the credit of the said account, and, subject to the provisions hereinafter contained authorising the appropriation to other purposes of the balance of any surplus moneys standing to the credit of the said account, shall be appropriated and applied to the purposes of supplying water as aforesaid in accordance with the powers and provisions of this Act, including the purchase of any land taken under the powers and provisions of this Act for the purposes aforesaid and the payment of any compensation payable under the said powers and provisions of this Act.

Water Account to be kept.

78 If after providing for the payment of all interest payable upon any money borrowed by the Corporation for the construction of waterworks to supply the inhabitants of the City of *Launceston* and other places with water in accordance with the provisions of this Act, or of any Act hereby repealed, and defraying the costs of managing and conducting such waterworks, there shall be any surplus moneys standing to the credit of "The *Launceston Water Account*" hereinbefore mentioned, the Council may from time to time, as it sees fit, appropriate in and towards the construction of streets and paths in the said City one-fourth of all such surplus moneys as aforesaid; and the Council shall apply the balance of such surplus moneys towards defraying the costs of managing and conducting the said Waterworks in the year next following, so that a proportionate reduction may be made in the rates and charges to be made and levied in respect of water supplied under this Act in such next following year as aforesaid.

Appropriation of Water Rate and charges.

Launceston Electric Light Account.

79 The Treasurer of the Corporation shall keep a separate and distinct account, to be called "The *Launceston Electric Light Account*," of the proceeds of all rates and all moneys received and paid under the powers and provisions of this Act which relate to the lighting of the City of *Launceston* and the supply of electricity; and all rates and moneys received by the Council or the Treasurer under such powers and provisions shall be carried to the credit of the said account, and, subject to the provisions hereinafter contained authorising the appropriation to other purposes of the balance of any surplus moneys

Electric Light Account to be kept.

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standing to the credit of the said account, shall be appropriated and applied to the purposes of lighting the City of *Launceston* with electric light and supplying electricity to the inhabitants of the said City in accordance with the provisions of this Act, including the purchase of any land taken under the provisions of this Act for the purposes aforesaid, and the payment of any compensation payable under the said powers and provisions of this Act.

Repealed 59 Vic No 52
Sinking Fund to be established.

Electric Light Sinking Fund.
80 It shall be lawful for the Council, and it is hereby required, annually to set apart as a Sinking Fund a sum not less than One Pound nor exceeding Five Pounds per centum per annum on the amount of the moneys raised and borrowed under the authority of this Act, or of any Act hereby repealed for the purpose of constructing and erecting works and machinery for the generation and transmission of electricity, and such Sinking Fund shall be from time to time applicable to the redemption of mortgages representing such moneys as aforesaid and the restoration and improvement of the said works and machinery, and to no other purpose whatsoever.

Appropriation of Lighting Rate and charges.

81 If after providing for the payment of all interest payable upon any money borrowed under the provisions of this Act, and defraying the cost of maintaining such machinery, works, and appliances as shall be provided by the Corporation for generating and supplying electricity, and also providing for the Sinking Fund as hereinbefore mentioned, any balance shall remain on "The Electric Light Account," such balance shall be applied annually in reduction of "The Lighting Rate" for the following year.

PART XII.**POWER TO EXAMINE GAS PIPES.**

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

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

The expenses to abide the result of the examination.

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

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84 The amount of the 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 of the Peace.

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How expenses to be ascertained.

PART XIII.

WASTE OR MISUSE OF WATER OR ELECTRICITY.

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

Service pipes to be kept in repair.

86 The Council may repair any such pipe, or other apparatus, so as to prevent any such waste of water, and the expenses of such repair shall be repaid to the Council by the person so allowing the same to be out of repair, and may be recovered by the Council from such person in a summary way.

Council may repair service pipes.

87 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 Council, shall be so constructed and used in such manner as may be prescribed by regulations to be made by the Council, 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 Council, or into any pipes connected 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 as aforesaid, until such cistern or other receptacle for water, or such closet, soil-pan, or private bath is constructed and used as prescribed as aforesaid.

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

88 If any person when required by the Council neglects to keep in repair any of the works by which his premises are supplied with electricity under the authority of this Act, the Council may cut off the supply of electricity 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.

Electric service works to be kept in repair.

89 The Superintendent of Waterworks, 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 or electricity under the authority of this Act, in order to examine if there is any waste or misuse of such water or electricity and the condition or state of repair of the pipes or works by which such water or electricity is supplied to such house or premises; and if such Superintendent of Waterworks

Penalty for obstructing Council.

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or other person is at any such time refused admittance into such house or premises for the purpose aforesaid, or is prevented from making such examination as aforesaid, the Council may turn off the water or cut off the supply of electricity from such house or premises.

PART XIV.

OFFENCES.

Power to enter premises to inspect.

90 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 less than Ten Pounds nor more than Fifty Pounds.

Injuring Water-works or preventing flow of water.

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

Destroys or injures any of the waterworks belonging to the Corporation :

Removes or injures or destroys any survey peg or land-mark inserted or made in connection with any work constructed under the authority of this Act or of any Act hereby repealed :

In any manner prevents or obstructs the flow of water in the *St. Patrick's* River, or in or through any watercourse, tunnel, or other waterwork :

Otherwise injures or obstructs the passage of the water in a pure and wholesome state in the *St. Patrick's* River, or through any watercourse, tunnel, or other waterwork.

Fouling water.

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

i. Every person who bathes in any part of the *Saint Patrick's* River within Three miles above the dam erected by the Council thereon, 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 :

ii. Every person who throws any rubbish, dirt, filth, or other noisome thing into the said river as aforesaid above the said dam, or into any such reservoir, aqueduct, or other waterwork as aforesaid, or washes or cleanses therein any cloth, wool, leather, or skin of any animal, or any clothes or other thing :

iii. Every person who causes or permits the water of any sink, sewer, or drain, steam engine, boiler, or other filthy water belonging to him or under his control, to run or be brought into the said river above the said dam, or into any such reservoir, aqueduct, or other waterwork, or who does or permits any other act whereby the water of the waterworks for supplying the same is fouled :

And every such person shall incur a further penalty of Two Pounds for

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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. A.D. 1894.

93 Every person who wilfully and maliciously damages or destroys any of the waterworks or any part thereof, or who wilfully and maliciously does any act calculated to render the water in the waterworks for supplying the same unwholesome or offensive, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned for any term not exceeding Three years. Maliciously injuring works or fouling water a misdemeanor.

94 Any person found committing any offence mentioned in the last preceding Section may be immediately apprehended without a warrant by any constable or any person who sees such offence committed, and forthwith taken before a Justice of the Peace to be dealt with according to law. Certain offenders may be apprehended.

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

96 Every person who, 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, shall for every such offence incur a penalty not exceeding Twenty Pounds. Taking water without authority.

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

98 Every person supplied with water by the Corporation who suffers any pipe or other apparatus by means of which his premises are supplied with water to be out of repair, so that the water supplied to him by the Corporation is wasted, shall for every such offence incur a penalty not exceeding Five Pounds. Suffering service pipe to be out of repair.

99 Every person who wilfully or carelessly breaks, injures, or opens any lock, cock, valve, pipe, 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, shall for every such offence incur a penalty not exceeding Twenty Pounds. Destroying valves, &c.

100 Whenever the water supplied by the Council is fouled by the gas of any persons making or supplying gas, such persons shall for every such offence incur a penalty not exceeding Twenty Pounds, and Fouling water by gas.

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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.

Injuring water-works or preventing flow of water.

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

- i. Destroys or injures any of the waterworks constructed under the authority of this Act:
- ii. In any manner wilfully prevents or obstructs the flow of water in the *South Esk* River, or in or through any watercourse, tunnel, or other waterwork constructed under the authority of this Act:
- iii. Injures or destroys, or permits to be injured or destroyed, any machinery, lamps, wires, posts, piers, supports, conductors, communicators, distributors, or machinery of any kind erected by the Corporation under the authority of this Act.

Allowing person not supplied to use the water.

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

Taking Electricity, &c. without authority.

103 Every person who, without due authority, takes any Electricity from any wire or conductor or other work belonging to the Corporation, shall for every such offence incur a penalty not exceeding Twenty Pounds.

Attaching any pipe, &c. without authority.

104 Any person who makes any pipe or wire or conductor to communicate with any wire or conductor of the Corporation, without the authority of the Council in that behalf, shall incur a penalty not exceeding Twenty Pounds.

Accessories to offences liable as principals.

105 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.

106 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 Water Account or Electric Light Account, as the case may be.

Recovery of fines, penalties, &c.

107 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 or Stipendiary Magistrate, or before any Two or more Justices of the Peace, in the mode prescribed by *The Magistrates' Summary Procedure Act*.

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108 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 *The Appeals Regulation Act*. A.D. 1894.
Appeal.

109 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. Person convicted of offence may be ordered to pay sum of money equal to value of property damaged.

PART XV.

OFFICERS.

110 The Council may from time to time appoint and employ an Engineer and a Superintendent of Waterworks and such other Officers and other persons as the Council thinks necessary and proper for the execution of the powers vested in the Council by this Act; and, subject to the provisions of this Act, the provisions of *The Launceston Corporation Act* relating to officers and their accountability shall be applicable to all officers and other persons appointed or employed under this Act, and shall be incorporated with this Act. Appointment of officers.

111 Wherever by this Act authority is conferred on the Council 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 Council to extend to officers duly authorised.

PART XVI.

BY-LAWS.

112 The Council shall have power from time to time to make, alter, modify, amend, or repeal By-laws for the following purposes :— By-laws.

For regulating the charges, terms, and conditions upon which water shall be supplied in the cases provided for by Section Thirty-five of this Act :

For regulating the charge for water supplied to the shipping in and frequenting the River *Tamar* at *Launceston* :

For regulating the charges, terms, and conditions upon which Electricity shall be supplied to any person under the authority of this Act :

For regulating the description of pipes, conductors, wires, and other apparatus by means of which Water or Electricity may be laid on, distributed, or supplied by the Council, and for prohibiting the use of any other description of pipes, conductors, wires, or apparatus :

For regulating all other matters and things which may be found to be necessary or proper in connection with the supply of Electricity or Water under this Act :

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A.D. 1894.

For preventing injury to the waterworks belonging to the Corporation, or any of the works or machinery or apparatus erected by the Council for the generation or transmission of electricity: 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 wire or conductor or 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.

Subject to the provisions of this Act, the provisions of *The Launceston Corporation Act* relating to By-laws made under that Act shall be applicable to the By-laws made under this Act.

PART XVII.

MISCELLANEOUS.

Interest in execution of Act not to be a disqualification.

113 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 *Launceston*, or by reason of his being liable to any rate or charge for Electricity or Water supplied under this Act, or of his premises being supplied, or being so situated as to be capable of being supplied, with Water or Electricity under this Act.

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

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

Applies provisions of 22 V. No. 12, relating to rates.

115 Subject to the provisions of this Act, all the provisions of *The Launceston Corporation Act* which relate to the making, levying, and recovery of rates shall be applicable to all rates to be made and levied under this Act.

No charge to be made for water supplied to Hospitals, &c.

116 The Council shall not make more than one-third of the usual charge for water supplied under this Act to any Hospital, Benevolent Asylum, or other building used solely for charitable purposes.

Charges for water how to be recovered.

117 The like proceedings may be had for recovering and enforcing the payment of any charges payable by any person to the Corporation for water supplied by the Council in accordance with any of the provisions of this Act, as may be had for recovering and enforcing payment of any Rate payable under this Act.

Charges for lighting how to be recovered.

118 The like proceedings may be had for recovering and enforcing the payment of any charges payable by any person to the Corporation for the supply of Electricity by the Council under this Act as may be had for recovering and enforcing any Rate payable under this Act.

No rate to be payable in respect of certain properties.

119 No rate made or levied under the provisions of this Act shall be payable in respect of any land which shall be assessed under the provisions of "*The Launceston Corporation Act, 1894*," upon the basis of its capital value.

Launceston Water and Light.

120 All things whatsoever done by the Council or any of its officers or any other person before the passing of this Act, and purported to have been done under the authority of any Act hereby repealed, is hereby declared to be valid and effectual for all purposes whatever, notwithstanding any defect or informality in the manner in which any such thing was done, or the absence of sufficient power or authority to do the thing so purported to have been done.

A.D. 1894.

Proceedings
under previous
Acts validated.

121 All works of whatsoever description constructed or commenced by the Council before the passing of this Act for the purpose of supplying water or light to the City of *Launceston* or other places shall be deemed to have been constructed or commenced in accordance with any Act hereby repealed under which such works might have been lawfully constructed or commenced; and in any case in which any Act hereby repealed required the approval of a majority of the Citizens of the City of *Launceston* for the construction or commencement of any work therein mentioned, and such work has been constructed or commenced by the Council before the passing of this Act, such work shall be deemed to have duly received such approval before it was constructed or commenced.

All works con-
structed or
commenced by the
Council for
supplying water
or light to be
deemed to be
duly authorised.

122 All sums of money payable by any person for water or electricity supplied by the Corporation under the provisions of this Act shall be a debt due from such person to the Corporation, and shall be recoverable by the Corporation from such person in any Court of competent jurisdiction, as well as by any other mode provided by this Act.

Moneys payable
for water or
electricity to be
recoverable in
any Court of
competent
jurisdiction.

SCHEDULE.

ACTS TO BE REPEALED.

Sect. 4.

<i>Date and Number of Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
41 Vict. No. 22.	"The Launceston Water Act, 1878."	The whole Act.
42 Vict. No. 34.	"The Launceston Water Act, No. 2."	The whole Act.
47 Vict. No. 26.	"The Launceston Water Act, No. 3."	The whole Act.
51 Vict. No. 43.	"The Launceston Electric Light Act, 1887."	The whole Act.
54 Vict. No. 47.	"The Launceston Electric Light Amendment Act."	The whole Act.
57 Vict. No. 26.	"The Launceston Electric Light Act, 1893."	The whole Act.

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