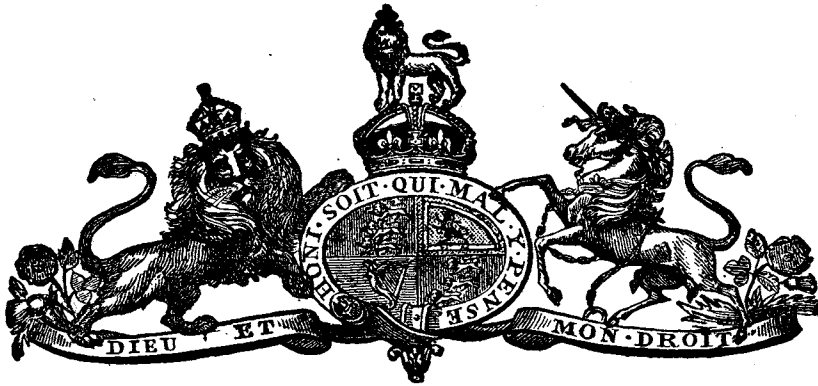


TASMANIA



1912.

ANNO TERTIO

GEORGI V. REGIS.

No. 36.

ANALYSIS.

- |                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>1. Short title.</li> <li>2. Interpretation.</li> <li>3. Repeal of Divisions (1) and (2) of Part V. of 58 Vict. No. 31.</li> <li>4. Substitution of new division.<br/>Supply of water for domestic use within the city.<br/>Supply of water for domestic use beyond the city.<br/>Supply of water for purposes other than domestic use.</li> </ul> | <ul style="list-style-type: none"> <li>Definition of domestic purposes and of extraordinary supply.</li> <li>Council may determine the description of service pipes, &amp;c., to be used.</li> <li>5. Amendment of Section 112 of 58 Vict. No. 31.</li> <li>6. Money may be raised by mortgage or debenture.</li> <li>7. Mortgages and debentures not liable to stamp duties.</li> <li>8. Acts to be read together.</li> </ul> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

\*\*\*\*\*

AN ACT to further amend "The Launceston Water and Light Act, 1895."  
A.D. 1912.  
 [17 December, 1912.]

**W**HEREAS it is expedient to further amend "The Launceston Water and Light Act, 1895," in the manner hereafter appearing:— PREAMBLE.  
58 Vict. No. 31.  
 Be it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly in Parliament assembled, as follows:—

**1** This Act may be cited as "The Launceston Water and Light Act No. 6." Short title.

*Launceston Water and Light.*

A.D. 1912.

Interpretation.

**2** In this Act the following words and expressions shall have the meanings hereinafter assigned to them respectively, that is to say—

“The said Act” shall mean “The Launceston Water and Light Act, 1895”:

“The Corporation” shall mean “The Mayor, Aldermen, and Citizens of the City of Launceston”:

“The Council” shall mean “The Municipal Council of the City of Launceston”:

“The City” shall mean “The City of Launceston.”

Repeal of  
Divisions (1) and  
(2) of Part V. of  
58 Vict. No. 31.

**3** Divisions (1) and (2) of Part V. of the said Act containing Sections Thirty-four, Thirty-five, Thirty-six, Thirty-seven, and Thirty-eight of the said Act are hereby repealed, but such repeal shall not affect anything done or any liability or duty incurred, or any supply of water furnished, or any charges or sums of money payable before the commencement of this Act, under or in pursuance of such sections or any of them, save and except that every supply of water furnished before the commencement of this Act shall hereafter be deemed to have been furnished under the provisions of the sections which are by this Act substituted in place of the said sections hereby repealed.

Substitution of  
new divisions.

**4** The following provisions are hereby inserted in the said Act in the place and stead of Divisions (1) and (2) of Part V. of the said Act repealed by this Act, and shall be and be deemed to be, and be read and construed, and may be cited as Divisions (1) and (2) of Part V. of the said Act and the several sections thereof as Sections Thirty-four, Thirty-five, Thirty-six, Thirty-seven, and Thirty-eight respectively of the said Act:—

“(1) *Supply of Water.*”

Supply of pure  
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, within the city, the outer boundary of which is within Fifty feet of any main or other pipe of the Corporation, furnish to such owner or occupier by means of service pipes and other necessary and proper appliances and apparatus to be provided, laid down, affixed, and maintained by the Corporation at the cost of such owner or occupier, or of the owner or occupier for the time being of such house or dwelling, a sufficient supply of pure water for domestic purposes only for use in or about such house or dwelling.”

Supply of pure  
water for domestic  
use beyond the  
city.

“**35** The Corporation may, if the Council thinks fit, cause pipes to be laid down and pure water to be brought in such pipes to such places and districts beyond the city as the Council sees fit, and all such pipes, and the cost of and incidental to laying them down, may be paid for wholly or in part either by the Corporation or by such person, and in such manner as the Council may agree with and determine, but in any case all such pipes and all appliances and apparatus connected therewith shall be and remain the property of the Corporation, and they or any of them may be taken up and removed by the Corporation

*Launceston Water and Light.*

if and whenever the Council may think fit: And the Corporation may, if the Council thinks fit, at the request of the owner or occupier of any house or part of a house occupied as a separate dwelling beyond the city, the outer boundary of which is within Fifty feet of any main or other pipe of the Corporation furnish to such owner or occupier by means of service pipes and other necessary and proper appliances and apparatus, to be provided, laid down, affixed, and maintained by the Corporation at the cost of such owner or occupier, or of the owner or occupier, for the time being, of such house or dwelling, a sufficient supply of pure water for domestic purposes only for use in or about such house or dwelling, 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 such owner or occupier: Provided always that as far as possible the charge for such supply of water shall be uniform to all persons in the same circumstances and requiring the same extent of supply.”

A.D. 1912.

“ 36 The Corporation may if the Council thinks fit furnish to any person requiring the same at or upon any premises either within the city or beyond the city an extraordinary supply of water 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 requiring such extraordinary supply of water: Provided always that as far as possible the charge for such extraordinary supply of water shall be uniform to all persons in the same circumstances and requiring the same extent of supply.”

Supply of water for purposes other than domestic use.

“ 37 The words ‘ Domestic Purposes ’ used in this part of the Act shall mean the following purposes, viz :—

Definition of domestic purposes and of extraordinary supply.

The use by the owner or occupier for the time being of the house or dwelling supplied, and the family of such owner or occupier and all inmates of and persons employed in or about such house or dwelling—

For drinking ;

For culinary or cooking purposes ;

For personal ablution, including baths ;

For flushing water-closets ;

For washing or cleansing furniture, clothes, linen, blankets, bedding, utensils, and other articles and things used in housekeeping, in or about the house or dwelling supplied ; and

For washing or cleansing the said house or dwelling, or any out-house, yard or stable appurtenant thereto, but not any stable used to accommodate any horse or horses used for the purposes of any business, trade or calling.

And an ‘ extraordinary supply of water ’ shall mean any and every

*Launceston Water and Light.*

A.D. 1912.

supply of water supplied for any purpose other than the purposes which are hereinbefore declared to be meant by the words 'Domestic Purposes.' ”

“(2) *Service Pipes, &c.*”

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

“**38** The description of service pipes and other appliances, and 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 and may refuse to supply water in any case in which the required description of service pipes or other appliances or 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 service pipes or other appliances or apparatus is provided; and only licensed plumbers approved by the Council shall be employed by any person for the purpose of laying down, connecting, fixing, altering, repairing or interfering with the service pipes, or other appliances or apparatus necessary or used for supplying any premises with water.”

Amendment of Section 112 of 58 Vict. No. 31.

**5** The word “Section” is hereby expunged from the Fourth line of Section 112 of the said Act, and the words “Sections Thirty-five and” are hereby inserted in lieu thereof.

*Mortgage of Rates.*

Money may be raised by mortgage or debenture.

**6** It shall be lawful for the Corporation to borrow any sum of money which the Corporation now is authorised to borrow by virtue of the said Act or any sum of money which the Corporation now is or shall at any time hereafter be authorised to borrow in accordance with the provisions of Part X. of the said Act, by virtue of any other Act, or any part or parts of any such sum of money—

Either on mortgage in accordance with the provisions of the said Part X. of the said Act;

Or by the issue of debentures.

And whenever the Corporation shall raise any such sum of money or any part of such sum by the issue of debentures all the provisions (except as hereinafter mentioned) of “The Town of Launceston Loans Consolidation Act, 1886,” (hereinafter called the Consolidation Act) shall apply to such debentures as if the money raised was money raised under Section Three of the Consolidation Act: Provided that—

50 Vict. No. 2.

1. The consecutive numbering of the debentures issued under the Consolidation Act shall be separate and distinct from the numbering under this Act, for which a separate register shall be kept:

ii. The words “any mortgage or bond heretofore issued under any of the said hereinbefore recited Acts” occurring in Section Eleven of the Consolidation Act shall be deemed to include any mortgage in accordance with the provisions of the said Part X. of the said Act, whether dated before or after the commencement of this Act:

*Launceston Water and Light.*

- iii. Sections Eighteen, Nineteen, Twenty, Twenty-one, Twenty-two, Twenty-three, and Twenty-four of the Consolidation Act shall not apply to debentures issued under the provisions of this Act : A.D. 1912.
- iv. The debentures and mortgages shall rank equally according to their face values :
- v. The judge shall on the appointment of a receiver so modify and alter the powers of the receiver as the judge shall think just and reasonable for the purpose of providing protection for the mortgagees and their transferees :
- vi. A judge of the Supreme Court is hereby empowered from time to time after the appointment of a receiver or after a mortgagee or his transferee has entered into possession to make such orders as to the judge shall appear advisable to ensure that the mortgagees and their transferees and the debenture-holders are all equally fairly protected and to ensure that the rates and other moneys received are applied to and for the use and benefit of all mortgagees, transferees and debenture-holders, *pari passu*, and in proportion to the several sums due to them : Vide 50 Vict. No. 2., s. 27, and 58 Vict. No 30, s. 152.
- vii. The Government may guarantee the payment of interest on debentures issued under this Act, in the same way as in the case of debentures issued under "The Consolidation Act" :
- viii. The word "mortgage," in Section One hundred and Fifty-one of "The Launceston Corporation Act, 1894," shall include debenture. 58 Vict. No. 30.
- ix. The Schedules A, B, and C to the Consolidation Act shall be altered as is necessary for the purposes of this Act.
- x. Notwithstanding anything contained in the Consolidation Act, it shall not be obligatory on the Council to provide in the manner directed by Section Fifteen of the Consolidation Act for the redemption of any debentures issued under the provisions of this Act, or for the redemption of any renewals of any such debentures. cf. 59 Vict. No. 51, s. 3, and 59 Vict. No. 52, s. 6.

**7** Mortgages of rates given by the Corporation, and transfers of such mortgages, and also debentures issued by the Corporation, and coupons annexed thereto shall not be liable to the payment of any stamp duty under any Act imposing stamp duties in this State, whether such mortgages or debentures are given or issued under the provisions of the said Act or "The Launceston Corporation Act, 1894," or any other Act authorising the Corporation to borrow money or to give or issue mortgages or debentures. Mortgages and debentures not liable to stamp duty.  
cf. 45 Vict. No. 16, s. 45.

**8** This Act and the said Act and every other Act amending the said Act shall be read and construed together as one Act. Acts to be read together.

