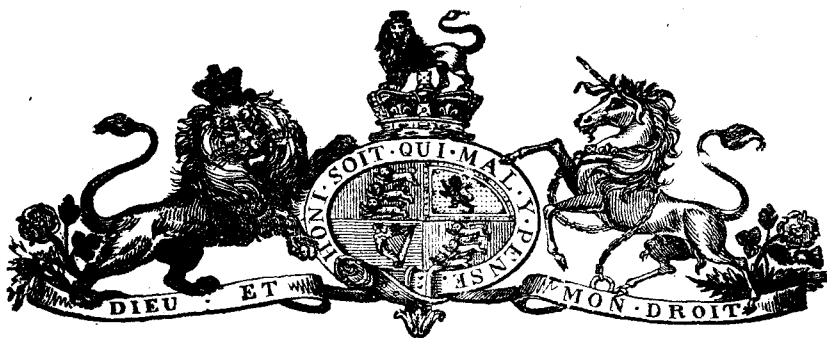


T A S M A N I A.



1895.

ANNO QUINQUAGESIMO-NONO

VICTORIÆ REGINÆ,

No. 55.

Am. 6th 7. no. 3.

AN ACT to make provision for a Supply of A.D. 1895.
Water for the Town of *Scottsdale*.

[24 October, 1895.]

WHEREAS it is expedient to make legislative provision to ensure PREAMBLE.
a supply of Water for the use of the inhabitants of the Town of
Scottsdale, from such source, and in such manner, and under such
control, management, and conditions as are hereinafter provided :

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

1 This Act may be cited for all purposes as “The *Scottsdale* Water Short title.
Act, 1895.”

2 “The Town Boards Act, 1891,” shall, except as hereby expressly Incorporation.
varied, be incorporated with this Act, but there shall not be incorporated 55 Vict. No. 41.
with this Act Section One hundred and forty-one of the said Act.

3 In the construction and for the purposes of this Act, and of all Interpretation.
proceedings under this Act, or under any By-laws in force or **made**
under this Act, unless the context otherwise determines—

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48 Vict. No. 30.

55 Vict. No. 41.

“Town” means the Town of *Scottsdale*, as proclaimed under “The Town Boards Act, 1884:”

“Board” means the Board of the Town of *Scottsdale*, elected under “The Town Boards Act, 1891:”

“Landholder” extends to and includes the owner or occupier of any property situate within the Town whose name is on the Assessment Roll:

“Person” includes Corporation:

“Property” includes lands and buildings:

“Assessment Roll” means and includes every Assessment in force for the time being, or made under the authority of this Act, in which any property situate within the Town is comprised:

“Rate” shall mean a Rate duly made under and for the purposes of this Act:

“Waterworks” extends to and includes all reservoirs, wells, cisterns, tanks, aqueducts, watercourses, 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 from time to time necessary or used for effecting the purposes of this Act:

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

Power to erect works, and divert water of the *Brid* River.

4 It shall be lawful for the Board to enter from time to time upon the *Brid* 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.

Purchase of land.
21 Vict. No. 11.

5 The Board is hereby empowered to purchase any land which it may consider to be necessary for the purposes of this Act, and which it may think proper to purchase, and for the purpose of facilitating and effectuating any such purchase *The Lands Clauses Act*, except as hereby expressly varied, shall be incorporated with this Act, but—

i. There shall not be incorporated with this Act the Sections and provisions of the said Act hereinafter mentioned; that is to say,—Sections Eight and Nine:

ii. In the construction of this Act and the said incorporated Act this Act shall be deemed to be the Special Act, and the Board shall be deemed to be “the Promoters of the undertaking.”

Entry on land.

6 For the purposes of this Act, it shall be lawful for the Board to enter upon any land and to take levels of the same and to set out such parts of such land as the Board may think necessary, and to 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 upholding of the works authorised by this Act; and to cut down any indigenous timber which, in the opinion of the Board, may be a source of danger to the works so constructed.

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- 7** Prior to the first entry upon any land by the Board for the purposes of this Act, not less than Seven days' notice of the intention of the Board to enter shall be given, in writing, by the Board to the owner and the occupier, if any; but no notice shall be necessary previous to any subsequent entry by the Board upon such land for the purposes of this Act. A.D. 1895.
Board to give notice prior to first entry upon land.
- 8** It shall be lawful for the Board from time to time to make, construct, lay down, maintain, alter or discontinue such waterworks upon any land as the Board thinks necessary for the purposes of this Act. Construction of works.
- 9** The Board may from time to time open and break up the soil and pavement of any road along which it may be expedient to convey water for the purposes of this Act, whether such road shall be within the limits of the Town boundary or beyond the same; and may open and break up any sewers, drains, or tunnels within or under any such road, and lay down and place therein or thereunder pipes, service pipes, and other works, engines, buildings or reservoirs, provided that no permanent obstruction to the traffic over such road be occasioned by any such erection; and may from time to time repair, alter, or remove the same, and do all other acts which the Board may from time to time deem necessary for supplying water to the inhabitants of the Town and any part beyond whereunto the Board may be required to bring the same. Breaking up roads.
- 10** Whenever by this Act authority is conferred on the Board 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 Board, and to all necessary agents, assistants, servants, and workmen. Powers conferred on Board to extend to officers duly authorised.
- 11** The Board shall, at the request of the owner or occupier of any house situate within the Town, furnish to such person within such house by means of communication by pipes and other necessary appliances to be provided, laid down, and maintained by the Board, at the cost of such person, a sufficient supply of water for his domestic purposes, including a supply for any private water-closet or fixed bath. Supply of water.
- 12** The Board may cause pipes to be laid down and water conveyed to any part beyond the boundary of the Town, whereunto the Board is required by the owners or occupiers of houses in any such part, on payment of the expense of providing and laying down such pipes, provided that no such requisition shall be binding on the Board unless such owner or occupier shall execute an agreement binding himself to take such supply of water for Three successive years at least, and on such terms for the payment of the same as may be agreed on. Supply beyond boundary of Town.
- 13** The Board may, if it sees fit, furnish to any person a supply of water for steam engines, or working machines, or apparatus, or for horses, or cattle, or washing carriages, or for gardens, or for flushing sewers or drains, or for any trade, manufacture, or business, or for any other purpose not domestic, such supplies to be so furnished at such charges and upon such conditions as may be agreed upon between the Other than domestic purposes.

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Board and the person desiring the same, provided that the charge for the same, as far as possible, shall be uniform to all persons in the same circumstances and requiring the same extent of supply.

Board may levy Rate.

14 It shall be lawful for the Board, yearly, half-yearly, or at such other periods as to it may seem necessary, to make and levy a Rate to be paid by the occupiers of all properties within the Town for the purposes of this Act.

Limit of Rate.

15 Such Rate being a Water Rate may be assessed on such property according to the capital or annual rateable value thereof, or on any other scale or principle of calculation which the Board may determine: Provided that such Rate shall not in any one year exceed Two Shillings in the Pound upon the annual value of such property as ascertained by the Assessment Roll in force for the time being in the Town, or One Penny One Farthing in the Pound on the capital value of such property as shown by the Assessment Book in force for the time being under "The Assessment Act, 1887."

One-fourth only to be levied.

16 No person shall be liable to the payment of the said Water Rate in a greater proportion than upon One-fourth part only of such annual or capital value of any property occupied by such person unless such property is actually supplied with water for domestic purposes, or unless the mains or other pipes of the Board are laid down and properly supplied with water within Fifty feet of a dwelling-house on such property.

Power to remit.

17 In case any house shall have remained empty for not less than thirteen consecutive weeks, the Board may remit the Water Rate for such time or such portion thereof as it shall think fit.

Upon making Rate notice of same to be given.

18 Upon the making of any such Rate, a notice signed by the Chairman of the Board and not less than Two other Members, 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 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 Assessment Roll then in force for the purposes of this Act; 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 are hereinbefore in that behalf mentioned.

Where several premises supplied by one pipe, each to pay rate.

19 When several buildings are supplied by one common pipe, the several occupiers of such buildings shall be liable to the payment of the same Rate for the supply of water as they would have been liable to if each of such several buildings had been supplied with water from the waterworks by a separate pipe.

Rate how to be recovered.

20 If any person, liable as herein provided to pay a Water Rate, neglects to pay the same within due time after the same has been lawfully demanded, the Board may 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 means as the Board may think

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fit, and may recover the amount due from such person, together with the expense of cutting off the water, in the same manner as any Water Rate is recoverable under this Act. A.D. 1895. —

21 The like proceedings may be had for recovering and enforcing the payment of any expenses incurred in the execution of this Act which may become payable by any person to the Board, or for enforcing and recovering payment for any charge for the supply of water by the Board under this Act, as may be had for enforcing and recovering payment of any Water Rate. Charges for water, how to be recovered.

22 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.

23 The occupiers of all properties beyond the Town, to which water shall be brought by the Board as hereinbefore provided, shall pay Water Rates in respect of such properties in the same manner as if such properties were situate within the Town, and every water Rate levied by the Board shall be recoverable from all such persons as if such properties were situate within the Town. Persons supplied with water beyond Town to pay Rate.

24 Notwithstanding anything contained in Section Seventy of the "Town Boards Act, 1891," it shall be lawful for the Board, on or before the First day of *June* in every year, to prepare or cause to be prepared an Assessment Roll for the purposes of this Act wherein the annual value of any property may be assessed at a sum not exceeding the sum which could be reasonably demanded as the annual rent of such property; or the Board may adopt the annual value assigned to any such property in the Valuation Roll of the Police District of *Ringarooma*: Provided always, that it shall be lawful for the Board to assess any farm-house which is situated within the said Town for domestic supply only, without respect to the value of the land attached thereto. Board may compile Roll.

25 Appeals against any valuation in the said Roll for Water Rate shall be conducted in the manner provided in Part III. of "The Town Boards Act, 1891." Appeals against assessment.

26 It shall and may be lawful for the Board to borrow, as herein provided, such sum or sums of money, not exceeding the sum of Two thousand Pounds in the whole, as shall from time to time be necessary for defraying the expense of making, constructing, establishing, repairing, carrying on, and managing any Waterworks under the authority of this Act, or the payment of any such compensation as aforesaid, or any other expense incident to the effectuating the objects or the preparation and passing of this Act; and it shall be lawful for the Governor in Council, from time to time, to grant to the Board, as a loan or loans for carrying out the objects of this Act, any sum or sums of money not exceeding in all the sum of Two thousand Pounds, under and subject to the provisions of "The Local Public Works Act, 1890." Power to borrow. Governor in Council may lend to Board.

27 The Board shall, from time to time, so regulate the Water Rates and Charges to be levied and made for the supply of water under the provisions of this Act that the amount of such Rates and Charges Rates and charges for water to be so regulated

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as not to exceed
annual expenditure.

shall be, as near as may be, sufficient to pay the interest upon any money borrowed by the Board for the purposes of this Act, together with the cost of managing and conducting the waterworks; and if in any year the amount received is more than sufficient for all the purposes aforesaid, the Board is hereby required, whenever practicable, to make a proportionate reduction in the Rates and Charges payable by the consumers of water to be in the next year made in respect of water supplied under and by virtue of this Act.

Water account
to be kept.

28 The Treasurer of the Board shall keep a separate and distinct Account, to be called the "Water Account," of all moneys received and paid under the powers and provisions of this Act, and all Rates and moneys received by the Board or the Treasurer under the provisions of this Act shall be carried to the credit of the said account, and shall be appropriated and applied to the purposes of this Act, including any purchase money of land and compensation payable under this Act, and the cost of any repairs and reinstatement of any waterworks authorised by this Act; and all the provisions of "The Town Boards Act, 1891," relating to accounts thereunder shall apply to the Water Account mentioned in this Section.

Service pipes to
be kept in repair.

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

Board may repair
service pipes.

30 The Board may repair any such pipe or other apparatus within his boundary line so as to prevent any such waste of water, and the expense of such repair shall be repaid to the Board by the person so allowing the same to be out of repair, and may be recovered by the Board from such person in a summary way.

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

31 Every cistern or other receptacle for water which the Board may permit to be used, and every closet, soil-pan, and private bath supplied with water by the Board, shall be so constructed and used in such manner as may be prescribed by regulations to be made by the Board 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 Board, or into any pipes connected or communicating therewith; and the Board 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.

Power to enter
premises to
inspect.

32 Any officer of the Board, or other person acting under the authority of the Board, may, at all reasonable times enter into any house or premises supplied with water by virtue of this Act in order to examine if there is any waste or misuse of such water, and if such officer 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 Board may cut off the water from such house or premises.

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- 33** Every person who wilfully obstructs, hinders, or interrupts the Board, or any person acting under the authority of the Board, in doing or performing any work by this Act authorised to be done or performed by the Board, or in the exercise of any power or authority by this Act conferred on the Board, shall for every such offence incur a penalty not exceeding Fifty Pounds. A.D. 1895.
Penalty for obstructing Board.
- 34** Every person who commits any of the following offences shall for every such offence incur a penalty not exceeding Fifty Pounds— Injuring water-works or preventing flow of water.
Destroys or injures any of the waterworks :
Otherwise injures or obstructs the passage of the water in a pure and wholesome state through any Waterworks of the Board.
- 35** Every person who commits any of the offences next following shall for every such offence incur a penalty not exceeding Ten Pounds— Fouling water.
Every person who bathes in any part of the *Brid* River within a mile above the intake of the waterworks of the Board, or washes, throws, or causes to enter therein any dog or other animal, alive or dead :
Every person who throws any rubbish, dirt, filth, or other noisome thing into any such part of the *Brid* River as aforesaid, or into any waterworks of the Board, or washes or cleanses therein any cloth, wool, leather, or skin of any animal, or any clothes or other thing :
Every person who causes or permits the water of any sink, sewer, drain, steam-engine, boiler, or other filthy water belonging to him or under his control, to run or to be brought into any part of the *Brid* River as aforesaid, or into any waterworks of the Board, or who does or permits any other act whereby the water of the waterworks or supplying the same is fouled :
Every person who permits or suffers the drainage from any yard, pigstye, stable, cowhouse, or any place to so run, drain, or percolate as calculated to render the water in the waterworks or supplying the same unwholesome or offensive :
And every such person shall incur a further penalty of Two Pounds for each day during which such last-mentioned offence is continued after the expiration of Twenty-four hours from the time when notice of the offence has been served on such person by the Board.
- 36** 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 or 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.
- 37** Any person found committing any offence mentioned in the last preceding Section may be immediately apprehended, without a warrant, by a constable or any person who sees any such offence committed, and forthwith taken before a Justice of the Peace to be dealt with according to law. Certain offenders may be apprehended.
- 38** 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 Allowing persons not supplied to use water.

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premises, unless for the purpose of extinguishing any fire, or unless he is a person supplied with water by the Board 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.

Taking water
without authority.

39 Every person who, without due authority, takes any water from any waterworks belonging to the Board, or any pipe leading to any such waterworks or other like place containing water belonging to the Board, 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.

Attaching service
pipe without
authority.

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

Suffering service
pipe to be out of
repair.

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

Destroying
valves, &c.

42 Every person who wilfully or carelessly breaks, injures, or opens any lock, cock, valve, pipe, work, or engine belonging to the Board, or flushes or draws off water from the reservoirs or other waterworks of the Board, or does any other wilful act whereby such water is wasted, shall for every such offence incur a penalty not exceeding Twenty Pounds.

By-laws.

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

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

For regulating the description of pipes and other apparatus by means of which water may be laid on, distributed, or supplied from the waterworks, and for prohibiting the use of any other description of pipes or apparatus:

For regulating the distance or distances from the waterworks at which yards, pigsties, stables, cow-houses, cesspools, closets, and such like places shall be made, placed, or erected:

For preventing injury to the waterworks:

For regulating all or any matters and things whatsoever connected with the water to be supplied by means of the waterworks:

And otherwise for the better effectuating any of the purposes of this Act in any manner not otherwise sufficiently provided for:

And to provide that any such By-law may be enforced by cutting off the pipe or turning off the water, or by such pecuniary penalty, not exceeding in any case the sum of Ten Pounds.

By-laws to be
certified and
published.

44 No By-law to be made by the Board shall be of any force and effect until it has been certified by the Attorney or Solicitor-General not to be repugnant to this Act or to the general spirit and intentment of the Laws in force in *Tasmania*, and published in the *Gazette*.

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45 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.

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Accessories to
offence liable as
principals.

46 All offences against this Act, or any By-law made hereunder, shall be heard and determined in a summary way by any Two Justices of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*; and all penalties for offences against this Act shall be applied to the use of the Board, and shall be paid to the Treasurer of the Board, and shall be carried to the credit of the Water Account.

Offences to be
dealt with
summarily.
19 Vict. No. 8.
Appropriation of
penalties.

47 Any person who thinks himself aggrieved by any penalty imposed under the authority of this Act may, unless otherwise expressly provided, appeal against the same in the manner prescribed by *The Appeals Regulation Act*.

Appeal from
penalties.

19 Vict. No. 10.

48 Notwithstanding anything hereinbefore contained, the Board shall not proceed to construct or perform any of the works aforesaid until and after a Poll has been taken of the owners and occupiers of property within the Town, and if at such Poll one third of the aggregate number of votes to which the owners and occupiers of property within the Town are entitled, as hereinafter mentioned, shall be recorded against the construction of such works as aforesaid, the Board shall not proceed to construct the same; and at the taking of such Poll every person who desires to vote shall be entitled to as many votes as the number of votes to which such person appears to be entitled by the Assessment Roll then in force within the said Town on the scale set forth in "The Rural Voting Act, 1884."

Poll to be taken.

48 Vict. No. 26.

49 When the Board shall decide to take a Poll of the owners and occupiers as aforesaid, it shall cause a notice of such Poll to be published in Two or more consecutive numbers of a public newspaper published daily in the City of *Launceston*, and once in the *Hobart Gazette*, and such notice shall contain the following particulars:—

Notice of Poll
to be published.

The time and place of such Election;

The works proposed to be constructed or performed by the Board;

The estimated cost of such works.

