

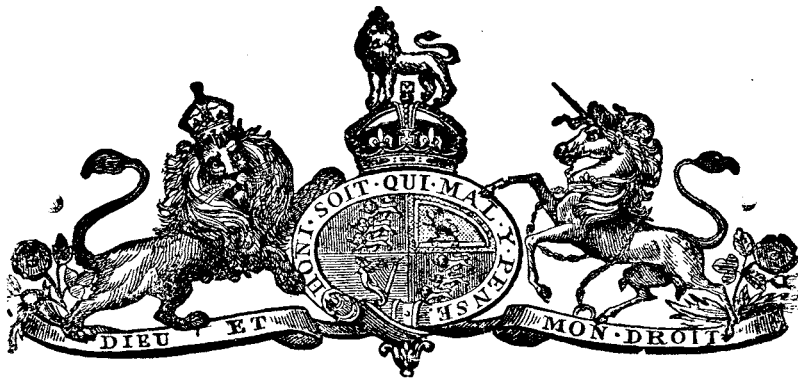
THE SORELL WATER ACT, 1914.

ANALYSIS.

1. Short title.
2. Interpretation.
 - "Property."
 - "The Council."
 - "Water District."
 - "Waterworks."
3. Power to make waterworks on the bed and banks of the Sorell Rivulet.
4. Power to enter upon other land upon making compensation.
5. The Council may cut down timber and remove materials.
6. Provisions as to compensation.
7. The Council may open the soil of streets to lay pipes, and of gardens, &c., to lay down service pipes.
8. Persons authorised by the Council may enter buildings and land occupied therewith for purposes of inspection.
9. Agreements for the supply of water to Crown properties, or properties not within the water district.
10. The Council may provide drinking troughs.
11. Waterworks to be the property of the Corporation.
12. The Council may levy a rate not exceeding 2s. 6d. in the £.
13. If the rate is not paid the supply of water may be cut off.
14. The Council may borrow money not exceeding £5000.
15. Poll to be taken before any money is borrowed.
 - Two-thirds of the number of the votes recorded must be in favour of borrowing.
 - A poll may be taken subsequently.
16. Notice of the day when, and the place where the poll will be taken to be published.
17. What is to be stated on the notice.
18. Form of voting paper.
19. Voting and proceedings to be the same as at an election of councillors.
20. Expense to be defrayed out of the general rate.
21. By-laws may be made.
22. What acts are to be punishable.
23. All things done under this Act to be deemed to have been done under any law relating to municipal councils.



T A S M A N I A.



1914.

ANNO QUINTO

GEORGII V. REGIS.

No. 26.

AN ACT to make provision for a Supply of Water for the Town of Sorell. A.D. 1914.
[8 January, 1915.]

WHEREAS it is expedient to make legislative provision to ensure a supply of water for the use of the inhabitants of the part of the town of Sorell hereinafter referred to as "The Water District": PREAMBLE

Be it therefore enacted by His Excellency the Governor of Tasmania, by any 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 Sorell Water Act." Short title.
- 2 In this Act—
 - "Property" includes land and buildings: Interpretation.
 - "The Council" means the Warden and other Councillors of the Municipality of Sorell: "Property."
 - "The Water District" means that part of the town of Sorell, the description of which is as follows:—Commencing at Pittwater opposite the northern side of Montagu-street "The Council."
 - "Water District."

Sorell Water.

A.D. 1914.

Waterworks."

thence by the northern side of Montagu-street the western side of Arthur-street and the western boundary of the lot of 120 acres granted to J. Jackson to the north-west corner thereof thence easterly by the northern boundary of the said lot to the Sorell Rivulet thence southerly by that Rivulet to the shore of Pittwater thence westerly and northerly to the commencing point :

"Waterworks" means and includes all pumps, windmills, dams, reservoirs, fences, pipes, service-pipes, troughs, and other works, of whatsoever kind, which may from time to time be used for effecting the purposes of this Act.

Power to enter on Land, take Materials, construct a Reservoir, lay Pipes, and break up Streets.

Power to make waterworks on the bed and banks of the Sorell Rivulet.

3 It shall be lawful for the Council from time to time to enter upon such part of the bed and banks of the Sorell Rivulet, or immediately adjacent thereto, and to divert and appropriate such a quantity of the water of the said rivulet as shall be required for the purposes of this Act, and to build such dams or aqueducts, and lay pipes upon or under the soil of the said rivulet or the banks thereof, and to make use of any earth, stone, or other materials taken from any excavation or trenches made or dug in building dams, reservoirs, laying pipes, or constructing a lake in connection with the waterworks authorised by this Act, and to carry pipes, stones, and other materials required without making any payment to the owners of the land, or to the Crown, but doing as little damage as possible to any person's land, or pieces of Crown land, and reinstating the soil and surface of the said lands, as far as can reasonably be done, if required so to do by the owners of the land, or on Crown lands by anyone authorised in that behalf.

Power to enter upon other land upon making compensation.

4 It shall be lawful for the Council to purchase all lands required for the construction of dams, reservoirs, and lake, and from time to time to enter upon the land of any person and to lay pipes upon or under the soil of such land, and to repair such pipes, making compensation to such person for all damage sustained by reason of the exercise of the powers conferred upon the Council by this section.

The Council may cut down timber and remove materials.

5 The Council shall have the same power to enter upon any land for cutting down and removing timber to be used in erection of a fence round the said reservoir, or for obtaining and removing materials for the construction of any part of the waterworks, as the trustees of a road district now have for purposes in connection with the making, repairing, or fencing off of roads within the road district, or as the Council of a municipality may have under any law hereafter to be passed for the construction of public roads within a municipality.

Sorell Water.

6 Any person claiming compensation in respect of injury done to, or timber cut down or materials removed from, land owned or occupied by him shall prefer his claim by notice in writing, addressed to the Council and served upon the council clerk; and if such person and the Council do not agree as to the amount of such compensation, the same and the application thereof shall be determined by arbitration in the manner provided for by "The Lands Clauses Act," in cases of disputes respecting compensation.

A.D. 1914.

Provisions as to compensation.

7 The Council may from time to time open and break up the soil of any street or road in the Water District to lay pipes thereon or thereunder, and of gardens or other land to lay service pipes thereon or thereunder leading from any main pipe to any property, if requested so to do by the owner or occupier of such property, and at his expense, and repair, remove, or relay such pipes or service pipes, and do any other acts which it may from time to time deem necessary for the purpose of supplying water.

The Council may open the soil of streets to lay pipes, and of gardens, &c., to lay down service pipes.

8 Any person authorised by the Council may at all reasonable times enter any house or building supplied with water by the Council, and the land occupied therewith, in order to ascertain whether there is any waste of water or whether the service pipes are in good repair, and may for the latter purpose break the surface of the ground under which the service pipes are laid.

Persons authorised by the Council may enter buildings and land occupied therewith for purposes of inspection.

9 The Council may, in its absolute discretion, enter into agreements with the head of any department of the State, or any other person acting for or on behalf of the Crown, or with the owners or occupiers of any property not situate within the Water District for the supply of water to any property belonging to or occupied by the Crown or any department of the State, or such owners or occupiers as aforesaid, upon such terms as shall be mutually agreed upon, and in the case where the property is not situate within the Water District the Council shall have the same powers of opening and breaking up streets, and of laying down pipes and service pipes for supplying such property with water as if it were within the Water District

Agreements for the supply of water to Crown properties, or properties not within the water district.

10 The Council may, if it shall think fit so to do, erect in any street or public place in the town of Sorell any trough for supplying horses and, if it think fit, other animals with water.

The Council may provide drinking troughs.

All Waterworks to be the Property of the Municipal Corporation.

11 All waterworks, whether the same are situate in the streets or roads of the municipality of Sorell, or in land belonging to the Crown, or to private owners, shall be deemed to be the property of the Warden, councillors, and electors of Sorell.

Waterworks to be the property of the Corporation.

Sorell Water.

A.D. 1914.

Provisions as to Rating.

The Council may levy a rate not exceeding 2s. 6d. in the £.

12 It shall be lawful for the Council yearly, or at such other periods as shall to it seem desirable, to make and levy a rate (to be called a water rate), not exceeding the sum of Two Shillings and Sixpence in the Pound per annum, to be paid by the owners or occupiers of all property within the Water District, on the assessed annual value of the property within the Water District, and such rate shall be made, levied, and recovered in the same manner as other rates made by the Council.

If the rate is not paid the supply of water may be cut off.

13 If any person liable to pay a water rate shall neglect to pay the same, the Council 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, and may recover the expense of cutting off the water in the same manner as the water rate is recoverable.

Provisions as to Borrowing Money.

The Council may borrow money not exceeding £5000.

14 It shall be lawful for the Council, on behalf of the Corporation of the Municipality, to borrow any sum or sums of money not exceeding in the whole Five thousand Pounds for the purposes of this Act; and it shall be lawful for the Governor in Council from time to time to lend to the Warden, councillors, and electors of Sorell such sum or sums under the provisions of "The Local Public Works Loans Act, 1890": Provided that it shall not be necessary to lay before either House of Parliament plans and specifications of the proposed works, nor a report by the Engineer-in-Chief thereon, as provided in Section Two of the said Act; but before any part of the said sum of Five thousand Pounds shall be advanced to the Council, plans and specifications of the proposed works, together with a report by the Engineer-in-Chief upon the probable cost thereof, the suitability of the site proposed therefor, the sufficiency of the plans and specifications, and upon such other matters connected with the works as the Engineer-in-Chief may deem it desirable to refer to in his said report, and that the work can be completed for the amount proposed to be borrowed, shall be submitted to and approved of by the Governor in Council.

Poll to be taken before any money is borrowed. Two-thirds of the number of the votes recorded must be in favour of borrowing.

A poll may be taken subsequently.

15 The Council shall not proceed in the matter of borrowing any sum of money until a poll has been taken of the electors of the Municipality of Sorell who are owners or occupiers of property within the Water District for the purpose of determining whether the Council shall borrow the money. If at the taking of such poll a less number than Two-thirds of the votes recorded shall be in favour of the Council's proceeding to borrow, the Council shall not borrow, but the Council may nevertheless at any time after the expiration of Three months cause another poll of the electors to be taken, and if at any such subsequent poll Two-thirds of the votes recorded shall be in favour of the Council's borrowing, the Council may proceed to borrow.

Sorell Water.

- 16** When the Council shall have decided to take a poll as aforesaid it shall cause a notice that the poll will be taken to be published not less than Fourteen days before the day fixed for the taking of the poll not less than Three times in a daily newspaper circulating in the Municipality, and in Two consecutive numbers of the "Gazette."
- 17** The notice shall state the hours during which, and the place at which, the poll will be taken, and the amount which it is proposed to borrow.
- 18** The voting-paper to be used at the taking of the poll shall be in the form in the Schedule, or to the like effect.
- 19** The number of votes to which each elector is entitled shall be the same as that to which he is entitled at an election of councillors, and the proceedings at the taking of the poll shall, with any necessary changes, be the same as those prescribed by law at an election of councillors.
- 20** The expense of taking a poll shall be defrayed out of the general rate.
- By-laws.*
- 21** The Council shall have power from time to time to make by-laws for the following purposes:—
- i. For regulating the charges, terms, and conditions upon which water shall be supplied to the occupiers of property within the Water District, and the charges to be made for laying down or repairing service pipes :
 - ii. For preventing injury to the waterworks :
 - iii. For regulating all matters connected with the supply of water by means of the waterworks, and for preventing the waste or misappropriation of water—
- and generally for the better effectuating the purposes of this Act ; and such by-laws from time to time to alter or repeal.

A.D. 1914.

Notice of the day when, and the place where the poll will be taken to be published.

What is to be stated on the notice.

Form of voting paper.

Voting and proceedings to be the same as at an election of councillors.

Expense to be defrayed out of the general rate.

By-laws may be made.

*Offences.***22** Any person—

- i. Who permits or allows the drainage of any stable, cow yard, pigsty, or any other objectionable matter to flow into the Sorell Rivulet, whereby the waters may be contaminated or made impure ; or
- ii. Who bathes in or throws any animal alive or dead into, washes clothes or skins in, or in any way contaminates the water of the supply lake : or
- iii. Who wilfully obstructs any person acting under the authority of the Council when doing any act or work by this Act authorised to be done by the Council ; or

What acts are to be punishable.

Sorell Water.

A.D. 1914.

- iv. Who wilfully or through his negligence wastes water supplied by the Council, or permits water so supplied to be wasted : or
- v. Who wilfully supplies water to any other person not residing on the property supplied with water, or permits such other person to take water from the property so supplied, except for the purpose of extinguishing any fire or unless such other person is a person whose property is supplied with water by the Council and the pipe by which it is supplied with water is, without any default on his part, out of repair : or
- vi Who without authority takes water from any of the water-works shall be liable for every such offence to a penalty not exceeding Ten Pounds.

Miscellaneous Provisions.

All things done under this Act to be deemed to have been done under any law relating to municipal councils.

23 All acts done by the Council under this Act, including the making of by-laws, shall for all purposes be deemed to have been done by the Council under the provisions of any law now or hereafter to be in force conferring powers to do acts upon the councils of municipalities, and all obligations imposed upon the Council by the law now or hereafter to be in force imposing obligations upon such councils shall be deemed to be obligations imposed upon the Council in respect of all acts done by it under this Act.

SCHEDULE.**VOTING PAPER.**

FOR.

AGAINST.

If you are in favour of the Council's borrowing money for the purpose of supplying Sorell with water, you are to strike out the word "Against."

If you are opposed to its borrowing money, you are to strike out the word "For."