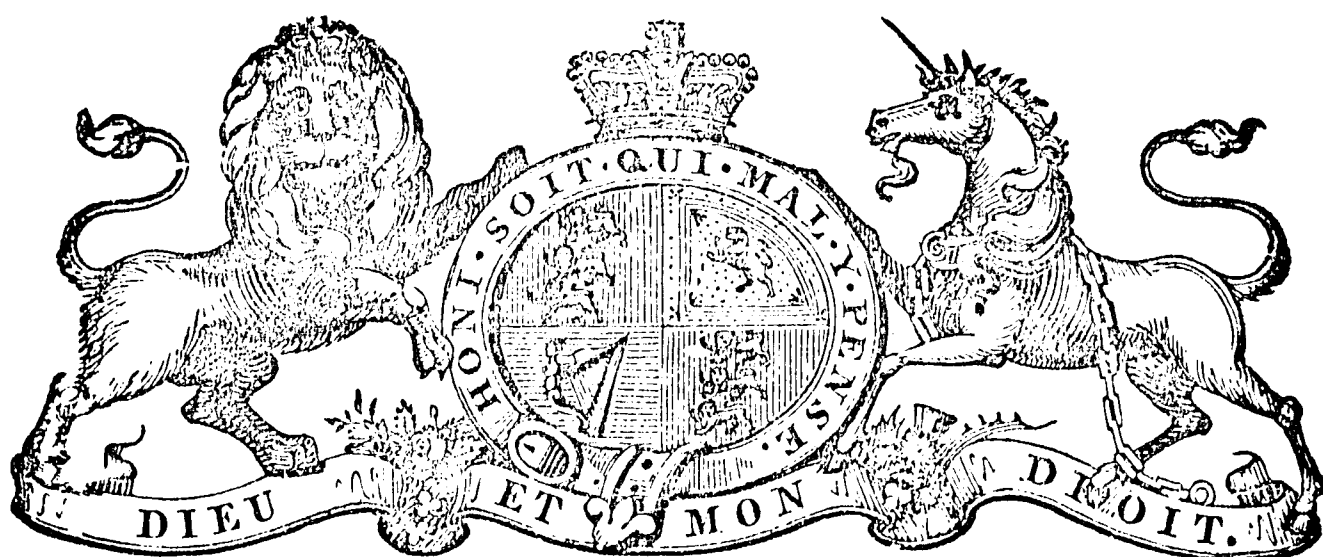


VICTORIA.



ANNO QUADRAGESIMO PRIMO

VICTORIÆ REGINÆ.

No. DLXXXIX.

An Act to extend the operation of "*The Waterworks Act 1865*" and for other purposes.

[20th December 1877.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act shall be called and may be cited as "*The Waterworks Act Amendment Act 1877*," and in this Act the term "the Principal Act" means "*The Waterworks Act 1865*," and this Act shall be deemed to be and shall be read as part of the Principal Act; and the following words and expressions that is to say, "the Board" "sewer" "street" and "irrigation" wherever used in this or in the Principal Act or in the sections hereby adopted and incorporated shall have and bear the like meanings respectively as are assigned to them in and by the fourth section of "*The Public Works Statute 1865*" unless there be something in the subject or context repugnant to such construction.

Short title and interpretation.

2. The fourth section of the Principal Act so far as the same has not been heretofore repealed shall be and the same is hereby repealed, and in lieu thereof the following shall be and may be cited as the fourth section of the Principal Act (that is to say):—"Part V. of '*The Public Works Statute 1865*,' with the exception of sections one hundred and eighty-nine one hundred and ninety-two and one hundred and ninety-three

Fourth section of No. 288 repealed.

Part of No. 289 adopted.

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three two hundred and three two hundred and four two hundred and twenty-one two hundred and twenty-six two hundred and thirty-six to two hundred and thirty-nine inclusive and two hundred and forty-nine, omitting so much of section one hundred and ninety-one as relates to the liability of the late Commissioners of Sewers and Water Supply, is hereby adopted and incorporated with this Act, and shall (except as is herein otherwise expressly directed) apply to any works so ordered as aforesaid ;” and the words “this Part of this Act” wherever used in the sections hereby adopted and incorporated shall apply to and be taken to include also the Principal Act and all amending Acts thereof.

Amendment of section 202 of No. 289.

3. In section two hundred and two of the said Part V. of “*The Public Works Statute 1865*” hereby adopted and incorporated after the word “supply” the words “or to continue to supply” shall be inserted and the section shall be read therewith accordingly for the purposes of this Act.

Application of Acts adopted.

4. All the provisions of section two hundred and twenty-two of the said Part V. of “*The Public Works Statute 1865*” hereby adopted and incorporated shall apply to cases in which at the time of the passing of this Act pipes shall have been laid and used for the supply of any street or part thereof: Provided that the notice to be given as provided in that section shall in such cases as last aforesaid be given as therein directed within one year after the passing hereof.

Section 5 of No. 288 amended.

5. In section five of the Principal Act after the word “reservoirs” the words “and any pipes conduits or other works plant or materials” shall be inserted, and the said section shall be read therewith accordingly.

Proviso to section 7 of No. 288 repealed.

6. So much of section seven of the Principal Act as is contained in the last proviso thereof shall be and the same is hereby repealed.

Minimum amount to be paid for water rates may be fixed.

7. Notwithstanding the provisions contained in the seventh section of the Principal Act the Governor in Council may fix the amount of such water rate as is therein provided or from time to time fix a sum which shall be the minimum amount to be paid annually by any owner or occupier of property liable to pay rates to the Board, and such minimum amount may exceed the amount of Five pounds per centum on such valuation as may be made by or under the said section.

Section 8 of No. 288 repealed.

8. The eighth section of the Principal Act shall be and the same is hereby repealed: Provided that all proceedings commenced or had under the provisions thereof before the coming into operation of this Act may be carried on and concluded thereunder as if the said section had not been repealed.

Section 14 of No. 288 amended.

9. In section fourteen of the Principal Act after the word “animal” where first mentioned in such section the words “mining tailings sludge refuse water” shall be inserted and the said section shall be read therewith accordingly.

10. The

10. The Board may supply any person with water by measure at such rates upon such terms and subject to such conditions as the Board may prescribe. The supply of water for livery or carriers' stables or for any manufacturing or mining purposes or for irrigation or for water power or for fountains or for any ornamental purposes shall in every such case be by measure: Provided however that the provisions contained in section two hundred and twenty-two of the said Part V. of "*The Public Works Statute 1865*" hereby adopted and incorporated shall not apply to any such case as last aforesaid.

Certain supply to be by measure.

11. The bore of any pipe for the supply of water from the pipes of the Board otherwise than by measure shall not exceed one-half of an inch in diameter except with the consent of the Board.

Bore of pipe not to exceed a half-inch.

12. If any person open any ground so as to uncover or expose any pipe conduit or main or any fittings thereof or other works the property of the Board without having given to the Board two days' notice in writing of his intention so to do, or if any person in any way tamper with or alter any such pipe conduit or main or any fittings thereof or other works as aforesaid without having previously obtained the permission in writing of the Board so to do, or if any person wilfully or negligently break injure or open any lock cock valve fittings pipe conduit main engine or any other work as aforesaid, he shall for each such offence forfeit a sum not exceeding Twenty pounds over and above the damage which he may be found liable to pay in any action at law at the suit of the Board.

Penalty for uncovering tampering with or breaking pipes.

13. The Board by direction of the Governor in Council may demise and lease for such term at such rent and upon such conditions as the Governor in Council may approve any standpipe for the supply of water and may by the like direction and with the like approval demise and lease any lands vested in the Board for the purposes of water supply as sites for mills factories or other works requiring and using the water to be supplied by the Board as a motive power for the machinery pertaining thereto.

Standpipes may be leased for supply of water for motive power.

14. Upon any such lease of lands as in the last section mentioned being made or upon any contract by the Board to supply water to any person other than such lessee for the purposes last aforesaid being entered into due provision shall if the Board so require be made for the return to the pipes aqueduct reservoir or other works of the Board of all or part of such water supplied for the purposes aforesaid after it shall have been so used as such motive power in such manner and in such state of purity as the Board may require.

Leases may provide for the return of such supply in state of purity.

15. All the provisions of the Principal Act and of this Act shall extend and be applicable to the lands waterworks and undertaking acquired or constructed under and by authority of the Acts of Parliament No. LXIX. and No. CCCCVI. or either of them and to any works

Application of this and the Act No. 288.

works or undertakings for the supply of water to the places mentioned in the schedule to the Principal Act which may at any time hereafter be ordered constructed purchased or otherwise acquired by the Board.

Application of Part
V. No. 289.

16. All the provisions contained in so much of Part V. of "*The Public Works Statute 1865*" as is hereinbefore adopted and incorporated with this Act with regard to felonies misdemeanors or offences punishable on summary conviction committed with regard to the property of the Board shall be applicable to felonies misdemeanors or offences committed with regard to the works constructed completed or extended by the Board under the provisions of the Principal Act or of this Act or otherwise acquired or vested in the Board and also with regard to any service pipes or other continuing works for the supply of water by the Board not being the property of the Board but which may be connected with the works or undertaking vested in the Board.

MELBOURNE:

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