



Western Australia.

ANNO SEXAGESIMO TERTIO

VICTORIÆ REGINÆ.

No. LIII.

AN ACT to enable the Director of Public Works to manage and control certain Waterworks within the Municipalities of Fremantle, North Fremantle, and East Fremantle.

[Assented to, 16th December, 1899.]

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

1. THIS Act may be cited as the Fremantle Water Supply Act, 1899. Short title.

2. THE Fremantle Water Supply Act, 1893. is hereby repealed. Repeal of Act 57 Vict., 24.

3. THIS Act shall apply to the municipalities of Fremantle, North Fremantle, and East Fremantle, and any additions to or subdivisions of any of them by whatever name called; all which are hereinafter referred to as the "three municipalities." Areas to which the Act applies.

63° VICTORIÆ, No. 53.

Fremantle Water Supply.

Director of Public Works to have certain powers.

4. WITHIN the three municipalities the Director of Public Works shall have all the rights, powers, benefits, and privileges vested in and exercisable by the council of a municipality under the Waterworks Act, 1889, except the power to take land permanently, and any additional powers which by the Metropolitan Water Works Act, 1896, or any amendment thereof, are vested in the Board created by that Act may be exercised by the Director of Public Works for the purposes of this Act, as if such powers were expressly enacted therein.

The Director of Public Works may construct waterworks within any of the three municipalities without submitting the proposal to the ratepayers, as required by section three of the Waterworks Act, 1889.

Amendment of Act 53 Vict., 13.

5. THE references in the Waterworks Act, 1889, to the Municipal Institutions Act, 1876, shall be read as references to the corresponding enactments of the Municipal Institutions Act, 1895, or other the Acts in force for the time being relating to municipalities.

Duties and liabilities imposed by Act 53 Vict., 13, to be imposed under this Act. Exception.

See Fremantle Water Supply Act, 1893 (57 Vict., 24), s. 3.

6. ALL the enactments in the Waterworks Act, 1889, except sections forty-six and forty-eight thereof, imposing any duty, obligation, restriction, or penalty upon any person other than a council or a contractor under the said Act, shall have the same force and effect as if such enactments were incorporated with this Act; and the word "Council" in all such enactments shall be deemed to include the Director of Public Works.

Director of Public Works may delegate his authority.

See *Ibid.*, s. 4.

7. ANY act or thing which, under the Waterworks Act, 1889, may be done by any person acting with the authority of the council of the municipality may be done by any person acting with the authority of the Director of Public Works within the three municipalities.

Power to levy water rate.

See Waterworks Act, 1889 (53 Vict., 24), s. 46.

8. (1.) FOR the supplying of lands and premises in the three municipalities with water for domestic purposes, the Director of Public Works may, in each of such municipalities, make and levy a rate not exceeding One shilling in the pound in any one year upon the annual ratable value of the lands and premises by this Act made liable to the water rate, as such value is shown by the rate books compiled by the councils of the three municipalities respectively, for the purposes of the general rate under the Act or Acts for the time being regulating the municipal government of such municipalities.

(2.) Whatever the ratable value of any lands or premises is, the minimum water rate in respect thereof shall be Five shillings.

Fremantle Water Supply.

9. WATER rates under this Act shall be paid in respect of all lands and premises within sixty yards from which a main pipe has been or shall be laid down ; and, when the Director of Public Works has published in the *Government Gazette* a notice that such main pipe has been laid down there, and that he is prepared to distribute a constant supply of water therefrom to the lands and premises situate within sixty yards thereof, such lands and premises shall be deemed to be supplied with water under this Act from and after the expiration of seven days from such publication. The water rate shall be payable in advance from the period which shall elapse between the first day of whatever month shall next follow the expiration of such seven days and the thirty-first day of December then following, and thereafter the rate shall be payable half-yearly in advance on the first day of January and first day of July in every year, subject to the provisions of this Act and to any by-laws made thereunder.

Premises to be subject to water rate when main laid within 60 yards.

10. THE clerk of each of the three municipalities shall, in every year, when so required, allow the Director of Public Works, or some person appointed by him for that purpose, to take a copy of the rate book of the municipality.

Director of Public Works may take copy of rate book.

See Fremantle Water Supply Act, 1893, s. 10.

11. EVERY person who enters into occupation of lands or premises, though not being the owner thereof, shall be liable to pay all water rates then due in respect thereof; and, if not the owner, shall, after such payment, be entitled to recover from the owner the sums so paid, or to deduct them from or set them off against any sum due or coming due from such occupier to the owner.

Ingoing occupier to pay rates in arrear and receive the amount from owner.

12. NO person shall use, for any other than domestic purposes, any water supplied from the waterworks to any lands or premises on which a meter for measuring water is not fixed, and every person so using water in contravention of this section shall be liable, upon conviction, to a fine not exceeding Five pounds for every day on which such offence is committed.

Water not to be used except for domestic purposes unless a meter is fixed.

13. NO meters, instruments, pipes, or apparatus for the conveyance, reception, or storage of water, let for hire to any consumer of water by the Director of Public Works, shall be subject to distress for rent of the premises where the same are used, or be attached or taken in execution under any process of any Court of Law, or under or in pursuance of any order in bankruptcy or other legal proceedings against or affecting the consumer of water or the occupier of the premises or other person in whose possession the meters, pipes, instruments, or apparatus are.

Meters let by Director of Public Works not distrainable.

Ibid., s. 6.

63° VICTORIÆ, No. 53.

Fremantle Water Supply.

No pipes, etc., in connection to be seized.

Ibid., s. 7.

Powers of Director of Public Works to recover money for water supplied.

See Ibid., s. 9.

14. NO pipe or fitting attached to or connected with any of the pipes of the Director of Public Works shall be seized or taken in execution by process of law or under distress for rent.

15. FOR levying and recovering the amount due in respect of the supply of water in accordance with this Act, or for water supplied by measure, the Director of Public Works, or any person authorised by him, shall have all the powers of the councils of the three municipalities respectively for the levying and recovering the amount due in respect of the general rate under the Act or Acts for the time being regulating the municipal government of such municipalities.

Offences punishable on summary conviction.

Ibid., s. 11.

16. ALL informations and proceedings in respect of offences against this Act, or any by-law made hereunder, shall be summarily punishable upon conviction before a Court of summary jurisdiction.

Damages, etc., may be recovered summarily to extent of £20.

Ibid., s. 12.

17. ALL forfeitures, damages, and expenses, and other sums of money by this Act made payable to or recoverable by the Director of Public Works, including moneys payable by persons supplied with water by measure, shall, where the amount sought to be recovered does not exceed Twenty pounds, be recoverable summarily before a Court of summary jurisdiction.

Persons liable to penalties.

Ibid., s. 13.

18. EVERY penalty imposed by this Act, or by any by-law made hereunder, may be proceeded for and enforced either against the person actually committing any breach of such Act or by-law, or the person in whose employment he is or on whose behalf he is acting.

Register of meters *prima facie* evidence.

Ibid., s. 14.

19. THE register of every meter provided by the Director of Public Works, or a copy thereof certified by any person authorised in that behalf by the Director of Public Works to be true, shall be *prima facie* evidence of the quantity of water consumed.

Sections A, C, F, G, and H of Schedule 2 of Interpretation Act incorporated.

Ibid., s. 15.

20. SECTIONS A, C, F, G, and H of the Second Schedule to the Interpretation Act, 1898, shall be incorporated with and taken to form part of this Act to all intents and purposes, and in as full and complete a manner as if the said sections had been introduced and fully set forth in this Act.

In the name and on behalf of the Queen I hereby assent to this Act.

GERARD SMITH, Governor.