

(No. 102.)



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PARLIAMENT OF TASMANIA.

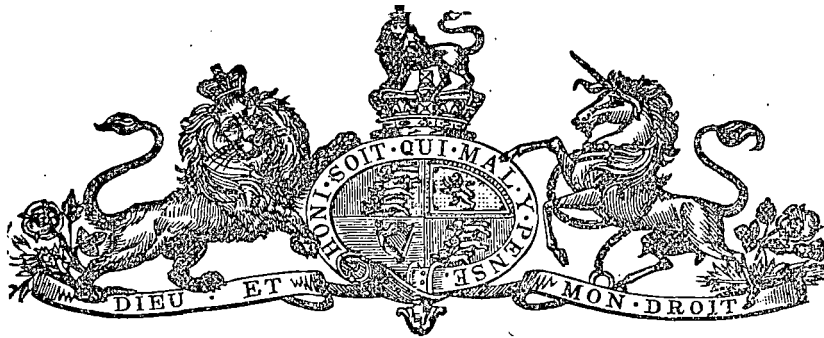
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THE HOBART WATER BILL, [No. 2] :

REPORT OF SELECT COMMITTEE, WITH MINUTES OF  
PROCEEDINGS, AND EVIDENCE.

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Brought up by Mr. Inglis-Clark, October 25, 1893, and ordered by the House of  
Assembly to be printed.



*SELECT COMMITTEE appointed, on the 3rd October, 1893, to enquire into and report upon the Hobart Water Bill (No. 2).*

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MEMBERS OF THE COMMITTEE.

MR. CRISP.  
MR. DAVIES.  
MR. GILL.

MR. HIDDLESTONE.  
MR. INGLIS-CLARK.  
MR. HAMILTON.

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DAYS OF MEETING.

Thursday, October 5; Monday, October 9; Wednesday, October 11; Thursday, October 12; Friday, October 13; Wednesday, October 25.

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WITNESSES EXAMINED.

Mr. William Perkins, Mr. James Gregory, Mr. William Batt, Mr. J. C. Hall, Mr. F. W. Piesse, Mr. A. Strathern, Capt. J. Bayley, Mr. James Clark, Mr. W. H. Smith, Mr. Geo. Luckman, Mr. R. S. Milles.

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EXPENSES OF WITNESSES.  
*NIL.*

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R E P O R T.

Your Committee have the honor to report that they have carefully considered the Bill referred to them, and that having heard and duly weighed the evidence of the representatives of the Petitioners against the Bill, as well as that of the Corporation Officials, they suggest certain alterations therein, and now have the honor to submit the Bill as revised to the favourable consideration of your Honorable House.

A. INGLIS-CLARK, *Chairman.*

*Committee Room, 25th October, 1893.*

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MINUTES OF PROCEEDINGS.

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THURSDAY, OCTOBER 5, 1893.

The Committee met at 11:30 A.M.

*Present.*—Mr. Inglis-Clark, Mr. Davies, Mr. Crisp, Mr. Crowther, Mr. Hiddlestone, Mr. Hamilton.

Mr. Hamilton was voted to the Chair.

The Chairman tabled a Petition from certain Town Boards and Road Trusts for alleged injustice in the provisions of the Hobart Water Bill (No. 2). *Vide H.A. Paper, No. 98, 1893.*

Mr. William Perkins was called in and examined.

Mr. Perkins withdrew.

At 1 P.M. the Committee adjourned until 2:30 P.M. on Monday, the 9th instant.

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MONDAY, OCTOBER 9, 1893.

The Committee met at 2:30 P.M.

*Present.*—Mr. Hamilton, Mr. Hiddlestone, Mr. Gill, Mr. Crisp, Mr. Inglis-Clark (Chairman).

The Minutes of the last Meeting were read and confirmed.

The Chairman tabled Petitions from the inhabitants of the Suburbs of Hobart resident within the Town of New Town and District of South Glenorchy, against certain provisions in the Bill.

Mr. James Gregory, Member of the Town Board, Sandy Bay, was called in and examined.  
Mr. Gregory withdrew.  
Mr. William Batt, Member of the Town Board, Sandy Bay, was called in and examined.  
Mr. Batt withdrew.  
The Committee adjourned at 4 P.M. until 10.30 A.M. on Wednesday, the 11th instant.

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WEDNESDAY, OCTOBER 11, 1893.

The Committee met at 10.45 A.M.  
*Present.*—Mr. Crowther, Mr. Gill, Mr. Crisp.  
In the absence of the Chairman, Mr. Inglis-Clark, Mr. Crowther was voted to the Chair *pro tempore*.  
The Minutes of the last Meeting were read and confirmed.  
Mr. John Caplin Hall was called in and examined.  
Mr. Hamilton appeared in his place, and took the Chair.  
Mr. Hall withdrew.  
Mr. F. Piesse was called in and examined.  
Mr. Piesse withdrew.  
The Committee adjourned at 12.45 P.M. until 11 A.M. on Thursday, the 12th instant.

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THURSDAY, OCTOBER 12, 1893.

The Committee met at 11.10 A.M.  
*Present.*—Mr. Hamilton, Mr. Crisp, Mr. Gill, Mr. Hiddlestone.  
The Minutes of the last Meeting were read and confirmed.  
Alexander Strathern, Chairman of the Mount Stuart Road Trust, was called in and examined.  
Mr. Strathern withdrew.  
Captain James Bayley was called in and examined.  
Captain James Bayley withdrew.  
Mr. James Clark was called in and examined.  
Mr. Clark withdrew.  
The Committee adjourned at 1 P.M. until 3 P.M.  
The Committee reassembled at 3 P.M.  
Mr. William Henry Smith was called in and examined.  
Mr. Smith withdrew.  
The Committee adjourned at 4 P.M. until 3 P.M. on Friday, 13th October.

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FRIDAY, OCTOBER 13, 1893.

The Committee met at 2.30 P.M.  
*Present.*—Mr. Hiddlestone, Mr. Crowther, Mr. Gill, and Mr. Hamilton (Chairman).  
The Minutes of the last Meeting were read and confirmed.  
Mr. George Luckman was called in and examined.  
Mr. Luckman withdrew.  
Mr. R. S. Milles was called in and examined.  
Mr. Milles withdrew.  
The Committee adjourned at 3.45 P.M. until a date to be hereafter determined by the Chairman.

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WEDNESDAY, OCTOBER 25, 1893.

The Committee met at 3.30 P.M.  
*Present.*—Mr. Hiddlestone, Mr. Hamilton, Mr. Inglis-Clark, Mr. Gill.  
The Minutes of the last Meeting were read and confirmed.  
The Committee then proceeded to consider the Bill.  
Clauses 1 to 58 agreed to.  
Clause 59 (Rates and charges for water to be so regulated as not to exceed annual expenditure), amended by adding the words "And if in any year the amount received is more than sufficient for all the purposes aforesaid, the Council 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 the said Act or this Act," to the end of the Clause.  
Clauses 60 to 66 read and agreed to.  
Clause 67 (Council may assess value of property beyond the City), struck out.  
Clauses 68 and 69 agreed to.  
Clause 70 (Appropriation of Water Rates and Charges) struck out.  
Clauses 71 to 94 and Schedule agreed to.  
The draft Report was tabled, read, and agreed to.  
The Committee adjourned *sine die*.

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## E V I D E N C E.

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THURSDAY, OCTOBER 5, 1893.

WILLIAM PERKINS, *examined.*

1. *By Dr. Crowther.*—What is your name? William Perkins.
2. What are you? I am a Solicitor.
3. Where do you live? On the Sandy Bay Road, about two and a half miles out of the city.
4. Are you supplied with water by the Corporation? Yes.
5. And you pay rates for that service? Yes.
6. You have read the Bill now before the House in regard to which this Committee is now enquiring? Yes.

7. Will you give us your views as far as Sandy Bay is concerned? I am of opinion that the proposals contained in the Bill are unfair to the residents of that locality.

8. Will you tell us your reasons for thinking so? In the first case the Bill gives us no representation in the matter of the expenditure of money borrowed by the Hobart Corporation, and for which we are responsible. I will show you how we are responsible, because it is very important to clear up that point. Under 41 Vict. No. 20, no suburban occupier was liable to payment of any water rate unless the premises he lived in were, with his consent, actually supplied with water for domestic purposes. The law was subsequently altered by a recent Act making all suburban residents liable if the Corporation mains were laid to within 50 feet of the outer boundary of the premises. I submit that any property within that area must be liable to pay the interest on and the principal of the £160,000 borrowed, and the same with regard to any money hereafter to be borrowed. We therefore stand upon the same footing with regard to town residents as to our liability both for the debt and the interest, and should not be treated differently. With regard to our supply, it is by no means equal to that which is furnished to the city, the main at present being, I believe, a 3-inch main to supply all the houses in our locality. There is a very poor supply in the case of fire, and we are absolutely forbidden to use the water for flushing drains. We have all along been led to understand that we are only entitled to surplus water, that is, when it is available. As to the rating of the properties, we contend that they have been assessed by the Government Valuator, and, if insufficiently, could be rated higher; also, that being out of town, we have no right to be rated the same as if in the town, because the houses outside the city boundary will not let for as much rent as within the limits of the city. In addition to that, living in the suburbs we are obliged to pay extra for garden taps and cattle, which are rates that in the generality of cases do not fall upon the ratepayers in the city. An amendment in the law recently took place by which an increased suburban rate was imposed beyond what is levied in town, and this increased suburban water rate was allowed to become law upon the understanding that a sum of money was about to be spent in laying an additional main in Sandy Bay. That has not been done, and, as far as I know, I do not think more than £150 has been spent in laying mains within the last 10 years. The amount I am alluding to was expended in connection with the laying of a 3-inch main for about half a mile between the second and third milestones. That is all the money that has been spent in laying water as far as I know. We complain that a sum of £30,000 has lately been borrowed, of which £8000 has been thrown away upon a dam which is practically useless, and we have had no voice whatever in the matter. Our property is liable, and we claim the right to have a voice in the disposal of any further sum that may be borrowed for which we are to be made responsible. We have a right to be treated on the same footing as town residents, inasmuch as we allege that the water supplied to Sandy Bay is drawn partly from the Sandy Bay district, and was originally vested in the Corporation for the purpose of supplying the town and suburbs, of which we are one. I am informed that the water was originally laid on to Sandy Bay upon the understanding that we should not be charged more than the town residents, and the grounds of my belief are that Mr. George Luckman and others can speak of their own personal knowledge with regard to the documents that were prepared and presented to the Hobart Corporation by Mr. Lipscombe, then an alderman, and also representative of the Sandy Bay Corporation. We also claim that if the present Bill becomes law it will enable the Corporation to levy 18*d.*, or, say, 1*s.* 4*d.* equally all round. The cost of the water may only be 9*d.*, and the balance would be devoted to Hobart streets and Corporation purposes generally, which is contrary to the true intention and meaning of the original Act. We also claim that there should be an official audit by the Government Auditor of the revenue obtained from the water rates, so that it may be seen that those who are interested in the matter have their rights protected by the reduction of the rates for the next year if there should be a surplus, or, if so desired, by the establishment of a larger sinking fund so that the debt may be reduced sooner. I am informed that these are charged to the Water Account items, which I think ought not to appear there, and that there should be a large annual surplus available for the diminution of the debt. I have nothing more to say.

9. *By Dr. Crowther.*—Do you not think we ought to have some representation if we are charged extra? Yes, I have said so.

10. Has it not been agreed, at a conference with the Corporation, to establish a Water Trust? Yes. We have endeavoured, both by writing to the Corporation and by interviewing them for some time past, to get them to agree to it.

11. If this Bill becomes law it will be an injustice to the Sandy Bay District? Yes, most certainly.
12. *By Mr. Davies.*—You have already said, in reply to Dr. Crowther, that you suffer from non-representation. Are you aware of the value of the property in the suburbs? Yes, I have heard what it is worth from Mr. Gregory and Mr. Piesse.
13. Are you aware that the value of property in Hobart is £185,000, and in the suburbs £28,000 only? The revenue from the suburbs is daily increasing, which is not the case with regard to the town.
14. You are of opinion that any balance that the Corporation may have over and above what is necessary to pay the interest on borrowed money and carry out the necessary repairs to mains should be devoted to the establishment of a sinking fund in order to pay off the principal? Yes; I would prefer that rather than reduce the rate for the ensuing year. We are quite satisfied to pay 1s. or 1s. 2d. in the £1. No one objects to pay that as far as Sandy Bay is concerned. Under the original Act it was required that it should be devoted to the reduction of the rate for the ensuing year; I would rather see the debt reduced.
15. Do you not think that it is but fair that we who live in the suburbs should pay a higher rate than those in the City? No. I consider that Sandy Bay, having had its water supply taken from it, it is a great injustice to charge a higher rate. We are paying 1s. 4d. as against 1s., and the difference is being spent on Hobart streets and improvements. We could supply ourselves at a less rate than we are now paying.
16. Are you aware that the salaries of the Corporation officials are charged in proportion against the Municipal Funds and the Water Funds? I have not seen any details of the accounts.
17. Are you aware that it is competent for any ratepayer to overhaul the books of the Corporation on payment of a shilling? No, I was not aware of that. I hope to be able to avail myself of it.
18. *By Mr. Crisp.*—You are aware that the object of this Bill is more particularly to consolidate previous Acts? I am.
19. Have you read the Bill? Yes.
20. There are three things to which you object,—(1) the Corporation having power to assess the suburbs, (2) non-representation of suburbs in borrowing and appropriation of money, (3) differential rating. In introducing the Bill the Corporation were quite willing that it should be referred to a Select Committee in order to have all grievances put right. As far as I am concerned I want to know from you all that is necessary to remove such grievances. As regards assessment, do you not think for water purposes only it should be same as in town? No, for this reason, that in the town you are close to the main, whilst in the suburbs it costs the ratepayer more or less to get his water laid on. It would cost me £40 to lay on water. Again, the other day, when I built a property on the Sandy Bay Road, I had to pay £3 or £4 to lay on water because the house was a little off the road.
21. You must be aware that to carry this main down to Sandy Bay it must cost a good deal more money than in the thickly populated districts of Hobart? No, it is only a 3-inch pipe that has been down for about 30 years.
22. Then, for water purposes you do not think we should assess the same? No. We do not get the same privileges. You do not allow us water for flushing, and we have not the same supply. A 3-inch pipe to supply 50 houses in my own locality is not enough.
23. If you were charged the same rate per £1 as is levied in town, would that meet with your approval? I do not think that would be fair unless I were assessed lower than for the same sized house in town. A house in Sandy Bay assessed at £70 would be assessed at £100 in Hobart. I do not think it just to have to pay the same as in town.
24. Why should you be charged less? Because it costs me more to lay on my water, and I am put in as a secondary consideration. You will see by the evidence of Mr. Smith given before the Select Committee in 1890, that the residents of Sandy Bay are not guaranteed a supply, which may be intermittent, and depends upon there being any overplus.
25. You do not think that it would be satisfactory to have an uniform rate for all properties, no matter whether they be situated in the town or the suburbs? No. A large house uses more water than a small cottage. In town you have water-closets, which we do not have.
26. A six-roomed cottage would be assessed at £40 a year in Hobart, and would not be more than £30 in the suburbs. You say it would not be fair to assess that house at £40 in Sandy Bay? No, not unless you give us the same size of pipe.
27. Did you not always have a good supply of water? No, not until the continuation of a 3-inch main for half a mile in Sandy Bay.
28. You have not made any complaints during the last six months? No. Others are short; and down at the Battery there is not much left in a 3-inch pipe.
29. You are quite agreeable that any surplus from the water rates should be put into a sinking fund or carried to the credit of Water Account? Yes; I would like to see the debt reduced.
30. *By Mr. Hiddlestone.*—You were not aware that garden taps and cattle were assessed in town? Yes I was, but not to the same extent. I mean that almost every suburban resident keeps a cow or has a garden. In Elizabeth-street they do not keep a cow or have a garden.
31. You must be aware that in town we have to pay 5s. a year for a horse and the same for a cow? Yes.
32. As to the suburban property being liable for the money that is borrowed for water purposes, it is the first time I knew of it? I hope I have made it plain to you.

33. You say that at Sandy Bay you are not allowed to flush : in Hobart we cannot do this sometimes? I have seen it done in Hobart from the stand-pipes.

34. In town we have to flush gutters with salt water. Those who have the privilege of flushing water-closets in town have to pay for it according to their assessment.—*Witness* : I did not know that.

35. They pay in the shape of a sanitary rate. Now, as to the assessment. To show how unfair the position is we will take the assessment of Mr. Gregory's house, which is £90, while a house in Hobart no larger is assessed at £110? The Bill was got through last year upon the understanding that a main should be laid to Sandy Bay, which has not been done. We have paid increased rates for twelve months, and you have broken faith with us, and you want to do the same again, which is because we have no representation.

36. *By the Chairman*.—Will you show us where we are obliged to supply the suburbs? Yes. Under 24 Vict. No. 9 the supply of water to the City of Hobart and suburbs was vested in the Corporation. Section 37 of this Act provides that "The Council shall, if practicable, cause pipes to be laid down and water to be brought to every part of the places and districts within the limits of this Act and beyond the City whereunto the Council is required by so many owners or occupiers of houses in such part beyond the City as that the aggregate amount of the suburban water-rate hereafter mentioned payable by them annually shall not be less than one-tenth part of the expense of providing and laying down such pipes." On reference to 41 Vict. No. 20, Sect. 13, it will be seen that occupants of premises outside the City are not liable to payment of any water-rate unless the water is actually laid on at their own request. Reverting to 24 Vict. No. 9, Section 36 contains the following: "The Council shall, at the request of the owner or occupier of any house or part of a house occupied as a separate dwelling situated within the City, the outer boundary of which is within fifty feet of any main or other pipe of the Council, furnish to such person within such dwelling-house, by means of communication-pipes and other necessary and proper apparatus, to be provided, laid down, and maintained as to such part thereof as is within the outer boundary of the premises at the cost of such person, a sufficient supply of water for his domestic purposes, including a supply for any private water-closet and fixed bath in such dwelling-house."

37. *By the Chairman*.—If the Corporation lay down pipes where the annual suburban water rate does not make up one-tenth part of the cost of so doing, you will have to balance the account? The Acts have made us liable to the additional charge.

38. *By Mr. Hamilton*.—Would you rather have this Bill dispensed with? Yes. We prefer a Water Trust.

39. *By Mr. Crisp*.—Are you aware that the Corporation are constructing a new reservoir? Yes, but it will not benefit us.

40. Are you aware that we borrowed £30,000 for water purposes? Yes.

41. Are you aware that we shall require £10,000 more to complete the construction of the new reservoir? No. I was not.

42. Are you aware that this reservoir is being constructed principally in the interests of the suburbs? No. You are endangering all below it by having the two reservoirs in the same valley.

43. *By Mr. Hamilton*.—Failing a Water Trust, would you be satisfied with this Act amended upon the lines you have suggested? Certainly, if the interests of residents are fully protected. The last Act ought to be repealed, because the terms have not been carried out.

44. The objection you refer to would be got over in the repeal that is contemplated in this Act? Yes, if the surplus moneys are properly applied in accordance with the provisions of the present Act, or by the establishment of a sinking fund.

45. Then if the revenue derived from water is applied only to water purposes you will be perfectly satisfied? Yes.

46. As to your objections against the mode of assessment, would you be satisfied if the Government or Police assessment were taken. Yes, either would do.

47. With regard to the supply, has not that been one source of dissatisfaction? Yes. During the last twelve months, however, I have had no cause for complaint.

48. This new Bill came as a surprise to you? Yes. We thought there was going to be a Water Trust.

49. It was the objections to the Bill which gave rise to the Petition? Yes, partly so.

50. This Petition purports to be from nine different public bodies? Yes.

51. Did these nine bodies decide upon a Water Trust? Yes.

52. You would be content if this Bill was amended in the direction you have indicated, that is, consolidation? If a Water Trust cannot be obtained we must make the best bargain we can for ourselves. We are in the hands of the Corporation.

53. *By the Chairman*.—You are aware that the establishment of a Water Trust is a more difficult piece of business than to consolidate the Bills and Water-rights. It would necessitate a new electorate, a new governing body, and the arrangement and transfer of debt and interest in mortgages, and many other things. It would be an Act that would require some careful preparation. Then the necessary valuations would have to be obtained? I do not think the Bill would be longer than the present one, and the valuations and assessments could be uniform in the case of a Water Trust.

54. So far from being a shorter Bill it would be a much longer one? You could adopt the provisions of other Acts as to rating and valuations, &c. in the same way as you adopt the provisions of the "Lands Clauses Consolidation Act."

55. You speak about the Bill being an injustice to suburban residents. Now, is it not a fact that the only two new features affecting the suburbs are, firstly, the granting the Corporation the power of assessing

them, and secondly, the appropriation of any surplus of the Water Account to general purposes? I cannot say now. I would not like to answer positively that they are the only new features in the Bill.

56. Compared with the present law I think you will find that the only new features in the Bill are those I have referred to? Yes, in addition to confirming what we object to. You are trying to confirm your previous wrong-doing.

57. If Clauses 67 and 70 are struck out your position will not be altered? We shall be in no worse position.

58. I see no difference. *Witness:* We shall not have the rights we claim.

59. Seeing that at the present time the Municipal Council have the power to rate you higher than the City residents, would it not place you in a better position if it was made uniform? No, because we protest against paying it.

60. Supposing that the Corporation had the power to assess the suburbs, and, at the same time, they were compelled to levy uniform rates, would you not be better off? No.

61. Every resident would have the right to appeal? His appeal would be no good if he were to be rated on the price that his house would let for in town. Take, for example, Mr. J. Bradford's house. In town that house might let for £100 a year, but in Sandy Bay it will only let for £30, on account of its being a distance off the main road. The Bill would cause it to be rated the same as if it was a town house.

62. Is there such a phrase in the Bill? No; but we understand that to be the principle of the rating.

63. *By Mr. Crisp.*—There was a conference of all the representatives of the various local authorities, and a resolution was prepared by one of them which was discussed, but was not put to the meeting: are you aware of that? No; I understood that the resolution was put and carried.

64. Are you aware that the resolution was not put from the chair, although it was discussed? No.

65. The Mayor promised that the City Council would send you their answer—did you understand that to be the case? No; I understood that the resolution was put and carried.

MONDAY, OCTOBER 9, 1893.

JAMES GREGORY, *called and examined.*

66. *By Mr. Gill.*—What is your name? James Gregory.

67. You are a resident of Sandy Bay? Yes.

68. How are you supplied with water in Sandy Bay? Fairly well.

69. From what source? From the City.

70. Have you read 24 Vict. No. 9—the Water Act of 1860? Yes; I have read it through.

71. And 31 Vict. No. 13, and 41 Vict. No. 20? Yes.

72. They were all for the purpose of supplying Hobart and the suburbs with water. Yes.

73. What was understood by the inhabitants of Sandy Bay when they conceded the right to their water to the Corporation? The Bill of 1860 fully explains the conditions upon which the City Council was allowed to take other streams than those they had at their command at the time: they were to supply the City of Hobart Town and suburbs and places adjacent thereto with water, and for the 30 years following they continued to do so at the same uniform rate.

74. Have the inhabitants of Sandy Bay ever contributed to the expense of laying branch mains and water pipes in that suburb? They have contributed, so far as their labour is concerned, in digging the trenches and filling in the earth when the piping was laid, but I am not aware that they contributed to the cost of the pipes themselves. One I laid at my own cost. In 1879 I dug to the required depth, under Mr. James's instructions, and after the pipes were laid I filled in the trenches. Mr. James estimated it would cost £25 for the work I did, but it did not cost me near that. That work is now public property. While I was in England in 1885, I am told, several residents in Princes-street subscribed to do the same thing,—viz., to open the ground to enable the Corporation to lay the pipes.

75. How do you pay for the water at the present time? Quarterly.

76. On the assessment of your properties? Yes. The rate is 1s. 4d. in the pound.

77. Was not the Act passed allowing the Corporation to rate you up to 1s. 6d. on the annual value, and requiring you to pay for water if the mains are under 50 feet from your boundaries? Yes; that is the present law.

78. What has been the effect of it? I don't think the Corporation has acted upon it. They have not raised the water rate to 1s. 6d.; it is 1s. 4d. up to £40, and 1s. above that.

79. Have the Corporation laid any mains in your district? Just before the present Act came into force they laid one in Ashfield-street.

80. Did they give you any assurance of any work being done before that Act came into force? Yes; they gave us an assurance that there would be a large amount done, costing something like £7000, but I am not aware of anything having been done up to the present time.

81. Have no new mains been laid to increase your supply since that Act was passed? About twelve months ago there was a 10-inch main laid from the New Wharf to the Waterworks. At that time I was ill in bed, but I was informed that a small branch was left in at the junction of High-street and Princes-street, West, which will enable the Corporation to supply us at some future day.

82. Does that main supply any water at the present time? No, it is perfectly dry.

83. What is the present supply like? I cannot complain myself.

84. Is the supply constant? I have no cause to complain myself, although many people living close round me are not satisfied. They have  $\frac{3}{4}$ -inch galvanised pipes, while I have a 3-inch main.

85. Are you allowed to flush out drains or water streets? No.

86. What representation have you on the City Council? None at all. Mr. Dooley put the same question to me when I was examined on the committee here three years ago.

87. Are the inhabitants of Sandy Bay willing that the City Council should have power to assess their properties? Certainly not. They want some independent authority—the Government, for instance—to assess their properties, and not an authority antagonistic to them.

88. What appeal would they have under this Bill if they were willing the Council should have power to assess their properties? They would have to appeal to a Court of Justices, the same as the citizens do already.

89. Would they be willing to form themselves into a Water Trust? Yes. We met the Corporation with that object in view, and presented our claims and wishes in that respect.

90. What was the result of that conference? The Council would not entertain our proposal.

91. Will you read Section 84 of 24 Vict. No. 9? Yes; it is as follows?—"The Treasurer of the Corporation shall keep a separate and distinct Account, to be called 'The Hobart Town Water Account,' of all moneys received and paid under the powers and provisions of this Act, and all rates and moneys received and paid under the powers and provisions of this Act; and all rates and moneys received by the Council 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 to no other purpose whatsoever."

92. Will you turn to Sections 15 and 16 of 41 Vict. No. 20, and read them? Yes; they are as follows:—"15. The Council shall from time to time so regulate all the rates and charges to be levied and made for the supply of water under the provisions of the said Act and this Act that the amount of such rates and charges shall be as near as may be sufficient to pay the interest upon any money borrowed by the Council for the purposes of the said Act or any Act amending the same, together with the costs of managing and conducting the Waterworks, and such further sum that will amount to £1 per centum per annum on the amount borrowed for the purposes of this Act as the Council may set apart, as hereinafter provided, for the purpose of the Sinking Fund, anything in Section 118 of "The Hobart Town Corporation Act" to the contrary notwithstanding; and if in any year the amount received is more than sufficient for all the purposes aforesaid, the Council 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 the said Act or this Act." Section 16 is—"It shall be lawful for the Council and it is hereby required annually to set apart as a Sinking Fund from and out of any surplus moneys appearing upon the yearly balance of the Hobart Town Water Account hereinafter mentioned, a sum of £1 per centum per annum on the amount or amounts raised and borrowed for the purposes of supplying Hobart Town with water and of this Act; and such Sinking Fund shall from time to time be applicable to the redemption of the mortgages of the Waterworks, and to no other purpose whatsoever."

93. Has your Town Board been furnished with any account of the expenditure of the rates? No.

94. Have the residents of Sandy Bay? No. we have no power or authority, and are not consulted in the slightest way.

95. You have no voice in the expenditure of the water rate? No.

96. Have you read the Bill now before the Committee? Yes.

97. If it becomes law, what would be its effect as regards Sandy Bay? I consider it would be going behind the Act of 1860, and instituting a new order of things altogether. It would be proclaiming at once that the City of Hobart had the sole and exclusive right to the water, and power to monopolise it or sell it to whoever they thought fit.

98. Do you think the water accounts of the Corporation should be audited by Government Auditors, and any surplus money credited to the cost of constructing water-works? It would be a very good thing if it was so.

99. Do you think the Sandy Bay residents would be satisfied to have any surplus spent on the city streets? I don't think they would.

100. Clause 34 of the Bill reads:—"The Corporation shall, if practicable, cause pipes to be laid down and water to be brought to every part of the places and districts within the limits of this Act and beyond the city, whereunto the Corporation is required by so many owners or occupiers of houses in such part of the district beyond the city as that the aggregate amount of the Suburban Water Rate hereinafter mentioned payable by them annually shall not be less than One-tenth part of the expense of providing and laying down such pipes." Do you as a body agree to that clause? I am not prepared to answer that question, as it is rather an indefinite one. It would be quite reasonable and fair in some places, and a hardship in others.

101. The 37th Clause provides that the Corporation may supply water by measure, and attach meters at any time: do you think the residents of Sandy Bay would be satisfied with that? No.

102. Why? In every case we would be made to pay the full amount of the assessment if the meter should fall short of it. Where the meter did not register as much as the assessment they would fall back on the assessment.



103. *By the Chairman.*—Suppose in the case of a big suburban hotel with 20 bath-rooms and 10 water-closets, should not it be made to pay by meter? Oh yes; everything in reason and fairness.

104. *By Mr. Crisp.*—Have you read the Bill? Yes.

105. It is a consolidation, principally, of the present Acts? Yes.

106. Will you tell the Committee anything you may think wrong in the Bill? I find fault with it principally because it completely disposes of the Act of 1860, and in that Act is our safeguard, and in it we are shown to have an interest in the water. Before that date the Corporation had not the power to go round the Mountain and take away the various streams to the east and south as they have done, thereby cutting off for ever the whole of the natural supply that comes from the Mountain to all the districts lying to the south and east. Mr. Lipscombe, who was Member for the district at that time, and also an alderman, assured us that if we allowed these streams to be taken we should be constantly supplied with water from the city, and would be on a level with it in every way. Unless the main provision of the Act of 1860 is incorporated in this Bill I shall object to it. If you include the undertaking which was religiously given to us by previous legislators, that we should be supplied on the same terms as the city, no one will object to the Bill.

107. *By the Chairman.*—Has any protecting clause been cut out of this Bill? Not as far as the letter of the law is concerned—but what is the practice?

108. *By Mr. Crisp.*—You agree if these Acts are consolidated good work will be done? Yes, it will sweep away all the amending Acts.

109. The Corporation is just as anxious as you are to make this Bill quite fair and equitable, and that is the reason the representatives of the Corporation in the House of Assembly agreed to, this Select Committee being appointed for the express purpose of trying to adjust matters. Suppose, now, that all properties in the city and suburbs were assessed for water purposes by an independent assessor, and one uniform rate charged, do you think that would meet the case? I do. I think everyone using the water should pay justly and fairly for it.

110. Do you think it would be fair to charge town and suburbs alike on independent assessment? Yes. No one can object to any uniform rate to give us a supply of pure water; even if it was 5s. in the £ it is a necessity, and we should all buckle to and pay it. But for us to pay 50 per cent. more than the city is not fair. I culled from the present Assessment Roll that the little pipe in Ashfield-street, the only one the Corporation have laid in Sandy Bay for seven years, which was estimated to cost £50, and was seven chains long, returned £30 14s. a year according to the present annual assessment.

111. Have not the Corporation put a new main down? Oh, no.

112. I mean from the New Wharf: has there been any scarcity of water since that was put down? That has made no difference to Sandy Bay.

113. Have you never made any complaints to the Corporation? There have been a lot of complaints made to me, at any rate. People often come to me to borrow water, as they are insufficiently supplied through the smallness of their pipes.

114. You said the Corporation charged you 50 per cent. more than the city. Will you explain that? We object to being charged higher than the city. We are now charged 33 per cent. more, but the Council has power to charge up to 50 per cent.

115. Are you aware that the Corporation accounts are published in the *Government Gazette*? Yes, they are, I believe.

116. Did you see them as an alderman? I have helped to sign them, but not being an auditor, I knew about as much about them as anyone else.

117. I see your name here signed to a petition, in which it is asserted that on June 14th, 1893, a meeting of the City Council and Local Boards was held at the Town Hall, when the resolution embodied in the petition was carried. Are you aware that that statement is incorrect? No, it is substantially correct.

118. The resolution was proposed and discussed? Yes.

119. Was it carried? I was fully under the impression that it was.

120. *By the Chairman.*—But you said the Council refused to accept your proposals? Yes, at a meeting they held immediately afterwards.

121. *By Mr. Crisp.*—The Chairman never put the resolution. He simply said the Council would not consent to it: is not that so? I did not understand it that way. I believe it was put and carried, and there was not a dissentient voice.

122. The Mayor's answer to the Conference was that the matter would be considered by the City Council? Certainly.

123. Was not the answer that the City Council was of opinion that it was inopportune to form a Water Trust with the suburban bodies? Yes, we took the answer as completely shelving the whole thing. Alderman Watchorn promised in the Council he would do his best to get the Water Trust formed in the recess, and we found the City Council not prepared to carry it out.

124. Are you aware that the Corporation has spent large sums to carry out water supply, for which the citizens are solely liable? No; I say the suburbs are just as liable. Morally speaking, everyone that takes the water is liable. We have already stated that we are perfectly willing to enter into any compact or agreement, and become equally liable with the citizens.

125. You are agreeable to take a share of our liability? Yes, we are.

126. Do you think the surplus from the rates should be carried forward to a sinking fund? Yes.

127. Do you object to the surplus being appropriated for repairs to roads after pipes have been put down? Yes; that is reasonable and fair.

128. In short, if a uniform rate is charged, with an independent assessment for water purposes, you are perfectly satisfied? Yes.

129. *By the Chairman.*—Your great objection is to the differential rate? Yes, unless some special reason exists for it. In cases where a pipe is laid to supply certain residents they should pay proper interest on the money until the whole is liquidated, but not to start from now.

130. You object to what is already law, and want it altered? Yes.

131. *By Mr. Hamilton.*—You object to the present system on several grounds? Yes.

132. One is the differential rate? Yes.

133. Another is the differential assessment? Yes.

134. You wish to be supplied on the same terms and conditions as the City of Hobart? Yes.

135. The whole objections of the suburbs are included in those conditions I have named? Yes, that is the case.

136. Is there any voluntary evidence you would like to give? I would like to impress upon the Committee that before 1860 the Corporation did not possess the right to go round the Mountain where they go now. I had put into my hands this morning a copy, rather mutilated by rats, of Capt. Cheye's Report on Peter Degraives' application for the right to the water in the Guy Fawkes Rivulet, and it confines the right of the City to Guy Fawkes and Hobart Rivulets. In 1860 there was only a house here and there in Sandy Bay, but the Legislature made it incumbent upon the Council to supply them as well as the City, and there is every probability of the population rapidly increasing, while we are prevented by the Council from getting the water which should naturally flow to us. We have a perfect right to the water flowing from the Mountain towards us, and the Corporation obtained the Bill of 1860 solely and entirely on the condition that they should supply us with water. I have every confidence in the present Aldermen, but people might come into the Council with no conscience, and make us pay pretty dearly for our water.

137. *By the Chairman.*—The differential rate is the main point you object to? Yes.

138. *By Mr. Hamilton.*—You wish to be on equal terms with the City? Yes, we do.

139. *By Mr. Hiddlestone.*—What is the assessment of the House you occupy? £90 a year.

140. If that house was in the City, have you any idea of what the assessment would be? No, I have not.

141. Are you aware that a house about the same size as yours is assessed in the City at £110? I am not aware of it; it may be so.

142. If it has been stated by an authority that we take no water from the Sandy Bay Rivulet, would it be correct? It is possible, but he does not say we could get the water if you did not.

143. Do we take any water from the tributaries of the Sandy Bay Rivulet? No, you let them go down the bye-wash.

144. Would any of the tributaries we have diverted affect Sandy Bay? Not naturally; but they could have been brought into Sandy Bay if you had not got them. The position is this—if the Corporation had never gone round the Mountain we should have gone to the Bower for our water supply.

145. *By the Chairman.*—You would have to go outside your boundaries? Yes; but the Corporation has done the same.

146. *By Mr. Hiddlestone.*—Is there anything to prevent a Sandy Bay Water Trust from making a dam of their own on the Sandy Bay Rivulet? Oh yes; we should have to pay your rates as well as our own.

147. Not if you did not use the water? But you have taken possession of the roads.

148. *By the Chairman.*—Suppose you applied to be cut off? If the Corporation allowed us to be cut off, as I do not think they would, we could supply ourselves with water.

149. *By Mr. Hiddlestone.*—I think you stated that the Corporation undertook to supply the suburbs with a distinct arrangement, that the rates should be the same as in the city? That has been the practice all through.

150. Did you not say you were to get the water for less than the city did? No; on the same terms.

151. I think you stated that it was incorrect to say that the residents of Sandy Bay were assessed at a lower rate than in the city? Yes, I think the residents of Sandy Bay are as fairly assessed as in the city. I have come across cases in Montpelier-street where the houses were assessed lower than in Sandy Bay.

152. Are you aware that it is not compulsory on the part of the Corporation to supply the suburbs with water? If that is so, I don't know what 30 years' practice stands for.

153. Suppose the city increases to such an extent that the Corporation are unable to supply the suburbs with water? You are bound to supply us, as you have taken away our natural supply.

154. *By Mr. Gill.*—Your greatest objection to the present system is the differential rates? Yes.

155. And you object to being assessed by the Corporation? Yes, it will not do, whether it is fair or not: the assessment must be made by an independent authority.

156. Would not an independent appeal do as well? No, many would not take the trouble to appeal. It would be better to have an assessment independent of the city and suburbs alike.

WILLIAM BATT, *called and examined.*

157. *By Mr. Crisp.*—What is your name? William Batt.
158. You are a Member of the Town Board of Queenborough? Yes.
159. Have you read the Bill before the Committee? Yes.
160. Do you know of anything to object to in it? Yes.
161. What do you think is wrong in the Bill? I think giving the Council the right to rate our property is a very objectionable feature; as also is the power given them to rate us over and above the city.
162. Is there anything else? No, I can think of nothing else at present.
163. *By Mr. Gill.*—You object to Clause 66 of the Bill? Yes.
164. You would not object to a general rate assessed by an independent authority? No, decidedly not.
165. You disapprove of differential rates? Yes, decidedly.
166. *By Mr. Crisp.*—If an independent assessment is made both in Hobart and the suburbs for water purposes only, and a uniform rate charged, do you think it would be fair? I would not object to that; I think it would be fair.
167. *By Mr. Hiddlestone.*—You object to be rated higher or lower than the city? Yes, that is so.
168. *By Mr. Crisp.*—You think all ought to be charged alike, and an independent assessment made? Yes.
169. Do you think Queenborough would be satisfied with that? Yes.
170. Were you present at the Conference held in the Town Hall? No, I was not.
171. Do you object to the Corporation having power to take money out of the water funds to be expended upon other purposes besides water purposes? I do, most decidedly.
172. Do the present waterworks interfere with the watershed to Sandy Bay? Most decidedly they do.
173. And if another authority says they do not interfere, it is incorrect? There is no doubt it is a mistake.
174. Can you tell the Committee how the Corporation has interfered with your water? There is nothing like the supply of water coming down now that there used to be, except perhaps in heavy rains.
175. Was any arrangement ever made by which Sandy Bay was to be supplied at the same rate as the city? Mr. Lipscombe, it is quite fresh in my mind, who was in the Corporation, made a distinct pledge that we were to be supplied at the same rate as the city.
176. Have you ever seen any arrangement to that effect in printing, or in black and white? No, I have not.
177. *By Mr. Gill.*—Have not the Corporation come and cut off every available source of supply that Sandy Bay might have utilised? Yes, every available supply is cut off.
178. *By Mr. Hiddlestone.*—Is it not a fact that the water from the Sandy Bay Rivulet is so bad that the Corporation had to discard its use altogether? Not that I know of.
179. If it is stated that the Corporation have taken no water from the Sandy Bay Rivulet would it be correct? No, it would not be correct. It has been taken.
180. Do you ever remember the water from the Sandy Bay Rivulet being tested? I do.
181. With what result? It was always pronounced good water.
182. And if it is stated that it was found to be impure? That must be incorrect.
183. The late Director of Waterworks gave evidence to that effect? It might be impure within the last few years, on the lower side of the reservoir.
184. Are any of the tributaries we have diverted claimed by Sandy Bay? All the available tributaries have been diverted, everyone that I know of.
185. *By Mr. Hamilton.*—Are you aware that the eight different public bodies surrounding the City agreed to petition Parliament against this new Water Bill? I am.
186. And the burden of your objections contained in the petition is that certain water-rights you have enjoyed since 1860 have been taken away? Yes.
187. Your great objection is to the differential rates charged in the new Bill? Yes.
188. And you also object to the differential assessment? Yes, that's another thing we object to.
189. And you also object to the violation of the agreement to supply the suburbs on the same terms as the city? Yes, that is one of the most important points we take objection to.
190. And if those three objections were done away with you would be quite satisfied? Yes, quite satisfied.
191. Or if the Bill was amended in that direction? Yes, that would satisfy us.
192. *By Mr. Gill.*—Was your Town Board ever consulted as to this Bill as a body? No.
193. *By Mr. Hiddlestone.*—You do not object to being rated the same as the City? No.

194. *By Mr. Hamilton.*—Is there any voluntary evidence you would like to give? No, except that I always understood when our water was taken there was a distinct pledge given that we were to be supplied at the same rate as the City.

195. *By Mr. Crisp.*—Have you heard any complaints as to the supply in Sandy Bay? During the last two years the supply has been very fair and the water very good.

196. You have never made any complaints of late to the Corporation about your water supply? No, not for the last two years.

The Committee then adjourned.

WEDNESDAY, OCTOBER 11, 1893.

JOHN CAPLIN HALL, *called and examined.*

197. *By Mr. Crowther.*—What is your name? John Caplin Hall.

198. You are a resident of Sandy Bay? Yes.

199. Have you read the Bill now before the Committee? Yes.

200. What do you object to in it? Mainly to the power of the Corporation to send a man to re-assess our property for water purposes.

201. Have you any other objection to it? Yes, also to the power of rating the suburbs independently of the city.

202. Have you read that clause which fixes the distance the water must come within your property before you are charged for it? Yes.

203. Do you think it is fair? No, it is very unfair.

204. Will you explain how that is? Well, there is one property in Sandy Bay belonging to the Lord family, which extends, I think, three-quarters of a mile back from the road. The Corporation main is laid along the road and comes within 50 feet of the boundary, while the house is fully half a mile from the road. The occupier of that house would be compelled to pay water-rates on that house.

205. Although virtually he never used the main? Yes.

206. Are you sure he would be rated if he did not take the water? I take it to be so.

207. Do you think a wrong has been done to the inhabitants of Sandy Bay by taking their sources of water supply? Certainly I do, because the Corporation have virtually destroyed any chance of our supplying ourselves.

208. Do you consider you ought to be charged the same rate as the town? I do, and what is more, I had a distinct understanding with Mr. Frederick Lipscombe, when I had water laid on, that I should be charged the same rate as the city.

209. Are you positive about that? Yes. It is over thirty years ago now; but Mr. Lipscombe assured me that I should be supplied on the same terms as the city; I am positive about that.

210. Do you think it is fair that suburban occupiers should be made liable if the mains of the Corporation come within a certain distance of their premises? I do not.

211. *By Mr. Hiddlestone.*—You say you object to being rated the same in Sandy Bay as in the city? Oh, no.

212. I took it you objected to being re-assessed? Yes; we object to being re-assessed by an officer appointed by the Corporation.

213. Suppose the Corporation appoints some one else out of their employ? If the Corporation employ anyone whatever it can scarcely be called an independent assessment.

214. Who would you get? That, I admit at once, is a difficulty.

215. You are aware that if parties consider they are re-assessed too highly they have the right of appeal? I admit they have the right of appeal, but the aldermen sit on the appeal Bench.

216. Nothing of the kind. If there is anything of the kind the aldermen at once retire and leave it to the independent magistrates. *Witness.*—Then it is only within late years. I have not appealed on the assessment of my city property for some years, but when I did a number of the aldermen sat on the Bench. I may mention that an assertion has been made that property in Sandy Bay is assessed lower than in the city. Now, I own 25 houses in Sandy Bay, rented at from £18 to £35 a year. The whole of these, with the exception of two, are assessed above the rental.

217. Do you object to being rated the same as the city for water purposes only? I cannot exactly understand how it would work.

218. Well, take Mr. Gregory's house for instance. It is assessed at £90 per annum, while a house of the same size in the city is assessed at £110? There you open up a difficulty at once. Take Mr. Batt's shop in Sandy Bay, for instance. If he attempted to let that shop, which is a fine property, he would not get above £60 a year for it in Sandy Bay; but take that shop and put it in Liverpool street, he would immediately double, if not quadruple his rent. So you see that an assessment which would be just in such a position in the city would be extremely unjust in the suburbs.

219. And yet Mr. Batt might use just as much water as if his property were in the centre of Liverpool-street? He might.

220. Then why should the Corporation supply him at a lower rate. In the suburbs the chances are he would have a garden, while in Liverpool-street he would not? You open up a very large question. I have a house I could name assessed at £15 or £16 a year, and the house I live in is assessed at £35 a year; yet the £15 a-year house would consume ten times the water I do, because a washerwoman lives in it.

221. The same question was put to Mr. Batt, "Do you object to being rated the same as the city," to which he replied "No"? I am very much afraid Mr. Batt did not fully understand the question.

222. But the Corporation are not going to assess them all as if they were in Liverpool-street? It is just according to the basis of assessment; that is what we want to fix. If I could understand the basis of assessment my objection might be removed. If all the houses in Sandy Bay were to be assessed as if they were in the centre of Liverpool-street, I say it is extremely unfair.

223. I mean for water purposes only? For any purposes, because there is no knowing that if we are assessed for water purposes only, we might be assessed for other purposes in a like manner.

224. Are you aware that the citizens' property is all mortgaged to secure interest for loans that have been entered into for water purposes? Yes.

225. And are you aware that suburban properties are not so? Yes.

226. Do you consider that fair? I do not. Although I possess property both in the town and suburbs, I would not object to the suburban property being mortgaged in the same manner as city property to secure the interest on money borrowed.

227. *By Dr. Crowther.*—Providing you had water on the same terms? Yes, if we were in every respect the same as the city.

228. What has the supply been like during the last few years? Very good. Sandy Bay is specially favoured in that respect, because I have known the water turned off in various parts of the city while we have had a constant supply. I have heard it assigned as a reason that it is too much trouble for the Corporation to come to Sandy Bay to turn it off; but whatever the reason is we have a full supply.

229. *By Mr. Crisp.*—Do I understand that you want to pay on the present Government assessment? I can only explain myself in this way: property in the suburbs is not so valuable as it is in the city—very well; if you were to assess us for water purposes the same as in the city our property would, in reality, be over-rated.

230. You admit that property is not of so much value in the suburbs as in the city? Yes.

231. And both pay on the assessment? Yes.

232. But if they were assessed in the way you indicate, the residents of the suburbs would have their water cheaper than the residents of the city? Well, cheaper than the residents in the centre of the town, but not cheaper than residents in Lansdowne Crescent and outlying streets.

233. If the Corporation were willing, for water purposes only, to assess both the suburbs and city alike, do you think it would be fair, just, and equitable? To a certain extent it would; and yet if suburban residents assented to an assessment of that description, there is no knowing where it would extend. The next thing would be that a police rate would come in.

234. But the water rate is a different thing altogether? I quite agree with you; but at the same time we all know the difficulty there is when once an assessment is put on to get it off again.

235. Suppose a 6-roomed cottage was assessed in Hobart at £40 a year, and the same description of cottage in your own district at £30 a year, do you think it would be fair to the citizens to be charged at the same rate? I hardly think it would.

236. If you think the present law unfair, what course would you propose to meet the difficulty? I can hardly suggest a course. I admit all the difficulties, but at the same time I cannot suggest a better course.

237. Do you object to the differential rate? Yes.

238. If you were all put on the one footing, and your property valued by an independent assessor, what objection could you urge to that? I am afraid, if this assessor were appointed by the Corporation, he would consider himself the servant of the Corporation, and be bound to study their interests rather than the interests of the inhabitants of the suburbs.

239. By an independent assessor I mean a person outside the Corporation altogether? The Corporation would appoint him.

240. But supposing someone else appointed him? Yes, and he would consider himself the servant of the person who had appointed him, and study their interests.

241. If your property is assessed too high, you have the right of appeal? That is true; and I did not understand, until Mr. Hiddlestone explained, that the aldermen never sat upon the appeal bench.

242. But as the Corporation are the plaintiffs, the cases must always be tried by independent magistrates? So I understand now, but I did not know that before.

243. You would have no objection to taking a share of the responsibility so far as loan money is concerned? Certainly not; that would be only fair.

244. Are you aware that the Corporation are repairing the old reservoir? Yes.

245. And that the work will cost from £20,000 to £25,000? Yes.

246. And notwithstanding all this, speaking on behalf of Queenborough people, you are willing to come in and take a proportionate share of liabilities and responsibilities? Certainly: if we are to be on an equality with the citizens, we should take equal liabilities.

247. Supposing there is any profit from these rates, to what ought it to be appropriated? To reducing the water rate.

248. Or to a sinking fund? To that also.

249. You say you have no complaint to make as to your supply of water? Not the slightest.

250. The Corporation are supplying Sandy Bay in a thoroughly satisfactory manner? Speaking within compass, I don't think the water has been turned off in Sandy Bay for the last two years except for repairs to pipes.

251. Do you consider you get full value for your money? Yes.

252. Is there anything further you wish to say against the Bill, or on the subject of water supply? No, I think I have conveyed all my opinions with regard to the Bill, and I have no further suggestions to make.

253. *By Mr. Hamilton.*—Do I understand that you will be content if you have equal taxation, no differential rates, and a supply in every way on the same terms as the City? Yes, I would then have no objections whatever to the Bill. The only thing is, that I am strongly of opinion that the suburbs should take their share of responsibility with regard to the loans.

254. *By Mr. Hiddlestone.*—Clause 67 is as follows:—"The Council may, for the purposes of making, levying, and recovering such Suburban Water Rates as aforesaid, assess the annual value of all lands and buildings in such places and districts beyond the City as to the Council seems meet; and all the provisions contained in any law enabling the Council to assess the annual value of lands and buildings within the City shall extend and apply to the assessment of the value of lands and buildings beyond the City for the purposes aforesaid, but not further or otherwise: Provided, that any person affected by any such assessment may appeal therefrom in the same manner in all respects as any person may appeal from any assessment of any property within the City." That gives to the suburban residents an equal right of appeal. Have you any objection to that clause? I have no objection to that clause, provided we understood the basis of assessment. That is where the great difficulty lies.

255. Supposing there was a thoroughly independent assessment? It is not exactly the independence, it is the basis on which the assessment proceeds. Suppose, for instance, you went up to the extreme rental on all premises, I could understand it, for there would be a basis.

256. That is only a matter of detail? It is that very matter of detail that raises my judgment against the clause. Unfortunately in most cases it is the small houses that are over-assessed.

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FREDERICK WILLIAM PIESSE, *called and examined.*

257. *By Mr. Hamilton.*—What is your name? Frederick William Piesse.

258. You are Chairman of the New Town Town Board? Yes.

259. And you are one of the Petitioners against the alleged injustice in this new Bill? Yes.

260. Will you state what your objections to the Bill consist of? One objection is that you are by this Bill attempting to take away long-established rights, and these rights we claim are secured to us under the Water Acts of 1860 and 1877. Under those Acts we consider the position is this:—That Hobart and the suburbs are one district, with common rights to the water, paying the same rates, and entitled to similar privileges as to the reduction of charges for water. The only distinction that can be drawn is that the control of the water supply is vested in the Corporation, instead of being vested in an authority representing the whole of the consumers. I consider these rights are shown, first of all, by the Act of 1858, which was repealed by the Act of 1860, and defines the word "city" to include Hobart and the suburbs. The preamble of the Act of 1860 refers to the supply as "Hobart Town and suburbs," the limits of the Act including "Hobart and suburbs thereof and districts and places adjacent."

261. Can you furnish the Committee with any reasons for the statements you have made? I think I have already shown that Hobart and the suburbs are one district. From a general reading of the Act it appears to me that the water was to be taken wherever practicable, which I understood to mean that it was to be taken provided a certain number of people could show that their rates would pay a certain percentage on the cost. Of course the members of the Committee all know that Section well enough, it is the 37th. It reads, "The Council shall, if practicable, cause pipes to be laid down and water to be brought to every part of the places and districts within the limits of this Act, and beyond the city whereunto the Council is required by so many owners or occupiers of houses in such part of the district beyond the city as that the aggregate amount of the Suburban Water Rate hereinafter mentioned payable by them annually shall not be less than one-tenth part of the expense of providing and laying down such pipes." Then, as to the rates being the same both in city and suburbs, I don't think I need quote from the Acts to show that. Section 58 of the Act of 1860, and Sections 10 and 14 of the Act of 1877 amply prove it. Then as to the reductions of charges, Sec. 58 of the Act of 1860 and Section 15 of the Act of 1877 are very clear upon that point. They provide that the rates and charges for water are to be so regulated as not to exceed the annual expenditure.

262. What do you conceive to be the Corporation's position in the matter? That is clearly shown by the preamble of the Act. Up to 1860 the Crown had the right to this water, and by the Act of Parliament of that year the rights vested in the Crown were transferred to the Corporation of the city. These rights include the water from the Hobart Rivulet. I understand that the Corporation was chosen in place of the Crown to hold these rights for the benefit of everyone interested in the water, and placed in the position of a trustee, and the reason no other trustee was appointed was that the Hobart Corporation was the only local authority existing at the time.

263. If the Corporation make a profit out of the water, what then? I think it is *ultra vires*, and against the intention of the Act. I don't think that any serious amount has been made in that way, and it is hardly a question which will arise as a practical one.

264. It is one of the principal objections raised in the petition? Yes, because under Clause 70 of the new Bill it is proposed to take any surplus for municipal purposes. Under another part of the Bill the Corporation are to have power to levy differential rates, and there will, therefore, be a manifest temptation to keep up the water rates and spend as little on water purposes as possible. We think that any surplus should be used to improve the service, both in view of an increase in the population and our wants at this present moment.

265. Have you any further objections? Yes. Clause 66 is one we object to very strongly, giving, as we understand it, the power of separately rating the suburbs. Until about two years ago the rates were the same both in Hobart and the suburbs. The limit of rating in 1860 was 1s. 3d. in the pound; the limit of rating power in 1877 was the same as in the present Bill, but applied to the whole of the District, and there was no power to levy one rate in one portion and another in another portion. After one system has been in force for over thirty years we can hardly understand the Corporation wishing to make an alteration, because we must be much more worth while rating now than we were then. There is also a minor objection to Clause 66, contained in the following proviso—"Provided that no occupier of any such house, building, or other premises shall be liable to the payment of any Suburban Water Rate unless such house, building, or other premises is actually supplied with water for domestic or other purposes, or unless the main or other pipes of the Council are laid down and properly supplied with water within fifty yards from the outer boundary of the land upon which such house, building, or other premises is situated." This really places us in a worse position than the city. In the city, if a man is not supplied with water he only, under clause 54, pays one-fourth of the Water Rate, and he must then have a pipe within fifty feet of his boundary. Then in clause 34, in connection with the definition of the limits of the District, there is an objection taken, but it is a minor point. We think the doubt implied in that clause should be removed. We also think that it would be a mistake to have four assessment rolls in our District.

266. I would like you to speak plainly as to the nature of the assessment that would satisfy the petitioners? We do not make our own assessment now. The Town Boards have power to take 5 per cent. on the Government book valuation, but have no discretion in the matter. If there is fault to be found, it must be laid on the shoulders of the Government valuers.

267. Amongst the objections to the Bill in the petition, an important one is on the ground of differential assessment? I don't think the New Town petition takes any objection on the score of assessment; the Sandy Bay petition does. We object to different rating, but we don't want to escape any fair assessment.

268. Would you be satisfied with an independent assessment? I would like to see one assessment which would serve all purposes. We have at present the Government Land Tax Assessment, the Government Police Valuation Roll Assessment, and our own Town Board Assessment, and to have a fourth assessment seems to me to be multiplying the thing unnecessarily. I know it is alleged that our houses in the suburbs are undervalued, but I do not own to that, as I think the question of undervaluation would apply to the city and suburbs. There are cases in both the city and suburbs where houses could be justly put higher, and it is not our fault if we are undervalued, because we have no control in the matter. If you ask me if a place in New Town should be assessed the same as a place in Macquarie street I should say No, for several good reasons. You don't give me as good a supply of water, or the same protection from danger from fire. My nearest fire-plug at New Town is 400 feet away, and is a very insufficiently supplied one, judging by our last experience in New Town where a house was burned down before water could be got to put it out. I and my neighbours have gone to considerable expense in laying on water, and in my own case the pipes cost £20, and when they are down the cost of maintenance becomes a small tax. In my own house, which was rated once at £40 and now at £120, or an average of £80, this cost can be put down at not less than 6d. in the pound per annum. I don't think the Corporation would assess a house in Lansdowne Crescent the same as a house in Macquarie street. There are a few words more I would like to say on the score of the merits of the petition. We have been arguing a good deal about our position from a legal point of view as I call it, but you must remember that if we are going to take a supply of water to New Town, though the length of piping would make it cost more, the city only gives it to us after it has supplied itself. You supply your ratepayers in New Town with the same main that supplies Lansdowne Crescent, and the same is the case in Glebe Town and Sandy Bay. We ought not to be made to pay more than the water could be supplied to us for if the best means of supply were taken. I think New Town, part of North Hobart, and South Glenorchy could be supplied better with a reservoir in the New Town valley than by bringing the water from the Huon Road. I would like to put before the Committee a letter from the Town Clerk, furnishing a Report of the Water Works Committee, dated 7th February, 1888, signed by Mr. Watchorn, in which it is stated that the suburbs took their supply on the risk of its being intermittent. I don't admit that the Council had the right to make that reply.

269. Does that only intensify the vexation caused by their charging an increased rate? Yes.

270. Have you anything to say regarding water revenue? The only evidence is furnished practically by the Town Clerk before the last Select Committee which sat on the subject. In his evidence on the 24th October, 1890, he says that the suburban water in 1878 was £738, and in 1890 it increased to £1476, or an increase of exactly 100 per cent in 12 years. And in confirmation of that position, I may fairly quote from what Alderman Watchorn is reported to have said at a meeting of the Corporation on 21st August. He said, "although the New Town people did not notice it perhaps, they paid £600 or £700 a year for water, and that would pay the interest on £14,000 or £15,000, a sum quite sufficient to give New Town a magnificent supply."

271. What has been the growth of the suburbs in your case? I cannot say anything about 1860, but I think it would be within bounds to say the suburban assessment did not reach £6000. In 1880 the Corporation estimated it at £12,000 and in 1893 it must reach £32,000, if not more. From the returns of the Drainage Board I find the suburban assessment for 1893 is £38,000. That includes some parts not supplied with water, but again I know of places supplied with water that are not in the Drainage Area. It is

interesting to notice that between 1892 and 1893 there is an increase in the rate, according to these returns, of £2254. New Town is estimated to have increased in 5 years 24 per cent, and I can bring instances in our District where I know the water rate is increasing 100 per cent.

272. Has the expenditure on water shown an equal growth? Mr. Rait gave some evidence on that point before the last Committee in 1890. In 1890 he estimated the expenditure was £13,450, and I don't assume that it has increased to much more than £16,000 since then. If we charge 5 per cent as interest on that, it requires £800. The Corporation Revenue must be £1600 from the suburbs, so we consider they gain £800 over and above the cost of laying the water to us. The Town Clerk's evidence is somewhat similar. From 1878 to 1890 the expenditure on new mains in the whole of the suburbs was £8500. Five per cent. on this is £425. The Revenue increased by £738 in the same period, so that there was a gain of £313 over interest for those 12 years.

273. Can you indicate any principle on which the cost should be apportioned between the different districts? I have always said that we should pay for what water we get. I think a meter might be put on the main which supplies New Town, or any suburb, to ascertain the quantity of water which passes through to that suburb, and use that quantity as a first factor towards determining the share that suburb is to pay. Each district should be charged with interest on the cost of its own system of mains, and interest on its proportion of the first cost and maintenance of reservoirs.

274. *By Mr. Hiddlestone.*—You would not object to being charged a fair proportion of the whole cost of the City Waterworks? We should be charged our fair share.

275. You would take your fair share of the whole responsibility? Yes, I have always admitted that.

276. Both past and present? Yes, we agreed to that by resolution. We would bear our fair share of all cost in proportion to the water we consume. If we were not paying our fair share we should be increased, and if there was a surplus it should be applied in increasing our service. In that case we would be at liberty to use the water for cleansing purposes, without the Corporation saying we were taking water without paying for it. The district would also be bound to look after the water and see it was not wasted. At present the Local Authority cannot interfere; but must go to the Corporation if it sees water running to waste in the streets. We had to go three miles to get the key to a fire-plug when a fire broke out recently.

277. *By Mr. Hamilton.*—Is there anything else in connection with the Bill you would like to bring forward? I would like to point out that in the principle of assessment you don't seek to make a man at the end of five miles of road pay more than the man who lives in the first quarter of a mile.

278. And if you got equal taxation no differential rates, in fact everything on the same lines as the City of Hobart supplies the citizens, would you be satisfied? I think so.

279. And if the Bill were amended in conformity with that, would you be satisfied? Yes, if we maintained the principles of the Acts of 1860 and 1877. Great advantage might be gained by the Corporation agreeing to a Water Trust, but if they do not see their way to that they should allow the suburbs in some way to be consulted before any material step is taken with regard to waterworks. There are nearly 3000 people in New Town alone; and I do not think we ought to blame the aldermen for not knowing always what is wanted. They have the city to look to, and it would be better for them to be able to consult with us.

280. *By Mr. Hiddlestone.*—You say you don't object to an equal water rate with the city? No, providing you don't take the surplus for other than water purposes.

281. You do not object to an equal assessment with the city for water purposes? No, I have no objection to that.

282. *By Mr. Hamilton.*—But you think any surplus should be applied to water purposes? Yes. The matter of assessment would not be the only thing. It might suit the Corporation to get up a rate of 1s. 6d. all over the area—and it will be a matter of greater importance when we get larger—and spend the surplus in the city. It is a question of the disposal of the rate. The third clause of the petition points out that no sufficient reasons have been given by the Corporation for seeking these changes in the law. The petitioners are willing to allow further taxing powers to a body they are represented on, but object to the Corporation having the right to appropriate any surplus, because it is a temptation to keep up the rates and not spend anything in the suburbs. That matter was talked over at the public meeting, and so far as that meeting is representative it is what the people will agree to. The service in my district also requires improvement for sanitary purposes and extinguishing fires. The fourth clause of the petition, in regard to a Water Trust, I hope will be well considered. We in the suburbs, in New Town especially, feel that we are now about strong enough to undertake preliminary steps to get our own water supply, but feel that it would be a great pity if we were forced into that position. The Corporation is a department already in existence that can undertake that work. It has certain rights in that district already, and the mains are laid down, and although we could supply ourselves and portions of South Hobart and Glenorchy as well, we think it best to have the matter under the control of one authority.

283. *By Mr. Hiddlestone.*—Could not the North Glenorchy Water Trust supply you? Yes; but why go to them?

284. What is your opinion in regard to supplying fire-plugs to the suburbs,—do you think the Corporation or the Insurance Companies ought to supply them? That I have never considered. It has been part of the duty of the Council for many years to keep fire-plugs supplied, and there is no distinction between the city and suburbs.

285. But it is not compulsory on the part of the Corporation to supply the suburbs with water? It is compulsory.

286. Supposing the city found it impracticable to supply the suburbs, how would you get on then? You have undertaken the duty, and will have to keep to it.



287. Have you any complaint to make regarding the water? At present I have not; but if not better off than last summer, I shall have. It is very hard to get aldermen out of the contention that this is a city water supply. There is no such thing as a city water supply, nor has there been for the last 30 years. The Corporation are simply honoured as trustees for the water.

288. *By Mr. Hamilton.*—Do you approve of the consolidation of these Acts? Oh, certainly. I think the Bill is a good one in that respect.

289. And, properly amended, you believe in the Bill? There is very little that needs altering in the Bill, and very few clauses to come out, unless the House sees its way to go further in the direction of a water trust.

290. What are your opinions in regard to a Water Trust? We consider that we are now in a position to ask to be represented in the control of the water supply. It is a principle that is admitted everywhere else where similar conditions exist, and I have already mentioned that we believe advantage would arise in the control of the expenditure. We could indicate the needs of each district better than the aldermen, who do not travel outside the town boundaries. I believe there could be economy introduced into the matter by local administration, and a great saving of water effected. If you make the local residents interested in the question of rates, there is no doubt much better results can be got than are got now in many instances.

291. *By Mr. Hiddlestone.*—Supposing you were an owner of city property and also of suburban property, and others in the same position were returned as aldermen and placed on the Waterworks Committee, would not that work to satisfy all? Unless they were specially charged with representing the local body there would always be a question between them as to which master they were to serve. There are aldermen living in the suburbs now serving on the City Council; they are elected to serve the city, and look on the city as having their first claim. The reason a Water Trust was not formed at the beginning was that the Corporation was the only organised body which could be trusted, and all the outside bodies were comparatively small.

292. *By Mr. Hamilton.*—Each witness has been asked if he had any cause for complaint in connection with the present supply? I had cause for complaint last summer, as the water was very badly supplied.

293. Is there any voluntary evidence you may wish to bring? I think I have given all I wished to.

294. *By Mr. Crisp.*—You admit this Bill is really a good Bill, with the exception of the two or three clauses you took objection to? Yes, there is Clause 66, suburban water rate, Clause 70, and Clause 67, under the explanation I have made.

295. What does that refer to? The power of separate rating in the suburbs, and the power of the Corporation to take the surplus water revenue for Municipal purposes.

296. Are you agreeable that the Corporation should make an independent assessment for water purposes only throughout the whole area? I think it would be a good way to get rid of the difficulty, especially if it is made applicable to other purposes, as it is a pity to have so many of these troubles upon us.

297. Do you think it would meet the case if power of appeal was given to an independent Bench? Yes, if you are not content with the Government assessment. The Corporation might attain the end you mention through the Government Assessor.

298. How many acres have you in your own place? Four acres.

299. And a mansion on it? Well, hardly a mansion.

300. What is your annual value? £125, and I should be glad to get that rental if I were to let it.

301. You have spoken of supplying yourself from the New Town Creek? The Corporation had an opportunity of utilising that creek, and allowed the opportunity to slip. In the event of the Corporation supplying New Town at a uniform rate with the city, would the New Town people be willing for the Corporation to get back those rights and privileges, and be in a position, if they thought it desirable, to put a reservoir there? Speaking for myself, I should be glad to see it done. We have no anxiety to take such responsibilities on ourselves. The Corporation have a department ready manned; and I think it is better they should do it, as long as they do it with fairness to all parties concerned.

302. Would you object to New Town being brought within the city for all purposes? If the Corporation could do for us what we are doing for ourselves, I would not object; but I am afraid it could not. There is one thing I would like to mention, and that is, that Government property ought to be assessed. It is done in London.

303. Do you agree, so far as New Town is concerned, to share and share alike in our liabilities? Yes, we have agreed to that.

The Committee then adjourned.

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THURSDAY, OCTOBER 12, 1893.

ALEXANDER STRATHERN, *called and examined.*

304. *By the Chairman.*—What is your name? Alexander Strathern.

305. You are Chairman of the Mount Stuart Town Board? Yes; also Honorary Secretary.

306. Your Board was one of the Petitioners against the alleged injustice in this new Water Bill? Yes.

307. Have you read this Bill? Yes.

308. And are fairly conversant with its Clauses? I have read it, I cannot say any more.

309. What objections do you take to the Bill? Well, we object to the Corporation wishing to charge the suburbs a higher rate than they pay themselves; and we also object to their spending the surplus money they take from us on the Hobart Roads. Those, I think, are the two principal points.

310. Those are substantially your objections? Yes, as far as I remember.

311. If the Bill was amended so that there should be no differential rate, no differential assessment, and the water supplied to you on the same terms as the city, would you be satisfied? Yes, so far as that is concerned.

312. Is there any voluntary evidence you would like to offer in connection with your water supply? In Mount Stuart we are very little supplied with water at present, although no doubt we shall be largely supplied in the future, so that this Bill interferes with us in a very light degree. Jordan Hill Road, Salvator Rosa Glen, and the New Town Road are the only places supplied at present. There are many places where we cannot be supplied at all,—my own place, for instance, as we are so high up.

313. Would you object to the Corporation spending any surplus on their streets, if a share of the profits was spent on your streets? I don't think we could object to that.

314. Would you object to an independent assessment of the whole of the city and suburbs for water purposes? Who would you get to assess us? Mr. Gregory has assessed our district already for the Government capital value, and a more glaringly unjust assessment I never saw. I can give you an instance. One property, consisting of seven acres of land and two houses, has been assessed at £450, and a cottage above it, in a more inaccessible position, and with only half an acre of land, is assessed at £500. Mr. McGuffie's property is assessed at £850, and he refused £3000 for it a short time ago. If we could get some equal assessment I think it would be fair.

315. What do you mean by an equal assessment—I mean where properties are assessed justly? Mr. Gregory is an independent assessor, but I will not take his assessment. He assesses a property worth £3000 at £850, and a property sold recently at £400 at £500. If we are to have injustices of that description I should decidedly object to an assessment of the whole district.

316. Could you get any fairer system than an independent assessor? I would like to add, an independent and competent assessor and one not self-opinionated.

317. *By Mr. Gill.*—What is your present water supply? Direct from Heaven. I believe Mr. Millis has a scheme for a reservoir on the saddle of the hill above Augusta Road to supply New Town. That comes on my ground, and would therefore supply me. The water would have to come by a pipe round Knocklofty.

318. Are you allowed to flush out your drains with water? No, in no way will the Corporation allow that. When I was Secretary to the Glebe Town Board we applied to the Corporation for permission to do so, and they deliberately refused to allow us to use any water whatever for that purpose. We shall be going in largely for water supply at Mount Stuart in the near future, because there is to be a large amount of building done there. The contracts are already let for some of the buildings.

319. If this Bill is passed in its entirety, how will it affect your district? It will take our rates away to repair the streets of Hobart for one thing, and we will be taxed at a higher rate than the citizens of Hobart. They say our properties are assessed lower than properties in the city, but so are some of the properties in Hobart. My property in Lansdowne Crescent is assessed much lower than Walch's Corner. Both are in the city, and yet Walch pays 20 times as much as I do, and does not use nearly the same amount of water.

320. *By Dr. Crowther.*—You object to paying more than Hobart? Yes, decidedly.

321. And you object to being assessed differentially? Not if we could get a fair basis of assessment.

322. Do you think the basis proposed a fair one? It is a mistake to multiply the Assessment Rolls. We have three to go on now—the Town Board Assessment Roll, the Police Assessment Roll, and the Government Assessment Roll. I wish we could get one assessment roll for everything.

323. We are told our property in the city is virtually pawned as a security for money borrowed for waterworks, and that yours in the suburbs is not. Are you agreeable to make yours liable? Yes, we are agreeable to take the same liability if we are supplied at the same price as the city, and rated at a fair rate. I don't think we can do otherwise than admit that.

324. *By Mr. Crisp.*—Have you read this Bill? Yes.

325. And you are aware that it is simply a consolidation of the Acts? Yes.

326. And there are only three clauses you object to—the differential rate, the Council having the power of appropriating the surplus, and the assessments? Yes.

327. You want water supplied to you at the same terms as the citizens get it? Quite so.

328. What are your grounds for asking such a thing? Justice, simply.

329. How can you show that the Corporation are acting unjustly towards your people? By charging us more than they charge themselves. It is on the same principle that I should object to a tradesman in the city charging more to those outside the city than to those inside it.

330. Are you aware that the Corporation have borrowed large sums of money on the security of the city proper for the construction of waterworks? Yes.

331. Do the suburbs stand any portion of that responsibility? Yes. I think that your interest and the sinking fund is paid from the money collected from the suburbs as well as from the city.

332. How much do you pay the Corporation from your Trust? Very little.

333. Do you appear here on your own responsibility, or are you sent here by your Board? I appear here by an order from this Select Committee.

334. Simply on your own account? No; I am here involuntarily.
335. Have your body made any complaint to the Corporation as to scarcity of water? There were some complaints from Jordan Hill Road.
336. How long ago? About six months ago.
337. Have those complaints been attended to? Yes; a main has been laid down.
338. And everything is now in a satisfactory state? Yes, as far as I am aware. In Salvator Rosa Glen we are supplied by pipes put down at our own expense.
339. If the Corporation is willing to supply you at the same price as the citizens, by having an independent assessment roll for water purposes and giving you the right of appeal, are you satisfied? I cannot see how I can answer that question. From what I know of the assessments in Hobart I think the city is unequally assessed.
340. You would have the right of appeal, and the aldermen are not allowed to sit on the appeal bench? I am aware of that.
341. And you would not object to an independent assessment for the whole district? No.
342. And you think it would be a fair way of meeting the difficulty? Yes; I do not object to it, except so far as it multiplies the number of rolls.
343. But the accounts are all sent in from different Departments? It makes no difference in the practical working of the Acts.
344. You object to a differential rate? Yes.
345. And want to be placed on the same footing as the citizens? Yes.
346. If you are assessed on the same lines as Hobart and charged accordingly, don't you think it would be a fair way of getting out of the difficulty? I cannot give an opinion on that point.
347. Do say Yes or No? I cannot.
348. *By the Chairman.*—As one of the petitioners you complain of attempted wrongs. If we so amend the Bill as to remove your objections would you be satisfied—if we give you an independent assessment by a competent person? Yes, a fair assessment; I unhesitatingly say Yes to that.
349. *By Mr. Crisp.*—Then you say Yes to my question? No, I don't say Yes to your question.
350. Then, can you suggest any remedy for the wrong you say exists? At the Conference held at the Town Hall it was suggested a Water Trust should be formed to represent the whole district.
351. Then you want a Water Trust? I should prefer that.
352. You know that the Corporation objects to that? I have heard that since, though they seemed to agree with us at the meeting.
353. There was a resolution discussed at that meeting? Yes.
354. Was it put from the chair? No, it was only discussed.
355. And afterwards an answer was sent from the Corporation? Yes.
356. What was that answer? It was a refusal to concur in our proposition.
357. Do you think it is fair to charge the metal used in repairing the streets after pipes have been laid down to the Water Account? Yes, providing you do the same for the suburbs. I should say that the Council were bound to repair the trenches they made in the streets in laying pipes out of the water rates, whether in the city or suburbs.
358. Hitherto the cost of that metal has been taken out of the Municipal accounts, and the Corporation now want everything to stand on its own bottom, as it were, and propose to charge it to the Water Account? That is fair, provided they do the same in the suburbs.
359. You object to a differential rate, and wont answer my question about an independent assessment? I answered that very decidedly. I am quite agreeable to an independent assessment, if we could get it equal, over the whole district.
360. *By Mr. Gill.*—I asked you if you objected to an independent assessment of the city and suburbs? I answered "not if it is a fair assessment."
361. *By Mr. Crisp.*—Is there anything else you would like to say about the Bill? No.

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JAMES BAYLEY, *called and examined.*

362. *By the Chairman.*—What is your name? James Bayley.
363. You have been a resident of New Town for many years? Yes.
364. You are at present getting your water supply from the Corporation? Yes.
365. Have you seen this new Bill? No, I have not.
366. Have you heard that the Corporation are about introducing an amended Water Bill? Yes.
367. And have you heard of any particular provisions in the Bill which are likely to affect you? I have heard a great deal about it.
368. Under the last amended Water Act you were charged a different rate to what is charged in town, and under this new Bill they are proposing to do the same? Yes, I heard that.
369. Are you satisfied with that? No, I object to paying any more than the city.

370. You were amongst the petitioners against this Bill, and object to it on the ground that it will enable the Corporation to impose a separate rate on you, and apply any surplus water revenue to Municipal purposes, which is against the rights secured to you under the Acts of 1860 and 1877? Yes.

371. What sort of supply have you in New Town? It is very good now, but in summer time it is very bad, and sometimes for two or three days we are without any at all.

372. Did not the Corporation promise New Town a new main? Down the Risdon Road, yes, but it has not come yet.

373. If this Bill were modified so that there was no differential rate and no differential assessment, and you were supplied on exactly the same terms as the citizens, would you be satisfied? Yes.

374. Is there any voluntary evidence you would like to offer? Although we pay more now than the city, we do not get the same supply. At my own place you could not get any water in case of fire. There is a 2-inch pipe down the road to the Bay, but if we turn on one tap all the rest stop.

375. You have no pressure? No.

376. In summer, when a supply is most required, you have to rely on tanks? Yes.

377. *By Mr. Crisp.*—I understand in this Bill the only thing you object to is the differential rate? I think we ought to be on the same footing as the city; and I certainly object to the Corporation having power to spend any surplus upon their streets.

378. You say in the summer you are short of water? Yes.

379. Do you mean for domestic or irrigation purposes? We were short of water for domestic purposes until we got a 400-gallon tank.

380. How many acres of land have you altogether? The house is on  $4\frac{1}{2}$  acres, and then there is a little paddock down by the water. There is another little paddock down by the Railway Station, but there is no water on that.

381. Are there any taps on your premises for garden or lawn premises? There is a fountain, but we only play it enough to keep the fish alive.

382. I see you pay £15 17s. 4d. a year, from your evidence given before the last Committee on this subject, for water, for eight acres of land? I have 23 acres a little further up.

383. You have  $4\frac{1}{2}$  acres near your private house? Yes.

384. And for that, including the house, you pay £15 17s. 4d.? Yes, for one tap and a fountain.

385. Are you willing to have an independent assessment, by an independent assessor, for water purposes only? Yes.

386. Don't you think it is only fair that you should pay the same as a similar house to yours in the outlying parts of the city, for water purposes? I do not know that there could be any objection to that.

387. Can you suggest any better scheme than that I have named? No. We are willing to pay fairly, but for a long time I think I have paid a great deal too much.

388. Is there any further evidence you would like to give on the subject? No.

389. *By Mr. Gill.*—You say you have so many acres and pay so much; now, how many taps have you to those acres? Only one. I had five, but I cut four of them off.

390. Have you read the 70th clause of the Bill? Yes, and I object to it.

391. But you don't object to the Corporation using water money for repairing the roads after they have laid down pipes? No, that is fair.

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JAMES CLARK, *called and examined.*

392. *By the Chairman.*—What is your name? James Clark.

393. You are a resident of New Town? Yes.

394. And an old public officer there? Yes.

395. You are one of the petitioners against this amended Water Bill? Yes.

396. Have you read the Bill? No, I have not.

397. Are you conversant with any of its provisions? With some of them.

398. Will you tell us which of these provisions you object to? My chief objection is to the separate rating, and the application of the surplus water revenue to Municipal purposes.

399. If the Bill was amended so that there was no differential rates and no differential assessment, and you were supplied on exactly the same terms as the city, would you be satisfied? Yes.

400. What sort of supply have you at the present time? It is right enough during the winter, but in the summer there is scarcely any pressure, sometimes for 24 hours at a time.

401. Did not the Corporation promise you a new main at New Town some years ago? Yes; but it not done yet that I am aware of.

402. Has your supply in any way improved of late years? No.

403. Have you recourse to any other method of supply in summer? I have a 250-gallon tank.

404. Have you any voluntary evidence to give the Committee in connection with the Bill? No, I don't think I can say much more about it. Speaking of the rate for water purposes, I think it a mistake to

have so many different assessments. I think, for my own part, that one assessment ought to be sufficient for any property; now if a man is aggrieved with his assessment he has to appeal in three different Courts. A property can only have one value, and if a correct value is put on it at first it would save a lot of time and expense to the country.

405. We are all agreed on that point. The difficulty arises in regard to the water supply. You would not object to being placed on exactly the same footing as the city people, even at the inconvenience of another assessment? No, we could not object to that; but speaking on general grounds, I think that one assessment for the colony ought to be sufficient for municipal and general government purposes, and road and water trusts and all. It would save a lot of trouble and expense.

406. *By Mr. Crisp.*—You say you want to be served at the same rate as the city? Yes.

407. And yet you say that we should retain the present assessment and not have four or five rolls. If that were so, you must then admit that the suburbs would be having water cheaper than the citizens of Hobart? I did not say that the present assessment was a correct one, but that one assessment ought to be sufficient for all purposes.

408. But if the Corporation were to supply you on the present assessment you would get the water cheaper than the citizens? Yes; but the same thing applies to Landsdowne Crescent, and the outlying parts of the city.

409. Property in the suburbs is assessed lower than property in the city, is it not? Perhaps it is slightly lower.

410. How much is the house you live in assessed at? £26 a year.

411. How many rooms are there in it? There are four rooms, two small attics, and a small kitchen and storeroom. It would not bring more than £30 a year in the city.

412. If you want the same rates as the citizens, is it not only right and just that a fair and independent assessment should be made for water purposes, so that all properties should be assessed on the same basis, according to the size of the house? I have not gone very much into that question. It might from a Hobart Corporation point of view appear to be necessary, but if the city and suburbs are all assessed in the same way I don't object.

413. You admit your house would be worth £30 a year in Hobart? Yes.

414. And, then, don't you think you ought to pay on the £30 for water purposes? I don't say that I should not do it, but there are plenty of others in New Town who are assessed quite as highly as in the city.

415. Have you a good supply in New Town? Not in summer.

416. How do you manage then? With a tank.

417. What fills the tank? The town water.

418. You can get as many tanks as you like? Yes, I suppose so.

419. So if you bought a few more tanks you could always have plenty of water? They would be expensive, and make the house worth less for water purposes.

420. Can you suggest any other remedy for these things you object to? No. The Committee might bear in mind that the suburbs are reassessed every few years, and are steadily getting more valuable; and now that the trams are running they will be more equal to the city in value than in the past.

421. *By Mr. Gill.*—Have you read the 70th clause of this Bill before the Committee? Yes.

422. And do you object to the application of the surplus water revenue to municipal purposes? Yes, I do.

423. Would you object to this surplus being used for filling up and repairing roads after the mains had been laid in them? No, that would not be for general purposes, but should fairly be paid from the water funds, as it would be for works necessary in connection with water supply and the laying on of water. You might bear in mind that the Corporation for many years, and I suppose could yet, have the power to take the New Town Creek, with the understanding that New Town was supplied on the same terms as the city. There is no objection to their acquiring it again.

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WILLIAM HENRY SMITH, *called and examined.*

424. *By the Chairman.*—What is your name? William Henry Smith.

425. You are the Town Clerk? Yes.

426. Have you read this new Water Bill now before the Committee? Yes.

427. And you know that it has been petitioned against by a number of suburban residents, as well as by seven Local Authorities surrounding the city? Yes.

428. The petitioners state that by the Acts of 1860 and 1877 they were entitled to be supplied on the same terms as the city? They were not so entitled. By the Act of 1860 the occupiers of a house in the suburbs had to pay 25 per cent. more for water than the occupier of a house in the city.

429. But under the Act of 1877 they got equal rights? Yes.

430. We have elicited from the various witnesses that if the Bill were amended in the direction of having no differential rates and assessments, and they were supplied on the same terms as the city, they would be generally satisfied: do you know of any objections to such an alteration? I think the greater expenses entailed in laying down pipes to the suburbs should certainly entitle us to charge a greater rate.

431. You don't, then, recognise the rights the suburbs claim? Certainly not. If you get in a cab and go one mile for a certain amount the cabman won't take you three miles for the same price. It is on the same principle the rates are increased.

432. Do you consider the service rendered to the suburbs equal to that rendered to the City? Yes, I do.

433. One witness has informed us that he laid on water at his own expense, and the supply in the summer is not nearly so good, as it is in the city? I beg your pardon, we never shut off water from the suburbs and not from the city.

434. The suburbs only get the excess after the city is supplied? No. In the dry season the water is forced to them at stated intervals, and they are notified, and every precaution taken to give them a decent supply.

435. Nevertheless it does not achieve the object you intend. Witnesses have told us that in summer, when it is most needed, the supply is most uncertain? That is naturally the case.

436. Why should the suburbs be expected to pay more than the city? On account of the extra cost of laying pipes to them. It cost us at least from £1500 to £2000 a year to supply the suburbs at all. I base my argument on these facts. For the city proper we have a sufficient supply all the year round for the next 30 years. For the sake of the suburbs we went to an expense of £35,000 for a new reservoir, the interest on which amounts to £1750 at 5 per cent. We are spending another £20,000 for the restoration of the old reservoir, the interest on which will be £1000. The citizens are paying that interest, for we don't get more than that from the suburbs altogether. The interest on the restoration of the reservoir, with pipe-laying, maintenance, and supervision, will cost from £1500 to £2000 a year; so we are at a loss of that amount to supply the suburbs.

437. You know that the appropriation of surplus revenue for Municipal purposes is strongly objected to? It may possibly be objectionable. They would have no objection to devoting the surplus to a sinking fund.

438. A sinking fund would be really the means of reducing the water rate? It would be laying up for posterity, and what is the good of doing that.

439. Is there anything else you would like to point out in regard to the relationship between the Corporation and the suburbs on this question? There is one thing I would like to say. I see Mr. Perkins says in his evidence that the suburbs are liable for the debt. I give that a most unqualified denial. I can prove it to you. 43 Vict. No. 22 contains this passage: "The Council shall, whenever necessary for the purpose of paying the sinking fund and the annual interest payable upon all or any part of the moneys secured by any debentures issued under the provisions of this Act, make a special rate upon all rateable property in the city." I don't see how Mr. Perkins can reconcile that with his statement.

440. Do you see any objection to the Bill being amended in the direction I speak of—an independent assessment by a competent and assessor and equal rights all round? You could not have an assessment for water, another for municipal rates, and so on.

441. We have three or four different assessments in the suburbs now? That is your own look-out.

442. Suppose you struck out Clause 60? Oh, no, leave it there, and strike out 67 if you like. If the suburbs set up their backs we would rather keep the law as it is and let them all go by the board.

443. You could not recommend anything in the direction of the resolution proposed at the Conference? Oh, certainly not. It means for them to get their own way. I happen to know there are two or three agitators, as a matter of fact, who have caused all these objections.

444. *By Mr. Gill.*—You are of opinion that rather than concede what the suburbs ask the Corporation had better be without them? Yes, I think so.

445. Were you present at a meeting of the Corporation and the Local Authorities on 14th June, 1893? Yes.

446. There was a resolution proposed: can you tell me why the Council thought it was an inopportune time to accede to the request for the formation of a Water Trust? Because they had got on very nicely with their own management, and there was no reason to give up the helm to strangers. The whole suburbs put together are not above one-seventh of the city.

447. Is it not a fact that the Corporation have to go through Queenborough to get water? Certainly not.

448. They go to St. Crispin's well? Yes; but that is not in Queenborough.

449. It is in my district? It would not come into Sandy Bay, and we are talking about Sandy Bay now. We don't take a drop of water from the Sandy Bay Rivulet. I see that someone has given in evidence that, rather than pay 1s. 4d. in the pound, they will go and make waterworks for themselves. The Corporation will never stand in their light in that case, at least I think not.

450. It seems to me only fair that the districts that pay water rates should be represented in the matter? Well, Glenorchy left us and went in for their own water. Unless we are prepared to spend thousands of pounds of the citizens' money, the time must come when the Sandy Bay supply will have to be cut into. We have enough water for ourselves, and why should we join in a Trust with a lot of people who only give one-seventh of the whole revenue.

451. There is great objection to that portion of the Bill which allows the Corporation to apply any surplus revenue from water to general purposes? They have got that power in Launceston, but I don't think there will be much opposition on our part if it is struck out. If there is any surplus let it go the sinking fund.

452. *By Mr. Crisp.*—What is the present water rate in Hobart? One shilling in the pound up to £40.

453. And what is the rate in the suburbs? One shilling and fourpence in the pound.

454. Is not property in the suburbs assessed lower than property in the city? Yes.

455. The witnesses representing the suburbs who have given evidence here are of opinion that if an independent assessment was made for water purposes only, and the suburbs put on the same footing as the city, it would increase the revenues of the Corporation? I think it is better to leave it as it stands. I think Hobart would suffer by it, because I don't think you could make a comparative assessment in that way. Hobart in a great part of it is thickly housed, whereas in the suburbs you get large blocks of land with houses on them. It would be very awkward having another assessment.

456. If the suburbs won't submit to a differential rate you think the Bill had better be withdrawn? Yes, certainly.

457. Do you know of any other way of getting out of the difficulty? No. I think a differential rate, according to the expense of laying the supply, is fair.

458. The New Town people say that if this independent assessment is agreed to they would make over to the Council the New Town Creek? It is not worth anything to the Corporation.

459. The suburbs also agree that they are equally responsible in regard to loan money? They have no responsibility.

460. And are prepared to share in all responsibility past and present? We don't want them to.

461. You say they have no responsibility? Not the slightest.

462. They only pay their rates? Yes.

463. Are they bound to take water from the Corporation? Yes, if the pipe is within 50 yards of the boundary of their premises.

464. You could not recommend this Committee to agree to anything but a differential rate? I think it is the fairest.

465. At whose instigation were the three new clauses introduced into this Bill? There were agreed on at a conference of the Hobart and Launceston Municipal Councils.

466. This Bill has been agreed to in the Launceston Council? Yes.

467. Are there any further clauses you would like to introduce into it? No, it is pretty well perfect now.

468. In that clause in regard to using any surplus for repairs to streets, does that refer to repairing streets after laying mains? That is the idea.

469. That has never been charged to the Water Account up to the present? No.

470. *By Mr. Gill.*—You would not call that "general purposes?" No.

471. Then those words in the clause are useless? Yes.

472. *By Mr. Crisp.*—But there never is any surplus? No; the amount received from rates is all expended.

473. The Corporation lately borrowed £30,000 for the restoration of the old reservoir, and laying pipes in the city and suburbs? Yes, principally in the suburbs.

474. It will require an additional sum to finish the work? Yes, it will require fully £5000 more to finish it.

475. That work is principally for the suburbs? Principally for Sandy Bay.

476. Is there any further evidence you would like to give? No, I think that is all.

FRIDAY, OCTOBER 13, 1893.

GEORGE LUCKMAN, *called and examined.*

477. *By Mr. Hamilton.*—What is your name? George Luckman.

478. You are a resident of Sandy Bay? I have resided 40 years in the District, and for 16 years I was connected with the Road Trust of Sandy Bay as Chairman or Secretary.

479. Do you know that the Corporation are about to introduce an amended Water Bill? Yes.

480. Are you conversant with it? Yes, with portions of it; I have scanned it through.

481. You know that Sandy Bay, in conjunction with the other suburbs, has petitioned against the Bill? Yes, I signed the petition.

482. What do you object to in the Bill? I object to being rated above the city. Mr. Frederick Lipscombe, who was the father of the present waterworks, gave us a distinct pledge in 1860 that we were to be regarded as part and parcel of the city in the water scheme. He was the Representative in the House of Assembly for Queenborough, and an Alderman and I believe Chairman of the Waterworks Committee in the City Council. I can produce documents in his own writing, at present in his widow's possession, which prove that. I was in his company from 1860 to 1875 almost daily and canvassed the district with him to get people to take the water, a distinct pledge always being given that Sandy Bay should be supplied on exactly the same terms as the city; and for nearly 30 years they were so supplied.

483. And you object to the present Bill as a violation of that pledge? It is repudiation.

484. Have you any further objections against the Bill? We object to the increased rate and the separate assessment. It is folly, as we have already two assessments. Give us one and we don't care what shape it is in, as long as it is by a fair valuator on the same principle as Hobart is rated. Let the Government make one fair assessment and we will abide by it.

485. If there were no differential rates and differential assessments, and you were supplied on the same terms as the city, would you be satisfied? Yes. Mr. Frederick Lipscombe gave us to understand that we were to come in as part and parcel of Hobart in the scheme, to share alike in its cost and benefits.

486. In 1877 you got equal rights with the city? Yes.

487. And by a recent Act those rights were taken away, although you petitioned against it? Yes.

488. Is there any voluntary evidence you would like to give the Committee? No, beyond the fact that it seems to me folly to have more assessments. We are assessed already for police, road board, and property rates. One assessment made in fairness by some disinterested person would answer every purpose. I am well acquainted with the property of the District, and I don't think there are half a dozen properties in Sandy Bay that I would alter from their present assessment, and I have been acquainted with property for the last fifty years. So far as the Corporation is concerned I think they have the best of us, because we have borrowed a large sum on the rates of the district to improve our streets, which has increased the value of property, and induced numbers of people to come and live there. There is a considerable yearly increase in the water rate of Sandy Bay, and if the Corporation were to deal fairly with us they would pay part of that money we have borrowed, as they have benefited considerably in the expenditure by increased water rates.

489. What is your present rate? 1s. 4d.

490. What is your supply like? We have a pretty good supply, taking everything into consideration, though last summer we had complaints through being scantily supplied.

491. You have a new main, have you not? There is a new main laid, but it is to supply the city as well, and is not used at present.

492. It is admitted that the consolidation contemplated in this Bill would be very valuable, and if it was amended in the direction I have indicated would you have any objection to it? We are perfectly satisfied to be put on the same terms as Hobart. If they had not allowed us to come in on the same terms originally we would have petitioned against it. Brown's River got compensation for the loss of its water-rights, and the whole of our water-rights have been taken from us, and Mr. Lipscombe's promise set aside. I would be one to put my money down now if the Corporation would consent, and sell the pipes now down at a valuation, and start an independent supply for ourselves. We only ask for common fairness, nothing more.

493. You enjoyed equal rights with the city until when? Until 1891.

494. *By the Chairman.*—It is really the legislation of 1891 you object to? Yes.

495. *By Mr. Hiddlestone.*—Had Mr. Lipscombe any authority on behalf of the Corporation to give the pledge he did? I cannot say; he came to us as a public man and gave us a distinct pledge, and I am not supposed to go behind the scenes.

496. *By the Chairman.*—Was Mr. Lipscombe an alderman? Yes; and Member of Parliament for the district.

497. *By Mr. Hiddlestone.*—But, as an alderman, I might make certain promises without the authority of the Corporation? I think you will find at that period that Mr. Lipscombe was Chairman of the Waterworks Committee.

498. You have no objection to pay the same for the water as the Hobart people? Just so.

499. And that is all the citizens want, as far as I know. You seem to object to being assessed for water purposes only on the same grounds as Hobart? Oh no, I do not object to the assessment on the rental value as in Hobart.

500. Take Mr. Gregory's house in Sandy Bay that is assessed at £90 a year; now take another house of exactly the same size in Campbell street assessed at £110. The house in Campbell-street has to pay water rates on £110, while the house in Sandy Bay only pays on £90, although the water has to be taken a further distance to it. Do you think that is fair? Mr. Gregory's house is much nearer the Waterworks; the house in Campbell-street is in a wider and better lighted street. I find a difficulty in letting houses in a street not properly lighted, or in the outskirts of the town. The house in Sandy Bay lately occupied by Mr. Counsel has been empty nearly six months, although it is in a wider street than Mr. Gregory's residence, simply because the street is not lighted. It is not everyone that will live in the suburbs,—timid people, those who keep much company, or frequent theatres, will not live in the outskirts, consequently property there has a lower value.

501. They use water just the same? The size of the house is no criterion of the quantity of water used. We were talking about the value of property. If you had two shops, one in Liverpool-street and the other at Sandy Bay, would you let them at the same rate? (Mr. Hiddlestone—I should expect more for the one in Liverpool-street). Certainly, position governs the rental. I have a property in Upper Liverpool-street assessed at £20 a year, for which I get 25s. a month, because there is no road to it, and if it was in Sandy Bay I could get twice the rental for it. Previous to 1860 a more continuous stream came through Hall's Saddle into the Sandy Bay Rivulet, but this has been checked by cutting the streams above, and the formation of the Huon road has helped to divert it also. Mr. Hacket, who had his distillery on the Sandy Bay Rivulet, when deprived of it contemplated turning it into a mill, but found, on calculation, that there was only a sufficient supply for three hours out of the twenty-four.

502. At the last Select Committee held on this subject, Mr. Davies asked Mr. Rait, "You take no water at all that Sandy Bay could be in any way affected by?" And Mr. Rait answered "No."



Mr. Hamilton asked, "Do you take any water from any of the tributaries of the Sandy Bay Rivulet?" And the answer to that was "No."—What do you say to that? I am not saying you do. What I contend is that you have taken from us the Sandy Bay Rivulet Valley, where the present Waterworks are situated; that it is the only avenue for Sandy Bay to the south-east slopes of Mount Wellington, our natural watershed. If you read Capt. Cheyne's pamphlet, and the opinions of the law officers of that day, you will find that before 1860 the Hobart Corporation had only the right to the Guy Fawkes Rivulet, and when Mr. Gale established the present Waterworks, he took that valley and conveyed all the streams on the south-east and southern slope into that valley, which cuts off all our chance of ever supplying ourselves with water from those sources. We did not object then, because we believed a member or Chairman of your Committee that we were to share all the advantages of the water supply. Had we known as much then as we do now we would have petitioned against it, and obtained a supply of our own, for a few miles of piping from any one of the creeks would have been ample for our wants. Sir Francis Smith would have granted us that, for he was a fair man, as the provisions of the Water Act, 1860, prove.

503. *By Mr. Hamilton.*—The Sandy Bay people willingly parted with their rights, believing they would have fair dealing? Yes; relying on promises made at that time. Had we known how we were going to be treated, we would have conveyed our own water down the valley as the Corporation have done. It could be brought straight from the mountain creeks to us.

504. If the Bill was amended to place you on the same terms as the city you would be satisfied? Yes; when Mr. Piesse was Collector at Sandy Bay there was a separate assessment for water purposes, but it did not vary from the old assessment at all.

505. *By the Chairman.*—Who compiled the assessment? The Municipal Council did.

506. That is all they are asking to do now? It would give us so many assessments,—that is all I object to.

507. You would not object to a uniform assessment? No; let us have one Government assessment for everything.

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ROBERT SYDNEY MILLES, *called and examined.*

508. *By the Chairman.*—What is your name? Robert Sydney Milles.

509. You are Director of Waterworks for the Corporation? Yes.

510. I suppose you are familiar with the source of supply? Yes, I am fairly conversant with the whole of the district.

511. Does any of the water that would naturally come to Sandy Bay constitute part of the supply of Hobart now? No, none at all. We do not divert any water from the Sandy Bay Rivulet, but, on the contrary, are at present putting a little over half a million gallons a day into it from the overflow.

512. Then they are getting more water now down that creek than they would get naturally? Yes. Last summer I gauged the quantity we were putting in, and found it a million gallons in the 24 hours. I suppose it would be less than that just now.

513. Do the Sandy Bay people get a fair supply of water? Yes, since I have been in office. They will be much better off this summer. We are laying a new 10-inch main from the waterworks, through Sandy Bay to the New Wharf. That will be in use this summer, I expect, and will supply Sandy Bay first, then Battery Point, and then the shipping.

514. Will they have sufficient water in cases of fire? Yes. I think we will have a difficulty with the increased pressure.

515. And they will be as well off as Hobart for all purposes? Yes, in every way.

516. *By Mr. Hiddlestone.*—Do you know if any water has been diverted which could in any way affect Sandy Bay? Not that I am aware of. There has been no diversion at all. Their watershed starts from the saddle on the Huon Road, and we bring our water over that from right round the mountain. All the water from the Sandy Bay watershed passes round the reservoir by the storm-channel. We could not use that water at all; it would not be pure enough. There are cattle grazing along the creek all the way up by the Turnip Fields, and if you look at the creek even now, before the summer comes on, you will see it is not in a fit state to drink.

517. *By Mr. Davies.*—All the delivery, besides, from your by-wash goes to Sandy Bay? Yes.

518. So that virtually it is the water supply of the Corporation that keeps the Sandy Bay Creek going? Yes, and keeps it flushed. If it was not for that it would be a terrible nuisance in the summer. Lots of houses empty their drains into it lower down, and if it was not for the water that we put into it I do not know how it could be flushed. You can see it for yourselves. At present at the head of the reservoir there is a little dribble which would easily go through a 2-inch pipe, but below the reservoir, with the overflow, you would not get it through a 6-inch pipe. The demand in town is inversely in proportion to the supply in summer time, and just now we have a lot of water running to waste. As soon as the supply from the Mountain is consumed, we have to draw on the storage reservoir, and that only took place for two weeks last year, when the reservoir went down 14 inches. The new 10-inch main we have laid goes down King-street, but there are branches at Parliament-street and the Main Road, besides others higher up, and all the water now used in Sandy Bay will be forced into the city.

519. With the completion of the work you have in hand you will be able to give Sandy Bay and Battery Point a better supply? Yes, I think so, in ordinary weather. It is chiefly the garden taps that take the water in summer time.

520. Is that new main connected with the new reservoir? Yes, it can be connected at will with the old reservoir, the new reservoir, or the receiving-house.

521. In these new arrangements, Sandy Bay and Battery Point will be better off than New Town? Yes. Sandy Bay will be better off than New Town, but New Town will be better off than before, owing to there being an extra quantity of water to go to its mains.

522. *By Mr. Hiddlestone.*—What is your opinion in regard to the assessment of suburban property? I have not gone into the financial question at all, except for my own information. There is one point I would like to mention, and that is that we don't get the same revenue in proportion to the length of pipes laid as in the city. Also in the suburbs our services cost more to lay. We have to lay up to 50 feet, and while we seldom lay the full distance in town, in the suburbs we often have to.

523. *By Mr. Davies.*—Do you think the expenses of repairing streets after pipes have been laid down should be charged to waterworks? In the past I don't think there has been a sufficient amount of these expenses charged to the waterworks, but at present I am charging to that department what I consider a fair amount.

## [Bill as amended by Select Committee.]

Clauses 67 and 70 struck out.  
 Clause 59 amended.

A

## B I L L

TO

Consolidate and amend the Laws relating A.D. 1893.  
 to the Supply of Water to the City and  
 Port of *Hobart* and the Places adjacent  
 thereto.

**W**HEREAS it is expedient to consolidate and amend the Laws PREAMBLE  
 relating to the supply of Water to the City and Port of *Hobart* and  
 the places adjacent thereto :

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

*Interpretation.*

**1** In the construction and for the purposes of this Act, and of all Interpretation.  
 proceedings under this Act, the following terms and expressions shall  
 have the respective meanings hereafter assigned to them, unless there  
 10 is something in the context of the Act repugnant to such construction ;  
 that is to say,

- “City” or “the said City” means the City of *Hobart* : “City.”
- “Corporation” shall mean the Corporation of *The Mayor, Alder-* “Corporation.”  
*men, and Citizens of the City of Hobart :*
- 15 “Council” shall mean the Municipal Council of the City of *Hobart* : “Council.”
- “Waterworks” shall extend to and include all reservoirs, wells, “Waterworks.”  
 cisterns, tanks, aqueducts, tunnels, feeders, drains, channels,  
 cuts, floodgates, sluices, conduits, filters, troughs, dams,

[Bill 2.]

\* \* The words proposed to be struck out are enclosed in brackets [ ] ; those to be inserted,  
 in parentheses ( ).

A.D. 1893.

"Streams."

"Street."

"Limits of this Act."

"Prescribed."

"Two Justices."

"Person."

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; and shall also extend to and include compensation reservoirs and all works incident thereto :

"Streams" shall extend to and include springs, brooks, rivers, and other running waters :

"Street" shall extend to and include any public and common highway, road, footway, bridge, square, court, passage, alley, thoroughfare, and public way or place :

"Limits of this Act" shall comprise and include the City of Hobart and suburbs thereof, and districts and places adjacent thereto :

"Prescribed" and "prescribe" mean prescribed by By-laws to be made by the Council, or as the Council may prescribe by By-laws :

"Two Justices" shall mean Two or more Justices of the Peace met and acting together :

"Person" shall include Corporations."

### *Execution of Act.*

Council to execute Act.

**2** The Corporation is hereby empowered to carry this Act into execution and to exercise the several powers hereby conferred upon it through the Council.

### *Waterworks vested in the Corporation.*

Powers under former Acts transferred to Council.

**3** All waterworks made, erected, built, or laid under any Act hereby repealed, and all property, rights, matters, and things which by virtue of any previous Act were transferred to, or vested in, or declared to be the property of the Corporation, shall continue to be vested in and to be the property of the Corporation in the same manner as if this Act had not been passed.

Property in the waterworks vested in the Corporation.

**4** All waterworks transferred to and vested in the Corporation by this Act, or by any Act hereby repealed, and all waterworks made, constructed, repaired, or maintained under this Act, and all appliances and appurtenances thereto respectively belonging, and the materials of which the same consist, excepting communication pipes and other appliances within the outer boundary of any premises, and all materials, tools, implements, and things furnished and provided by the Council, under the authority or for any of the purposes of this Act, shall be the property of the Corporation.

Provisions of Act to apply to existing waterworks.

**5** The Council is hereby empowered to use any existing waterworks so transferred to the Corporation as aforesaid, and to maintain, alter, or discontinue the same, for the purposes of this Act, as the Council may, from time to time, think proper, in the same manner as any waterworks constructed under the authority of this Act; and all the powers and provisions of this Act relating to waterworks shall equally apply to such existing waterworks.

Taking streams.

**6** For the purposes of this Act it shall be lawful for the Corporation, from time to time and continuously, to take, divert, and impound the water of the streams or any of them constituting the sources of supply under this Act, and to alter the course of any such stream.

*Sources of Supply.*

A.D. 1893.

**7** The following streams shall constitute the sources of the supply of water for the purposes of this Act :—

Sources of supply for the purposes of the Act.

5 i. So much of the waters of the streams known as the *Wellington Rivulet* and the *Fern Tree Creek*, and of all other streams lying between the said rivulet and the said creek, and flowing from *Mount Wellington* towards the road known as the *New Huon Road*, as arises or flows on the north-western side of the said road, including the waters of any such stream which have at any time been diverted into or may now flow in the *Hobart Rivulet*, and which are hereby declared not to be any portion of the said *Hobart Rivulet* :

15 ii. All streams flowing from *Mount Wellington* towards the direct *Huon Road* from *Hobart* to *Leslie* within a radius of One hundred chains around *Saint Crispin's Well* (excepting a stream known as *Millhouse's* or *Falls Creek*) :

iii. All other streams which were transferred to or vested in the Corporation by any Act hereby repealed.

*Construction of Works.*

**8** The Corporation is hereby empowered to compulsorily purchase any land and to compulsorily acquire any easements which the Council may consider to be necessary for the purposes of this Act, and which the Council may think proper to purchase ; and for the purpose of facilitating and effectuating any such purchase *The Lands Clauses Act* shall be incorporated with this Act.

Purchase of land.

**9** For the purposes of this Act it shall be lawful for the Corporation to enter upon any land, and to take levels of the same, and to set out such parts of such land as the Council thinks 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 work authorised by this Act.

Entry upon land.

**10** It shall be lawful for the Corporation, from time to time, to make, construct, lay down, maintain, alter, or discontinue such waterworks upon any land, and upon the streams constituting the sources of supply under this Act, as the Council thinks necessary for supplying the inhabitants within the limits of this Act with water.

Construction of waterworks.

**11** Prior to the first entry upon any land by the Corporation for the purposes of this Act, not less than Fourteen days' notice of the intention of the Corporation to enter shall be given by the Council to the owner and occupier, if any ; but no notice shall be necessary previous to any subsequent entry by the Corporation upon such land for the purposes of this Act.

Council to give notice prior to first entry upon land.

*Compensation.*

**12** In the exercise of the powers conferred by this Act the Corporation shall do as little damage as can be, and, in all cases where it can be done, shall provide other watering-places, drains, and channels for the use of adjoining lands, in place of any such as are taken away or interrupted by the Corporation.

Corporation to do as little damage as may be.

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Corporation to  
make compen-  
sation for damage  
done by execution  
of works.

**13** The Corporation shall make compensation, in manner hereinafter provided, to all parties lawfully interested in the water of any stream taken or used under the authority of this Act, or in any land, other than land purchased by the Corporation, in or upon which any waterworks may be constructed, or which may be injuriously affected by the construction and maintenance of the waterworks under this Act, other than any now existing waterworks, or otherwise by the exercise by the Council of the powers hereby conferred, for all damages sustained by reason of the exercise as to such stream or land of the powers vested in the Corporation by this Act.

10

Persons damaged  
to make claim for  
compensation.

**14** Any person claiming such compensation shall prefer his claim by notice in writing addressed to the Council, and served upon the Town Clerk, in which notice shall be specified the place of abode of the claimant, the particular act occasioning the damage for which compensation is claimed, the nature and amount of such damage, and the nature of the title or interest of such claimant in or to the water or land in respect of which the claim is preferred; and if any such person and the Council do not agree as to the amount of such compensation, the same, and the application thereof, shall, except in the cases hereinafter mentioned, be determined by arbitration in the manner provided by *The Land Clauses Act* in cases of disputed compensation.

Compensation  
how to be ascer-  
tained.

Regard to be had  
to any benefit  
which may accrue.

**15** In determining such claims regard shall be had to any benefit which may be done or accrue to the claimant, by or as the result of the provisions in this Act contained.

Claims for com-  
pensation by  
owners of mills on  
*Hobart Rivulet*  
to be determined  
as if such owners  
had been seised  
before.  
5 W. 4, No. 14.

**16** Any claim which may be made under this Act by the owner or occupier of any mill erected before the passing of the Act of Council of the 5th *William* the 4th, No. 14, and worked by the water of the *Hobart Rivulet*, to compensation for damage sustained in respect of such mill by reason of the diversion of the water of such rivulet by the Council under the powers conferred by this Act, shall, whether heard before Arbitrators or before the Supreme Court, be determined as if such mill and the land occupied therewith at the time of the passing of the said recited Act had been then vested in fee in such owner, and as if any land through or over which the water for working such mill was then conveyed had not then been vested in the Crown.

35

Persons not  
making claim  
when required to  
be barred.

**17** If the Council, by notice in writing, requires any person to make claim for compensation for any damage occasioned by the exercise previously to the service of such notice of any of the powers conferred on the Corporation by this Act, such person shall not be entitled to compensation for any damage sustained by reason of the exercise of any such powers previously to the service of such notice, unless he prefers his claim, in manner aforesaid, within Three months after service of such notice.

Compensation for  
diverting water  
to be ascertained  
by action in the  
Supreme Court.

**18** Where any claim for compensation involves damage alleged to have been sustained by reason of the taking or diversion of any water, and the right of the claimant in or to such water is disputed by the Council, if the Council within Fourteen days after the service of the notice of the claim gives notice to the claimant that his right in or to such water is disputed, then such claim shall not be determined by arbitration, but shall be determined by an action in the Supreme Court, to be brought by the claimant against the Corporation for damages, or upon an issue agreed to between the claimant and the Corporation.

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**19** Every such action shall be commenced within Three months after the service on the claimant of such notice as aforesaid that his right is disputed, and not afterwards.

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Such actions to be commenced within Three months.

**20** The Corporation shall, from time to time, and at all times for ever hereafter, pay and make good to the owners and occupiers of all lands and buildings, and to every person whomsoever, all loss, costs and charges, sums of money, damages and expenses whatsoever, and for all injury, of what nature or kind soever, as well immediate as consequential, which such owners or occupiers, or other persons, may suffer, incur, pay, expend, or be put to by reason or in consequence of the failure or giving way of any of the waterworks of the Corporation under this Act.

Compensation for damage done by failure of the works.

**21** No claim to compensation shall arise under this Act or otherwise by reason of the waters of any stream, not being naturally a tributary of the *Hobart Rivulet*, and which may have been at any time brought or diverted into, or may now flow in the said rivulet, being cut off or diverted from or prevented from flowing in the said rivulet, and being appropriated for the purposes of this Act by the Council, nor by reason that, after the cutting off or diversion as aforesaid of the waters of any such stream not being naturally a tributary of the *Hobart Rivulet*, the Council uses and maintains the now existing waterworks so transferred to the Corporation as aforesaid, and uses the waters of the said rivulet and of any natural tributary thereof, for the purposes of this Act, in as full and ample a manner, and to the same extent, as the same have been heretofore used and maintained for the purposes of any law in force at the time of the passing of this Act.

No compensation for diverting streams from *Hobart Rivulet* which are not natural tributaries thereof, nor for maintaining existing waterworks after such diversion.

#### Compensation Works.

**22** In any case in which the Corporation is able to make good the interruption which would be caused by the taking or diversion of any water under this Act, by means of compensation reservoirs or other works, it shall be lawful for the Corporation, instead of making pecuniary compensation to any person having a right to the use of such water, to construct such compensation reservoirs or other works, and thereby to secure to such person a supply of water equal in quantity and quality to the supply which he would have enjoyed had this Act not passed; and in such case the compensation reservoir or other works shall be completed and filled with water before the water is taken or diverted for the purposes of this Act.

Compensation works may be provided instead of making compensation.

**23** If any difference should arise between the Corporation and any such persons respecting the construction of any such compensation reservoir or other works, or the kind or sufficiency thereof, or respecting the maintenance thereof, the same shall be determined by arbitration in the mode prescribed by *The Lands Clauses Act* in cases of disputed compensation.

Sufficiency of compensation works how to be ascertained.

**24** Wherever the owners or occupiers of land, through or by which any streams flow the water of which has been taken, diverted, or impounded by the Corporation under the authority of this Act, have now by law the right of using such water for any purpose, and water in lieu of that which may be thereby taken away can be supplied from the waterworks, it shall be lawful for the Corporation, instead of making pecuniary compensation to the owners or occupiers for the time being

Water may be supplied from the waterworks instead of making compensation.

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of such lands, to afford a reasonable supply of water for such purpose from the waterworks free of charge other than the Water Rates for the time being made and in force under this Act; and in case the Council and any such owner or occupier do not agree as to the quantity to be so supplied, or as to the mode of supply, the same shall be determined by arbitration in the mode prescribed by *The Lands Clauses Act* in cases of disputed compensation.

*Breaking up of Streets.*

Power to break up streets, &c. and to open drains.

**25** The Corporation may open and break up the soil and pavement of any streets within the limits of this Act, and may open and break up any sewers, drains, or tunnels within or under such streets, and lay down and place pipes, service pipes, and other works and engines; and from time to time repair, alter, or remove the same; and, for the purposes aforesaid, remove and use all earth and materials in and under such streets, and do all other acts which the Council from time to time deems necessary for supplying water to the inhabitants within the said limits, doing as little damage as can be in the execution of the powers hereby granted. 10 15

Notice to be served on persons, if any, having control of streets.

**26** Before the Corporation shall open or break up any street without the City, the Council shall give to the persons, if any, under whose control or management the same may be, or to their clerk, surveyor, or other officer notice in writing of the intention of the Corporation to to open or break up the same not less than Three clear days before beginning such work, except in cases of emergency arising from defects in any of the pipes or other works, and then so soon as is possible after the beginning of the work or the necessity for the same has arisen. 20 25

Streets not to be broken up except under superintendence of persons having control of same.

**27** No street without the City shall, except in the cases of emergency aforesaid, be opened or broken up except under the superintendence of the persons, if any, having the control or management thereof, or of their officer, and according to such plan as is approved of by such persons or their officer, or in case of any difference respecting such plan then according to such plan as may be determined by Two Justices: Provided, that if the persons having such control or management as aforesaid and their officer fail to attend at the time fixed for the opening of any such street, after having had such notice of the intention of the Corporation as aforesaid, or do not propose any plan for breaking up or opening the same, or refuse or neglect to superintend the operation, the Council may perform the work specified in such notice without the superintendence of such persons or their officer. 30 35

Streets, &c. broken up to be reinstated without delay.

**28** When the Corporation opens or breaks up any street, sewer, drain, or tunnel, it shall with all convenient speed complete the work for which the same was broken up, and fill in the ground, and reinstate and make good the street, sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby; and shall at all times whilst any such street is so opened or broken up cause the same to be fenced and guarded, and a light sufficient for the warning of passengers to be set up and kept against the same every night. 40 45

*Fire-plugs.*

Corporation to affix fire-plugs in mains.

**29** The Corporation shall fix proper fire-plugs in the main and other pipes, at such convenient distances, not being more than One hundred yards from each other, and at such places as may be most proper and convenient for the supply of water for extinguishing fires. 50



- 30** The Corporation shall, from time to time, renew and keep in effective order every such fire-plug; and as soon as any such fire-plug is completed the Council shall deposit a key thereof at each place within the limits of this Act where any public fire engine is kept, and shall put up a public notice in some conspicuous place in each street in which such fire-plug is situated showing its situation, which notice the Council may put up on any house or building in such street.
- 31** The Corporation shall, at the request and expense of the owner or occupier of any building situated in any street in which there is a pipe, place and maintain in effective order a fire-plug, to be used only for extinguishing fires, as near as conveniently may be to such building.
- 32** The Corporation shall at all times keep charged with water all pipes to which fire-plugs are fixed, unless prevented by unusual drought, or other unavoidable cause or accident, or during necessary repairs, and shall allow all persons at all times to take and use such water for extinguishing fire without making compensation for the same.
- 33** The Corporation shall, at the request of the owner or occupier of any house or part of a house occupied as a separate dwelling and situated on any land within the City, the outer boundary of which is within Fifty feet of any main or other pipe of the Corporation, furnish to such person within such dwelling-house, by means of communication pipes and other necessary and proper apparatus, to be provided, laid down, and maintained as to such part thereof as is within the outer boundary of the premises at the cost of such person, a sufficient supply of water for his domestic purposes, including a supply for any private water closet and fixed bath in such dwelling-house.
- 34** The Corporation shall, if practicable, cause pipes to be laid down and water to be brought to every part of the places and districts within the limits of this Act and beyond the City, whereunto the Corporation is required by so many owners or occupiers of houses in such part of the district beyond the City as that the aggregate amount of the Suburban Water Rate hereinafter mentioned payable by them annually shall not be less than One-tenth part of the expense of providing and laying down such pipes.
- 35** The communication pipe between the main or other pipe of the Corporation, and the outer boundary of any premises, shall be provided laid down, and maintained by and at the expense of the Corporation, and shall be the property of the Corporation.
- 36** The description of pipes and other 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 or cases, or in any particular case, and the Corporation shall not be bound to supply water in any case in which the required description of pipes, or other 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 pipes, or other apparatus, is provided.
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Council to keep fire-plugs in repair and deposit keys thereof at engine houses.
- Fire-plugs to be placed near buildings at request of owners.
- Pipes to be kept charged.
- Water may be taken to extinguish fires without charge.
- Supply of water for domestic use within the city.
- Supply of water for domestic use beyond the City and within the limits.
- Service pipes without private property to be laid down by Council.
- Council may determine the description of service pipes to be used.

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Corporation may supply water by measure.

Corporation may attach meters at any time.

**37** The Corporation may supply water to any person within the limits of this Act for domestic or other purposes, by measure, at such uniform charge and subject to such conditions as the Council may prescribe; but such charge shall not exceed the sum of One Shilling for every One thousand gallons of water so supplied; and the Corporation 5 may, whenever it sees fit so to do, attach a meter to the pipe supplying water for domestic purposes to any person, and thereupon all water supplied to such person shall be drawn only through such meter; and there shall be payable by such person to the Corporation, besides the amount of any water rate or charge for water supplied to such 10 person; such sum or sums of money, as rent for the use of such meter, and at such time or times, as may be prescribed.

Corporation may let meters.

**38** The Corporation may let for hire to any consumer of water supplied by measure any meter or instrument for measuring the quantity of water supplied and consumed, and any pipes and apparatus for the 15 conveyance, reception, or storage of the water, for such remuneration in money as may be agreed upon between the Council and the consumer, which shall be recoverable in the same manner as rates due to the Corporation for water.

Any meter let for hire as aforesaid shall be attached and affixed 20 to the pipe to which the same is intended to be attached and affixed by or under the superintendence of the Director of Waterworks, or some person deputed by him for that purpose, and not otherwise.

Meters not distrainable.

**39** Such meters, instruments, or other apparatus shall not be subject to distress for rent of the premises where the same are used, or to be 25 attached or taken in execution under any process of the Supreme Court or any inferior Court, or under or in pursuance of any adjudication or order in bankruptcy or other legal proceeding against or affecting the consumer of the water, or the occupier of the premises, or other person in whose possession the meters, pipes, instruments, or other apparatus 30 may be.

Officers of the Council may inspect meters, &c.

**40** The Director of the Waterworks, or other person acting under the authority of the Council, may, between the hours of Nine of the clock in the forenoon and Four of the clock in the afternoon, enter any house, building, or lands to, through, or into which water is supplied by the Cor- 35 poration by measure, in order to inspect the meters, instruments, pipes, and apparatus for the measuring, conveyance, reception, or storage of water, or for the purpose of ascertaining the quantity of water supplied or consumed; and may from time to time enter any house, building, or lands for the purpose of removing any meter, instrument, pipe, or appa- 40 ratus the property of the Council; and if any person hinders any such officer from entering or making such inspection, or effecting such removal, or if any person, not being an officer of the Council, in any manner injures or interferes with any meter placed for the purpose herein named, he shall for every such offence be liable to a penalty not 45 exceeding Twenty Pounds, in addition to the amount of damage or injury done.

Notice of removal of or change in meter.

**41** Every person requiring to remove or alter the position of any meter shall give Six days' notice in writing to that effect to the Director of Waterworks, who will cause a registration of the quantity of water 50 used to be taken, and such removal or alteration to be made; and the

expense of so doing shall be paid by such person ; and no alteration shall be made but by or under the direction of an officer of the Council, nor until the permission of the Director of Waterworks has been obtained. A.D. 1893.

42 It shall be lawful for the Corporation, if it thinks fit so to do, to erect and place within the limits of this Act, any number of fountains, pumps, or other waterworks, in any public situation, for the gratuitous use of any persons who may choose to carry water away from the same for their own private use, but not for sale ; and to supply with water any public baths or wash-houses which may be established for the use of the poorer classes. Public fountains.

43 The Corporation may supply water at or by means of any public fountains, pumps, or other waterworks, now or hereafter erected within the limits of this Act, on such terms and at such rate as are for the time being approved of and sanctioned by the Council. Council may charge for water supplied at fountains.

44 The Corporation shall supply and distribute water at such places as it thinks proper for the use of the shipping in and frequenting the Port of *Hobart*, at a charge not exceeding Two Shillings for every tun of Two hundred and fifty-two gallons ; and the Council is hereby empowered to demand and receive payment in advance for all water so to be supplied according to the quantity of water required to be supplied. Supply of water for the use of the shipping.

#### *Power to examine Gas Pipes.*

45 For the purpose of ascertaining whether the water supplied by the Corporation is fouled by the gas of any persons making or supplying gas, the Council may dig up the ground and examine the pipes and works of the persons making or supplying gas : Provided that, before proceeding so to dig and examine, the Council shall give Twenty-four hours' notice in writing to the persons so making or supplying gas, of the time at which such digging and examination is intended to take place. Power to examine gas pipes to ascertain whether water is fouled.

46 If upon such examination it appears that such water has been fouled by gas belonging to such persons, the expenses of the digging, examination, and repair of the street or place disturbed in any such examination shall be paid by the persons making or supplying the gas ; but if upon such examination it appears that the water has not been fouled by the gas of such persons, then the Corporation shall pay all the expenses of the examination and repair, and also make good to the said persons any injury which may be occasioned to those works by such examination. The expenses to abide the result of the examination.

47 The amount of the expenses of every such examination and repair, and any injury done to the Corporation, shall, in case of any dispute about the same, together with the costs of ascertaining and recovering the same, be ascertained and recovered in a summary way by and before any two or more Justices of the Peace. How expenses to be ascertained.

[Bill 2.]

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*Waste or Misuse of Water.*

Service pipes to be kept in repair.

**48** If any person, neglects to keep the pipes and other apparatus, by means of which his premises are supplied with water in good repair, the Director of Waterworks may cut off the pipe or turn off the water from such premises until such pipes and other apparatus are sufficiently repaired.

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Council may repair service pipes.

**49** The Council may repair any such pipe, or other apparatus, so as to prevent any such waste of water, and the expenses of such repair, shall be repaid to them by the person so allowing the same to be out of repair and may be recovered by the Corporation from such person in the same manner as any Rate made and levied under the authority 10 of this Act may be recovered.

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

**50** Every cistern or other receptacle for water which the Council may permit to be used, and every closet, soil-pan, and private bath supplied with water by the Corporation, shall be constructed and used in such manner as may be prescribed so as effectually to prevent the waste, 15 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 Corporation, or into any pipes connecting or communicating therewith: and the Council may cut off the pipe attached to, or turn off the water supplied to any cistern or other receptacle for water so permitted to 20 be used, or any closet, soil-pan, or private bath, which is not constructed and used as prescribed, until such cistern or other receptacle for water, or such closet, soil-pan, or private bath is constructed and used as prescribed.

Power to enter premises to inspect.

**51** The Director of Waterworks, or any other person acting under 26 the authority of the Council, may at all times, between the hours of Nine of the clock in the forenoon and Six of the clock in the afternoon, enter into any house or building supplied with water by the Corporation, for the purpose of ascertaining whether there is any waste or misuse of such water; and may at all times, during the day or night, 30 enter into and upon any garden or other land for the purpose of ascertaining whether any water is being wasted or illegally used; and if such Director of Waterworks or such other person as aforesaid is at any time refused admittance into such premises, or is prevented from making such examination as he may deem necessary for the purposes 35 aforesaid, the Director of Waterworks may turn off the water from such premises.

*Annual Estimate of Expenditure.*

Council to estimate annual sum required for purposes of the Act.

**52** The Council is hereby authorised and required, once in each year, to estimate and fix the amount of money necessary to be levied for the purpose of defraying the cost, charges, and expenses of supply- 40 ing water within the limits of this Act, for and during the year then current, under which shall be understood to be comprehended the payment of the interest of any money borrowed on the security of the Water Rates and Charges levied and made under the authority of this Act, together with such portions of the salaries, wages, and other expenses 45 of the Director of Waterworks and any engineers, surveyors, clerks, collectors, and other officers and servants employed by the Council for the purposes of this Act as the Council thinks equitable and fair to

charge such account, and all other charges and expenses attendant upon procuring and distributing a supply of water, and for the other purposes authorised and required by this Act. A.D. 1893.

### Rates.

- 53** The Council is hereby authorised and required once in every 5 year to make and levy a Rate, to be called the Domestic Water Rate, upon and from the occupiers of all dwelling-houses, and shops and buildings used as dwelling-houses, within the City, according to the annual value of such dwelling-houses and shops and buildings, and of any land attached or belonging thereto respectively. Domestic Water Rate to be levied.
- 54** No person who is the occupier or owner of any dwelling-house or shop or other building used as a dwelling-house within the City shall be liable to the payment of the Domestic Water Rate upon more than One-fourth part of the annual value of such dwelling-house, shop, or other building, unless such dwelling-house, shop, or other building is actually supplied with water for domestic purposes, or unless the mains or other pipes of the Corporation are laid down and properly supplied with water within Fifty feet from the outer boundary of the land upon which such dwelling-house, shop, or other building is situate. One-fourth only of Domestic Water Rate to be levied unless premises are supplied with water.
- 55** The Council is hereby also authorised and required once in every year, to make and levy a Rate, to be called the Warehouse Water Rate, upon and from the occupiers of all shops, warehouses, stores, counting-houses, coach-houses, stables, buildings, workshops, mills, and manufactories within the City, and of the several lands thereunto attached or belonging, according to the annual value thereof. Warehouse Water Rate to be levied.
- 56** Where any premises are supplied with water by measure for domestic purposes, and the prescribed charge for the water actually used on such premises in any year, as shown by the meter, would be less than the amount of Water Rate payable in respect of the said premises, the occupier of such premises shall be liable to pay to the Corporation the full amount of such Water Rate, instead of such prescribed charge; but in all cases in which the prescribed charge exceeds the amount of such Rate, then the amount of such charge only shall be paid by the occupier and not the amount of Rate. Charge for water supplied by measure not to be less than Rate.
- 57** The Rates to be made by the Council as aforesaid shall not exceed the amounts hereinafter set forth; that is to say— Maximum amount of Rates.
- In respect of all dwelling-houses, and shops and buildings used as dwelling-houses, together with any coach-house, stable, or other appurtenances occupied therewith, where the annual value thereof shall not exceed the sum of Ten Pounds, the Rate shall not exceed the sum of Fifteen Shillings:
- Where the annual value shall exceed the sum of Ten Pounds but shall not exceed the sum of Forty Pounds, the Rate shall not exceed the sum of One Shilling and Sixpence for each and every Pound of such value:
- Where the annual value shall exceed the sum of Forty Pounds, the Rate shall not exceed the sum of One Shilling for each and every Pound of such value above the sum of Forty Pounds in addition to the Rate before mentioned:
- In respect of all shops, warehouses, counting-houses, coach-houses, stables, workshops, mills, manufactories, or other buildings not

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used as dwellings, and of the several lands thereunto attached or belonging, where the annual value thereof shall not exceed the sum of Twelve Pounds, the Rate shall not exceed the sum of Six Shillings :

Where the annual value shall exceed the sum of Twelve 5 Pounds but shall not exceed the sum of Thirty Pounds, the Rate shall not exceed the sum of Sixpence of each and every Pound of such value :

Where the annual value shall exceed the sum of Thirty Pounds but shall not exceed the sum of One hundred 10 Pounds, the Rate shall not exceed the sum of Threepence for each and every Pound of such value in addition to the Rate before mentioned :

Where the annual value shall exceed the sum of One hundred Pounds, the Rate shall not exceed the sum of Twopence for 15 each and every Pound of such value in addition to the Rate before mentioned.

Upon making a Rate notice of same to be given.

**58** Upon the making of any Rate under this Act, a notice signed by the Mayor and not less than Five Aldermen, specifying the amount of the Rate, the period for which the same is made, and at what 20 times the same is payable, shall be published in the *Gazette*; and upon any such notice being so published, the Rate therein mentioned shall be payable and paid at the times specified in such notice by the then respective occupiers of such descriptions of property as is mentioned in Sections Fifty-three and Fifty-five, according to the annual 25 value of such property as ascertained and determined by the Assessment Roll then in force for the City, and in the case of property without the City according to the annual value of such property as ascertained and determined by the Valuation Roll in force for the time being comprising such property; 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 hereinbefore in that behalf mentioned.

Rates and Charges for water to be so regulated as not to exceed annual expenditure.

**59** The Council shall, from time to time, so regulate all the Rates 35 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 shall be sufficient to pay the interest upon any moneys borrowed by the Corporation for the purposes of constructing waterworks, together with the costs of managing and conducting the waterworks, and to provide 40 annually any further sum which the Council may at any time be required by law to set apart for a Sinking Fund for the redemption of the mortgages representing any moneys borrowed for the purposes aforesaid. (And if in any year the amount received is more than sufficient for all the purposes aforesaid, the Council is hereby required, 45 wherever 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 the said Act or this Act.)

Certain property and vessels exempted from Rates.

**60** No Rate shall be made or levied under this Act in respect of any 50 buildings or premises the property of or occupied on behalf of Her Majesty and used for a public purpose, or of any building or premises used solely for any public purpose, or of any ship belonging to or in the service of Her Majesty, or of any hospital, benevolent asylum, or other building used solely for charitable purposes; but 55 every such building, premises, ship, hospital, or benevolent asylum as aforesaid shall be entitled to obtain such reasonable supply of water

as may be required for the use of such building, premises, ship, hospital, or benevolent asylum as aforesaid: Provided that the cisterns, water-closets, pipes, and other apparatus in or connected or communicating therewith are such as shall be prescribed by the Council; and the Corporation shall not be bound to supply water to any such buildings or premises until the requirements of the Director of Water-works or of the Council have been complied with.

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**61** When several buildings are supplied by one common pipe, the several owners or occupiers, of such buildings shall be liable to the payment of the same rates 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.

Where several premises supplied by one pipe each to pay.

**62** If any person liable as herein provided to pay any Water Rate neglects to pay such Water Rate within due time after the same has been lawfully demanded, 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, or by such means as the Council thinks fit, and may recover the Rate due from such person, with the expenses of cutting off the water, in the same manner as any Municipal Rate is recoverable.

Rates how to be recovered.

**63** The like proceedings may be had and taken for recovering and enforcing the payment of any charges payable by any person to the Corporation for water supplied by the Corporation under any of the provisions of this Act as may be had and taken for recovering and enforcing payment of any Rate made and levied under the authority of this Act.

Charges for water how to be recovered.

**64** No person shall be liable to be imprisoned for non-payment of any Water Rate or charge for water supplied under the provisions of this Act.

Persons not to be imprisoned for non-payment of Water Rates or charges.

**65** Subject to the provisions of this Act, so much of *The Hobart Town Corporation Act* as relates to Rates shall be applicable to all Rates to be made and levied under this Act.

Applies provisions of 21 V. No. 14, relating to Rates.

#### *Suburban Water Rates.*

**66** The Council is hereby empowered once in every year to make and levy and recover, in accordance with the provisions of Section Fifty-seven, separate Suburban Water Rates upon and from the occupiers of all houses, buildings, and other premises in such places and districts beyond the City of *Hobart*, to and in which the Council have caused pipes to be laid down and water to be brought, as hereinbefore provided; and each such separate Suburban Water Rate shall be called "The Suburban Water Rate" for the place or District to which it relates, assigning to such place or district a distinctive name. Provided that no occupier of any such house, building, or other premises shall be liable to the payment of any Suburban Water Rate unless such house, building, or other premises is actually supplied with water for domestic or other purposes, or unless the main or other pipes of the Council are laid down and properly supplied with water within Fifty yards from the outer boundary of the land upon which such house, building, or other premises is situated.

Suburban Water Rates.

Every suburban Water Rate made by the Council under this Act shall for all purposes be deemed to be a Water Rate made by the

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Council under this Act, and may be made, levied, and recovered in the same manner as such Water Rate may be made, levied, and recovered.

[Council may assess value of property beyond the City.]

**[67]** The Council may, for the purposes of making, levying, and recovering such Suburban Water Rates as aforesaid, assess the annual value of all lands and buildings in such places and districts beyond the City as to the Council seems meet; and all the provisions contained in any law enabling the Council to assess the annual value of lands and buildings within the City shall extend and apply to the assessment of the value of lands and buildings beyond the City for the purposes aforesaid, but not further or otherwise: Provided, that any person affected by any such assessment may appeal therefrom in the same manner in all respects as any person may appeal from any assessment of any property within the City.]

Supply of water outside of the City at such charges as may be agreed upon.

**68** Notwithstanding anything hereinbefore contained, the Corporation may supply water to the owners or occupiers of any lands, houses, or other buildings in any place outside of the City of *Hobart* at such charges as shall be from time to time agreed upon by and between the Council and the persons desiring to be so supplied with water.

20

#### *Hobart Water Account.*

Water Account to be kept.

**69** The Treasurer of the Corporation shall keep a separate and distinct account, to be called the *Hobart Water Account*, of all moneys received and paid under the powers and provisions of this Act; and all rates and moneys received by the Council 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.

[Appropriation of Water Rate and charges.]

**[70]** If after providing for the payment of all interest payable upon any money borrowed by the Corporation under the authority of this Act or of any Act hereby repealed, and defraying the costs of managing and conducting such waterworks, and also providing annually any further sum which the Council may at any time be required by law to set apart out of the proceeds of all Water Rates and Charges to be levied and made under this Act for a Sinking Fund, there shall be any surplus moneys standing to the credit of "The *Hobart Water Account*" hereinbefore mentioned, the Council may from time to time, as it sees fit, appropriate all or any of such surplus moneys in and towards the general purposes of the said City.]

#### *Offences.*

Penalty for illegally diverting the sources of supply.

**71** After any of the streams constituting the sources of supply for the purposes of this Act have been taken, diverted, or impounded by the Corporation for such purposes, every person who illegally diverts or takes any such stream so taken, diverted, or impounded, or the water supplying or flowing into any stream so taken, diverted, or impounded, or any part thereof, or who does any unlawful act whereby the said streams may be drawn off or diminished in quantity, and who



does not immediately repair the injury done by him on being required so to do by the Council, so as to restore the said waters to the state in which they were before such act, shall incur a penalty not exceeding Five Pounds for every day during which the said supply of water is  
 5 diverted or diminished by reason of any such act ; and the payment of any such penalty so incurred shall not bar or affect the right of the Corporation to bring an action at law against such person for the damage so committed.

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**72** Every person who wilfully obstructs, hinders, or interrupts the  
 10 Council, or any person acting under the authority of the Council, in doing or performing any work by this Act authorised to be done or performed by the Corporation or the Council, or in the exercise of any power or authority by this Act conferred on the Corporation or the Council, shall for every such offence incur a penalty of not less than  
 15 Ten Pounds nor more than Fifty Pounds.

Penalty for obstructing construction of works.

**73** Every person who commits any of the next following offences shall, for every such offence, incur a penalty not exceeding Fifty Pounds :—

Injuring works.

- 20** i. Every person who pulls up or removes any pole or stake driven into the ground for the purpose of setting out the line of any waterworks of the Corporation, or defaces or destroys any work made for the same purpose :
- ii. Every person who damages or destroys any of the waterworks of the Corporation or any part thereof.

**25** **74** Every person who commits any of the offences next following shall, for every such offence, incur a penalty not exceeding Ten Pounds :—

Fouling water.

- 30** i. Every person who bathes in any of the streams constituting the sources of supply for the purposes of this Act, or in any reservoir, aqueduct, or other waterwork of the Corporation, or washes, throws, or causes to enter therein any dog or other animal alive or dead :
- 35** ii. Every person who throws any rubbish, dirt, filth, or other noisome thing into any such stream, reservoir, aqueduct, or other waterwork as aforesaid, or washes or cleanses therein any cloth, wool, leather, or skin of any animal, or any clothes or other thing :
- 40** iii. Every person who causes or permits the water of any sink, sewer, or drain, steam engine boiler, or other filthy water belonging to him or under his control, to run or be brought into any such stream or reservoir, aqueduct, or other waterwork, or who does or permits any other act whereby the water of the waterworks for supplying the same is fouled :

**45** 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 Council.

**75** Every person who wilfully and maliciously damages or destroys any of the waterworks of the Corporation, or any part of such water-  
 50 works, or who wilfully and maliciously does any act calculated to render the water in such waterworks or supplying the same unwholesome or offensive, shall be guilty of a misdemeanor, and shall be liable to fine.

Maliciously damaging water-works or fouling sources of supply.

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and imprisonment at the discretion of the Court as in other cases of misdemeanor, or to be imprisoned and kept to hard labour for any time not exceeding Three years.

Allowing persons  
not supplied to  
use the water.

**76** 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 premises, unless for the purpose of extinguishing any fire, or unless he is a person supplied with water by the Corporation 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. 5

Taking water  
without authority.

**77** Every person who, without due authority, takes any water from any reservoir, watercourse, or conduit belonging to the Corporation, or any pipe leading to any such reservoir, watercourse, or conduit, or from any cistern or other like place containing water belonging to the Corporation, 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. 15

Attaching service  
pipe without  
authority.

**78** Any person who makes any pipe to communicate with any waterwork or pipe of the corporation, without the authority of the Council in that behalf, shall incur a penalty not exceeding Twenty Pounds. 20

Suffering service  
pipe to be out of  
repair.

**79** Every person supplied with water by the Corporation who suffers any pipe or other apparatus by means of which his premises are supplied with water to be out of repair, so that the water supplied to him by the Council is wasted, shall, for every such offence, incur a penalty not exceeding Five Pounds. 25

Destroying  
valves, &c.

**80** Every person who wilfully or carelessly breaks, injures, or opens any lock, cock, valve, pipe, work, or engine belonging to the Corporation, or flushes or draws off the water from the reservoirs or others waterworks of the Corporation, or does any other wilful act whereby such water is wasted, shall, for every such offence, incur a penalty not exceeding Twenty Pounds. 30

Fouling water by  
gas.

**81** Whenever the water supplied by the Corporation is fouled by the gas of any persons making or supplying gas, such persons shall, for every such offence, incur a penalty not exceeding Twenty Pounds, and a further penalty not exceeding Ten Pounds for each day during which the offence continues after the expiration of Twenty-four hours from the service of notice of such offence. 35

#### *Accessories to Offences.*

Accessories to  
offences liable as  
principals.

**82** 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. 40

#### *Appropriation of Penalties.*

Appropriation of  
penalties.

**83** All penalties for offences against this Act shall be applied to the use of the Corporation, or, at the discretion of the convicting Justice or Justices, any portion not exceeding a moiety thereof, shall be applied to 45

the use of the informer or person prosecuting, and the remainder to the use of the Corporation; and all penalties or portions of penalties to be applied to the use of the Corporation shall be paid to the Treasurer of the Corporation, and shall be carried to the credit of the *Hobart Water* Account.

### Officers.

**84** The Council may, from time to time, appoint and employ a Director of Waterworks and such other officers and other persons as the Council thinks necessary and proper for the execution of the powers vested in the Council by this Act; and, subject to the provisions of this Act, the provisions of *The Hobart Town Corporation Act* relating to officers and their accountability shall be applicable to all officers and other persons appointed or employed under this Act, and shall be incorporated with this Act.

Appointment of officers.

**85** Wherever by this Act authority is conferred on the Corporation 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 Council, and to all necessary agents, assistants, servants, workmen, means and appliances whatsoever.

Powers conferred on Corporation to extend to officers duly authorised.

**86** Any notice required to be given to any person by the Council by virtue of the provisions of *The Lands Clauses Act*, or of this Act, shall be sufficient if signed by the Mayor or by the Town Clerk.

Notices to be given by Council how to be signed.

**87** Any notice required to be given to any person by the Council by virtue of the provisions of this Act may either be served personally on the person to be served, or be left at his last usual place of abode if any such can after diligent inquiry be found.

Service of Notices.

### Disqualification from Interest.

**88** No person shall be disqualified from acting as a Judge, Justice of the Peace, Juror, or otherwise in any proceeding under this Act, or any Act incorporated therewith, by reason only of his being a citizen of the City of *Hobart*, or an inhabitant within the limits of this Act, or by reason of his being liable to any rate or charge for water supplied under this Act, or of his premises being supplied, or being so situated as to be capable of being supplied, with water under this Act.

Interest in execution of Act not to be a disqualification.

### By-laws.

**89** The Council shall have power, from time to time to make, alter, modify, amend, or repeal By-laws—

By-laws.

For regulating the charges, terms, and conditions upon which water shall be supplied within the limits of this Act:

For regulating the charge, not exceeding the maximum charge in that behalf provided, for water supplied to the shipping in the Port of *Hobart*:

For fixing the charges for water supplied by measure, and a minimum quantity of water to be charged for in cases where water is so supplied, and the rent to be paid for the use of meters used for measuring such supply:

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For regulating the description of pipes and other apparatus by means of which water may be laid on, distributed, or supplied from the Waterworks of the Corporation in or on premises within the limits of the said Act, and for prohibiting the use of any other description of pipes or apparatus ; 5

For preventing injury to the Waterworks :

For regulating all or any matters and things whatsoever connected with the water to be supplied within the limits of this Act by means of the Waterworks :

And otherwise for the better effectuating any of the purposes of 10 this Act, in any matter 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 Twenty Pounds, as the Council think 15 proper.

### Repeal.

Repeal of Acts mentioned in the Schedule (1.).

**90** On and after the day on which this Act commences and takes effect, the Acts and part of Acts of Council and of the Parliament of *Tasmania* set forth in the Schedule (1.), to the extent to which such Acts and parts of Acts are therein expressed to be repealed, shall be 20 hereby repealed :

Provided that such repeal shall not effect—

- (1.) Anything duly done before this Act commences and takes effect :
- (2.) Any liability accruing before this Act commences and takes 25 effect :
- (3.) Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence committed before this Act commences and takes effect :
- (4.) The institution of any legal proceeding, or any other remedy 30 for enforcing, or recovering any such liability, penalty, forfeiture, or punishment as aforesaid :
- (5.) Any Appointment or By-law duly made under any Enactment hereby repealed, and subsisting at the time when this Act commences and takes effect ; and the same shall be 35 deemed to have been made under this Act, and shall be subject to such provisions of this Act as are applicable thereto respectively.

### 8 W. 4., No. 6.

8 W. 4., No. 6, not to apply to the waterworks under this Act.

**91** The provisions of the Act of Council of the 8th *William* the 4th, No. 6, shall not apply to the waterworks and other works of the Cor- 40 poration under this Act.

### *The Hobart Rivulet Improvement Act.*

18 V. No. 16, not to be affected.

**92** Nothing in this Act contained shall be construed so as in any manner to repeal or affect the operation of *The Hobart Rivulet Improvement Act*, or shall in any manner apply to so much of the *Hobart Rivulet* as is embraced by the provisions of that Act. 45

*Commencement of Act.*

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**93** This Act shall commence and take effect on the First day of *Commencement*  
*January*, 1894. *of Act.*

*Title of Act.*

**94** In referring to this Act it shall be sufficient to use the expression *Short title.*  
“The *Hobart Water Act*, 1893.”

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**SCHEDULE.**

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**ACTS TO BE REPEALED.**

Sect. 90.

<i>Date and Number of Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
24 Vict. No. 9 ..	“The Hobart Town Water Act, 1860.”	The whole Act.
27 Vict. No. 19..	“The Hobart Town Water Act, 1863.”	The whole Act.
31 Vict. No. 40..	“The Hobart Town Water Act, 1867.”	The whole Act.
36 Vict. No. 13..	“The Hobart Town Water Act, 1872.”	The whole Act.
41 Vict. No. 20..	“The Hobart Town Water Act, 1877.”	The whole Act.
55 Vict. No. 65..	“The Hobart Water Act, 1891.”	The whole Act.